

I. GENERAL PROVISIONS

8.12.010 Definitions.

For use in this chapter, the following terms are defined as follows:

- A. "Abate" means to permanently eliminate.
- B. "City administrator" means the city administrator and his designees including, but not limited to, attorneys within the legal department, the police department, and the fire department.
- C. "Dangerous driving" means driving which results in a crash or other property damage, reckless driving as defined in Section 10.68.170, or careless driving as defined in Section 10.68.175 within one thousand five hundred feet of the property at issue.
- D. "Environmental or solid waste violation" means a violation of Chapter 8.08, Chapter 8.14, or Chapter 10.76 of the Davenport Municipal Code.
- E. "Nuisance" means whatever: poses an unreasonable threat to health or safety; interferes with the comfortable enjoyment of life or property in an unreasonable manner; or causes annoyance or distress to a reasonable person of normal sensitivities. In addition to the above definition and to nuisances as designated by other provisions of the Davenport Municipal Code and state law, the following are declared to be nuisances:
 - 1. The erecting, continuing, or using of any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public;
 - 2. The storage, placing, keeping, or leaving of building materials, appliances, furniture, machinery, equipment, or other similar personal property or fixtures outside of a dwelling or accessory building on residential lots so as to impair the residential character and/or property value of the surrounding lots or neighborhood. This definition shall not apply to boats, camping trailers, or similar recreational vehicles which are not otherwise junk vehicles under Chapter 10.76; nor shall it apply to building materials, machinery, and equipment on a residential lot when, and only when, an active and valid building permit has been issued for that residential lot.
- F. "Permittee" means a person whose presence on the property in issue the interested party suffers, allows, or consents to, or acquiesces to by failing to remove or prevent.
- G. "Property owner" means the record holder of legal title as shown by the records of the county auditor, unless there exists a contract purchaser of record, in which case it means the contract purchaser.
- H. "Residential lot" means any lot of record within the city that has been zoned to be included within an R-1, R-2, R-3D, R-4D, R-5M, R-6M, or R-7 district pursuant to Title 17 of this code.
- I. "Building materials" means any material, including but not limited to, lumber, brick, concrete, plaster, plaster board, gutters, floor coverings, or other similar substances accumulated as a result of repairs, remodeling, or additions to existing buildings, or construction of new buildings, or demolition of existing structures.
- J. "Property" means any property, including land and that which is affixed, incidental, or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof. For property consisting of more than one unit, property may be limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property

used in common by all units of the property, including without limitation, other structures erected on the property and areas used for parking, loading, and landscaping.

K. "Founded" means that a call for service resulted in the verification that nuisance activity had occurred. Incidents of domestic violence may be categorized as founded, if warranted. Founded domestic violence incidents shall not be a factor when determining whether a property has met the criteria for a problem property nuisance designation, or when a penalty for failing to abate a nuisance is imposed, absent additional circumstances or crimes affecting other unrelated third parties. (Ord. 2010-356 § 1: Ord. 2006-264 § 1: Ord. 2002-31 § 3: Ord. 99-267 § 1: Ord. 95-634 §§ 1-4: Ord. 82-267 § 1: Ord. 78-1097 (part): prior code § 23-03-1).

8.12.015 Problem area nuisance.

A problem area nuisance exists:

A. When one or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand five hundred feet of the property, by an interested party or their permittee(s):

1. Manufacture or delivery of a controlled substance in violation of Iowa Code Chapter 124;
2. Kidnapping as defined in Iowa Code Chapter 710;
3. Arson as defined in Iowa Code Chapter 712;
4. Burglary as defined in Iowa Code Chapter 713;
5. Robbery as defined in Iowa Code Chapter 711;
6. Sex abuse as defined in Iowa Code Chapter 709;
7. Terrorism as defined in Iowa Code Section 708.6;
8. Willful injury as defined in Iowa Code Section 708.4;
9. Sexual exploitation of a minor in violation of Iowa Code Section 728.12;
10. Felony gambling in violation of Iowa Code Chapter 725;
11. Felony criminal mischief as defined in Iowa Code Chapter 716;
12. Animal fighting in violation of Iowa Code Section 717B.7; and
13. A health code, environmental, or solid waste violation that falls within the definition of a nuisance under Section 8.12.010E. of the Davenport Municipal Code.

B. When two or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand five hundred feet of the property, by an interested party or their permittee(s):

1. Possession of a controlled substance in violation of Iowa Code Chapter 124;
2. Carrying a dangerous weapon as defined in Iowa Code Section 724.4;
3. Riot as defined in Iowa Code Section 723.1;
4. Serious or aggravated misdemeanor criminal mischief as defined in Iowa Code Chapter 716;
5. Prostitution as defined in Iowa Code Section 725.1;
6. Serious or aggravated misdemeanor assault as defined in Iowa Code Chapter 708;
7. Serious or aggravated misdemeanor theft as defined in Iowa Code Chapter 714;
8. Misdemeanor gambling as defined in Iowa Code Chapter 725;
9. False imprisonment as defined in Iowa Code Section 710.7;
10. Failing to secure or keep secure a structure in accordance with Chapter 8.16 of the Davenport Municipal Code;
11. An unpermitted or illegal use under Title 17 of the Davenport Municipal Code;

12. Unlawful discharge of a firearm in violation of Section 9.44.010 of the Davenport Municipal Code; and

13. A social gathering constituting a disorderly premises or nuisance gathering as defined in Section 9.08.080 of the Davenport Municipal Code.

C. When three or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand five hundred feet of the property, by an interested party or their permittee(s):

1. Health code violations.
2. Environmental or solid waste violations;
3. Unlawful assembly in violation of Chapter 9.16 of the Davenport Municipal Code;
4. Simple misdemeanor criminal mischief in violation of Section 9.20.010 of the Davenport Municipal Code;
5. Simple misdemeanor assault in violation of Section 9.20.060 of the Davenport Municipal Code;
6. Disorderly conduct in violation of Chapter 9.08 of the Davenport Municipal Code;
7. Criminal Trespass in violation of Section 9.20.030 of the Davenport Municipal Code; and
8. Loafing, loitering, or annoying in violation of Section 9.08.020 of the Davenport Municipal Code.

The above references to provisions of the Iowa Code or the Davenport Municipal Code should not be interpreted to mean that a prosecution of the specific charge is a necessary prerequisite to an action under this chapter nor shall it be interpreted to mean that proof of the action beyond a reasonable doubt is required. (Ord. 2010-356 § 2: Ord. 2002-32 (part): Ord. 99-267 § 2).

8.12.020 Prohibition and enforcement.

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in Sections 8.12.040 through 8.12.120. (Ord. 78-1097 (part): prior code § 23.03-2).

8.12.030 Inspection of premises.

The city administrator or designee is authorized to enter and remain upon private property to the extent reasonably necessary for the purpose of locating, identifying, and documenting any nuisances as defined in Section 8.12.010C, or for the purpose of investigating allegations of such nuisances. (New: Ord. 82-267 § 2: Ord. 78-1097 (part): prior code § 23.03-3).

8.12.040 Notice to abate - Service.

The city administrator may cause to be served a written notice to abate the nuisance. (Ord. 99-267 § 3: Ord. 82-267 § 3: Ord. 78-1097 (part): prior code § 23.03-4).

8.12.050 Notice to abate—Contents.

- A. The notice to abate shall contain:
1. A description of what constitutes the nuisance;
 2. The location of the nuisance;
 3. An order to abate the nuisance and either (i) a statement of the act or acts to be taken to abate it. The order may also include a statement giving the recipient an opportunity to submit an alternative abatement plan satisfactory to the city; or (ii) a statement requiring the recipient to

submit an abatement plan satisfactory to the city within fifteen days from the date of the notice to abate.

4. A reasonable time within which to complete the abatement or implement the abatement plan.

5. A statement of the terms of Section 8.12.070 regarding hearings;

6. A statement that if the nuisance is not abated as ordered and no request for hearing is made within the designated abatement period, the city will abate the nuisance and assess the costs against such person.

B. The notice to abate may contain:

1. A statement that the property owner shall be assessed the cost of police response for all founded nuisance incidents that occur during the following one year period beginning with the date of the notice to abate. Upon demonstration by the property owner, within the time stated in the assessment notice, that all reasonable and warranted steps to prevent or resolve the issue(s) giving rise to the nuisance had been taken in good faith, the assessment for the cost of police response for any incident so proven may be withdrawn. The assessment for the cost of police response shall terminate at the end of one year if the founded nuisance incidents during that year do not meet or exceed the criteria for a problem area nuisance as defined above in Section 8.12.015. If applicable, when the criteria for a problem area nuisance is met or exceeded for two consecutive years following an abatement notice, the rental license shall be revoked for a period not to exceed one year.

2. For nuisances pertaining to debris or environmental violations, a statement that the city of Davenport will no longer issue further written warnings and all violations must be corrected within twenty-four hours otherwise the city will clean up any solid waste at the property owner's cost. (Ord. 2010-356 § 3: Ord. No. 2007-164 § 1: Ord. 99-267 § 4: Ord. 78-1097 (part): prior code § 23.03-5).

8.12.060 Notice to abate-Form.

The notice shall be in the form of certified mail sent to the property owner or by personal service. (Ord. 82-267 § 4: Ord. 78-1097 (part): prior code § 23.03-6).

8.12.070 Abatement hearing—Decision—Appeal.

A. Any person ordered to abate a nuisance may have a hearing before the public safety committee of the city council, or such other person or hearing body as it may designate, as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the city clerk ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

B. Any penalty imposed for failure to abate a nuisance, other than a municipal infraction and simple misdemeanor citation, shall provide for an opportunity to request a hearing before the public safety committee of the city council, or such other person or hearing body as it may designate, as to whether the violation occurred. A request for hearing must be made in writing and delivered to the city clerk ordering the abatement within the time stated in the notice, or it will be conclusively presumed that the violation occurred, and the penalty imposed shall stand.

C. After the hearing held pursuant to a timely appeal, the public safety committee or its designee should render a written decision as to whether, by clear and convincing evidence, a nuisance exists or a violation occurred, and shall notify the parties of the decision by certified mail. The committee or its designee shall decide the matter within thirty days after the conclusion

of the hearing. If the committee or its designee finds that a nuisance exists, it shall include in the notification and order how the nuisance shall be abated and within what timeframe the abatement shall occur. If the committee or its designee shall find that a violation occurred, it shall include in the notification and order the penalty to be imposed. The committee or its designee is not bound by the plan contained in the original abatement order appealed from and may set forth its own remedy or penalty. In the case of rental property, the property owner's rental license for that property may be revoked for a period of up to one year.

D. The following factors may be considered by the committee or its designee when determining the corrective action warranted or imposing a penalty pursuant to this chapter:

1. The repeated or continuous nature of the problem.
2. The magnitude or gravity of the problem.
3. The action or inaction of the owner that contributed to the problem.
4. The actions taken by the owner to mitigate or correct the nuisance activities.
5. How cooperative the owner is with the city.
6. The cost to the city of investigating, correcting, or attempting to correct the nuisance activity.
7. Any other factor deemed relevant to the hearing officer. Evidence of a property's general reputation shall be admissible. (Ord. 2010-356 § 4; Ord. 2007-164 § 2; Ord. 99-267 § 5; New: Ord. 82-267 § 5; Ord. 78-1097 (part); prior code § 23.03-7).

8.12.080 Emergency.

If it is determined by the city administrator that an emergency exists by reason of the continuing presence of a nuisance, the city may perform any action which may be required under this chapter without prior notice or hearing. The city shall assess the costs as provided in Section 8.12.090 and 8.12.100 and subject to the provisions of Section 8.12.110, after notice to the property owner under the applicable provisions of Sections 8.12.040, 8.12.050 and 8.12.060, and opportunity for hearing as provided in Section 8.12.070. (Ord. 82-267 § 6; Ord. 78-1097 (part); prior code § 23.03-8).

8.12.090 Abatement by city.

If the person notified to abate a nuisance neglects or fails to abate as ordered, the city may perform the required action to abate, keeping an accurate account of the costs incurred in the abatement of the nuisance. The itemized account of the costs shall be filed with the finance director or his designee who may pay any outside expenses on behalf of the city. The salvage value, if any, of any item or items constituting a nuisance which is so abated by the city, shall be retained by the city to be applied against costs. In the event the salvage proceeds exceed the costs, any such excess shall be paid to the former owner of the property, upon proof of such ownership. If ownership is not proved within sixty days of the disposal of the property, then the excess portion of the payment shall be applied to the city's general fund. (Ord. 99-267 § 6; New: Ord. 78-1097 (part); prior code § 23.03-9).

8.12.100 Expenses-Collection.

The clerk shall mail a statement of the total expense incurred, minus any salvage value, to the person who has failed to abide by the notice to abate, demanding payment of the expense. Subject to the provisions of Section 8.12.110, if the amount shown by the statement has not been paid by

the person within thirty days, it shall then be collected with, and in the same manner, as special taxes. (New: Ord. 78-1097 (part): prior code § 23.03.10).

8.12.110 Expenses—Hearing.

Any person notified pursuant to Section 8.12.100 who objects to the amount of expense demanded from him may have a hearing before the finance committee of the city council, or such other person or hearing body as it may designate. The hearing shall be limited to the question of the reasonability of the amount of expense demanded. A request for hearing must be in writing and filed with the city clerk within ten days after the date of the finance director or designee's demand for payment. The determination of the committee shall be conclusive, and shall be communicated in writing to the objector. The city clerk shall then proceed in the manner set forth in Section 8.12.100, taking into account any modifications by the committee in the amount of expense due. (New: Ord. 78-1097 (part): prior code § 23.03-11).

8.12.120 Violations.

It is unlawful for any person to:

- A. Create or maintain a nuisance as defined in this chapter;
- B. Fail to abate within the originally prescribed time period, or such additional time period as may be designated pursuant to the appeal process outlined in Section 8.12.070, any nuisance as herein defined after having been ordered to do so by a written notice to abate in compliance with Sections 8.12.040 through 8.12.060;
- C. Resume or allow the resumption of a nuisance after having been ordered to abate the nuisance by a written notice to abate in compliance with Sections 8.12.040 through 8.12.070;
- D. Otherwise hinder, delay, or interfere with the city administrator in the enforcement of the provisions of this chapter.
- E. Terminate a lease agreement with or otherwise retaliate against a tenant because that tenant complained or otherwise notified the police or city official about nuisance activities at the owner's premises. (Ord. 2010-356 § 5: Ord. 2007-164 § 3: Ord. 99-267 § 7-11: Ord. 82-267 § 7-9: Ord. 78-1097 (part): prior code § 23.03-12).

8.12.125 Penalties.

A. The following are penalties that may be imposed for violating this chapter. These possible penalties may be imposed in addition to, and not in lieu of, any sanctions specified in an abatement plan.

- 1. A violation of this chapter may be punished as a simple misdemeanor in accordance with the penalties set forth in the Iowa Code.
- 2. A violation of this chapter may be punished as a municipal infraction with a scheduled fine of two hundred fifty dollars for a first offense, five hundred dollars for a second offense, and seven hundred fifty dollars for a third or subsequent offense.
- 3. A violation of this chapter may be punished by revocation of a rental license for a period up to one year.

Each day a violation persists shall constitute a separate offense. (Ord. 2010-356 § 6: Ord. 2007-164 § 4).

Division 1 Administration

8.15.100 Title.

These regulations shall be known as the Davenport Property Maintenance Code, may be cited as such, and will be referred to herein as "this code." Any reference to the Uniform Building Code, the Uniform Fire Code, or any other codes mentioned herein, shall be to such codes as adopted by the city of Davenport. (Ord. 2002-31 § 29 (part)).

8.15.105 Intent.

The intent of this code is to provide minimum standards to safeguard life or limb, health, property, property values and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings, nonresidential buildings, and structures in this jurisdiction.

The intent of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

The intent of this code is to provide for the administration and enforcement of this code and certain technical codes adopted by the Davenport Municipal Code.

Administration and enforcement is a function of the neighborhood code enforcement office of the city of Davenport fire department.

This code has been adopted and is used in conjunction with other city of Davenport codes and should not be construed to include all regulations pertaining to buildings and development. This code shall be applied in conjunction with other codes of the city and nothing in this code shall be interpreted as prohibiting or limiting enforcement by the code enforcement officer or any other agencies of the following codes and ordinances as adopted and amended included but not limited to:

The Zoning Ordinance of the City of Davenport

Uniform Building Code

Uniform Fire Code

Uniform Mechanical Code

Uniform Plumbing Code

National Electric Code

Iowa State Building Code as specifically referenced by the Davenport Municipal Code.

Compliance with regulations of other agencies shall be required, including, but not limited to, the Scott County Board of Health and the Iowa State Fire Marshal. (Ord. 2006-264 § 12: Ord. 2002-31 § 29 (part)).

8.15.110 Scope.

The provisions of this code shall apply to all buildings or portions thereof, whether residential or nonresidential, whether vacant or occupied, and whether owner occupied or rental dwellings. This code shall further apply to all accessory structures and any nuisance as defined by this code that may exist in a building or the building's yard. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. EXCEPTIONS: dormitories, fraternities, sororities, assisted living and transient housing. (Ord. 2002-31 § 29 (part)).

8.15.115 Workmanship.

Construction, repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed, and installed in a workmanlike manner in accordance with the Davenport property maintenance code. (Ord. 2002-31 § 29 (part)).

8.15.120 Existing installations.

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs, the work must meet existing code. Any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code. (Ord. 2002-31 § 29 (part)).

8.15.125 Liability.

The code enforcement official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall be defended and the city shall save harmless and indemnify such official, officer or employee against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their employment or duties. However, the duty to save harmless and indemnify does not apply to awards for punitive damages, nor does it apply if the city is entitled to restitution by the official, officer or employee if, in an action commenced by the city against the official, officer or employee, it is determined that the conduct of the official, officer or employee was based upon a claim that the act or omission constituted a willful and wanton act or omission. (Ord. 2002-31 § 29 (part)).

8.15.130 Responsibilities defined.

A. Every owner remains liable for violations of duties imposed upon him/her by this code even though an obligation is also imposed on the occupants of his/her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

B. All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. The owner or his/her designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

C. Every owner or his/her agent, in addition to being responsible for maintaining his/her building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he/she occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

D. Every owner shall, where required by this code, the health ordinance or the code enforcement officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

E. Every occupant of a dwelling unit in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he/she

occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by ordinance and approved by the code enforcement officer.

F. Every occupant shall, where required by this code, the health ordinance or code enforcement officer, furnish and maintain approved devices, equipment or facilities necessary to keep his/her premises safe and sanitary.

G. With respect to rental residential units, the code enforcement officer shall send letters of violation to both the occupant (addressed as "occupant") and owner of record containing the applicable portions of the text below:

1. Smoke Detector Operation. It is the occupant's responsibility to periodically test smoke detectors within the unit to see if they are functioning properly. State law requires the occupant to be responsible for changing the battery.

2. Unsanitary Conditions Within a Dwelling Unit. It is the occupant's responsibility to properly dispose of rubbish, garbage, organic waste, any excessive accumulation of debris within their dwelling unit.

3. Improper Storage Within a Dwelling. Occupants are responsible for any improperly stored flammable liquid or combustible material within a utility compartment/room accessible from their dwelling unit.

4. Items Hanging from Electrical Conduits, Plumbing or Gas Piping. Occupants are responsible to remove and cease the practice of using electrical conduits, plumbing or gas piping in this manner.

5. Use of Unvented Portable Fuel, Oil-Burning Devices. Occupants are responsible to cease the use of any unvented portable fuel, oil-burning devices.

6. Excess Accumulation of Debris (Exterior). Occupants are responsible for all debris outside of the dwelling unit where it is possible for the code enforcement officer to determine which tenant is responsible for the specific items.

7. Illegal Sleeping Rooms (Attic or Cellar). Occupants are responsible to cease the use of these areas for sleeping purposes. (Ord. 2005-596 § 1: Ord. 2002-31 § 29 (part)).

8.15.135 Code board of appeals.

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the housing official relative to the application and interpretations of this code, there shall be and is hereby created a property maintenance code board of appeals consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction, real estate, property management or related fields and who are not employees of the jurisdiction. At least five members of the board shall be residents of the city of Davenport. A nonresident may serve as a member of the board so long as he owns real estate in Davenport. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the housing official.

1. Appeals to the board shall be processed in accordance with the provisions contained in this code. Copies of all rules of procedure adopted by the board shall be delivered to the code enforcement officer, who shall make them accessible to the public.

2. A hearing officer, and not the board, shall hear appeals that relate to vacation orders, nonpayment of fees, and/or are urgent in nature as determined by the code enforcement officer. The hearing officer shall be a member of the board, and the board shall adopt rules that provide for the appointment and rotation of its members as the hearing officer. The hearing officer shall hear the appeal no later than ten days after its filing.

3. The fire chief will hear all appeals concerning the revocation of a license or certificate.
- B. A simple majority of the board shall constitute a quorum to transact the business of the board. A simple majority of the members present by voice shall be required on action by the board.
- C. Any person, firm or corporation, or any officer, department, board or bureau aggrieved by any order, requirement, decision or determination made by the code enforcement officer on all matters pertaining to buildings or structures or occupancy included in this code shall have the right to appeal under regulations and procedures set forth in applicable ordinances of the city.
- D. An appeal may be taken upon payment of a filing fee to the city.
- E. The mayor, subject to the approval of the city council, shall appoint the members of the property maintenance code board of appeals and every member shall hold office for a term of five years. Terms of the members shall be so staggered that there is at least one regular appointment or reappointment each regular year. The expiration date of all terms of office shall be the first Monday in April, and all members shall hold office until their successors are appointed and approved.
- F. The board shall establish a regular monthly meeting date and shall hold all meetings in Davenport, Iowa. The code enforcement officer or his designee shall act as secretary to the board and shall keep minutes of all its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such facts and shall keep records of its hearing and other official actions. Findings of facts shall be included in the minutes of each case of an appeal or request for a variance and the reasons for the board's decision shall be specified. Each rule or regulation, every amendment or repeal thereof, every order required or decision of the board shall be filed in the housing inspection office and shall be a public record. The board shall adopt its own rules of procedure not in conflict with this code or with the Iowa statutes and may elect and appoint such officers, as it deems necessary. The board shall choose a chairperson who shall perform duties as established by the board. (Ord. 2007-453 § 2: Ord. 2002-31 § 29 (part)).

8.15.140 Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or occupy or maintain any building or structure or cause or permit the same to be done in violation of this code. (Ord. 2002-31 § 29 (part)).

8.15.145 Licensing, permits and inspections for rental property.

A. General. It shall be a violation of this code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, duplex, multiple dwelling, sleeping room, single-family dwelling or condominium unless all of the following criteria are met:

1. The owner or agent holds a valid certificate of structure compliance, issued by the city applicable to those portions of the specific structure used for residential rental purposes or affecting any areas used for residential rental purposes.
2. The owner or agent holds a valid rental license issued by the city, in the name of the owner or agent, applicable to those portions of the specific structure used for residential rental purposes.
3. The owner or agent has attended the Crime Free Multi-Housing classes on or before:
 - a. December 31, 2007 if on a one- or two-year rental inspection cycle;
 - b. December 31, 2008 if on a rental inspection cycle greater than two years; or

- c. Within six months of obtaining an initial rental license issued by the City.
- 4. The owner provides the name(s) of a twenty-four-hour emergency contact(s), to community services division of the fire department, who can provide the names of the residents and has authority to make decisions with respect to the property.
- 5. The owner has in place, at a minimum, the standard screening and background check process acceptable to the community services division of the fire department.
- B. Certificate of Structure Compliance. The certificate of structure compliance, when issued, shall certify that the requirements of this code are met. The certificate shall be transferable at the time of a change in ownership and shall be maintained as a public record of the city. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental license. The certificate of structure compliance shall state the date of issuance and the address of the structure to which it is applicable. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid certificate of structure compliance may be ordered vacated.
- C. Issuance of Certificate of Structure Compliance. When the owner or operator has complied with the provisions of this code, along with payment of the required fees, the city shall issue a certificate of structure compliance. The certificate of structure compliance shall expire in accordance with the inspection cycle established pursuant to subsection G.
- D. Revocation of Certificate of Structure Compliance. When there exists a material and substantial noncompliance with this chapter which directly affects the health, life, safety or property of the occupants or the public, the city may revoke the certificate of structure compliance in whole, or modify the certificate to reflect the compliance of each dwelling unit or sleeping room within a structure.
- E. Rental License. A rental license shall be a document issued to each individual property that is properly registered with the city and shall be valid for one year. The document shall be transferable from one owner or agent to another at any time prior to its expiration, termination or revocation. The owner or agent shall notify the city of any change of interest or ownership in the property within thirty days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event the city has not been notified of such conveyance or transfer within the designated period of time, the rental license may be transferred from the owner or agent to another upon payment of a fee, the amount of which shall be established by resolution of the city council. The fee shall be assessed to the new owner or agent. The rental license shall state the date of issuance, the address of the structure to which it is applicable and its expiration date. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid rental license with the city and fees paid may be ordered vacated and/or the owner shall be subject to a fine and/or municipal infraction, the amount of which shall be established by the city council and placed on a one-year inspection cycle.
- F. Registration of Rental Property. It is the responsibility of the owner and/or agent of any building used for rental purposes as defined by this code to register said building with the city for the purpose of rental licensing within thirty days after title transfer or occupancy of the building.
- G. Dwelling Inspection Schedule. Rental dwellings as defined in this chapter will be inspected in accordance with the inspection schedule policy of the community services division and fire department. Said policy shall be consistent with the guidelines promulgated by council in Motion 2005-85, or later amendments to that motion as may be approved by council.

H. Issuance of a Rental License. The city shall issue a rental license upon payment of all fees and/or penalty fees as applicable.

I. Revocation of a Rental License. The code enforcement officer or designee shall have the authority to revoke a rental license on any building that is in noncompliance with this chapter in any of the following ways: 1) on a frequent and recurrent basis; or 2) has remained on a one year inspection schedule for three consecutive years. The owner or agent of the affected property shall be notified in writing by certified mail of the license revocation. If the license is subsequently reinstated the property will initially be placed on a one-year cycle.

J. Appointments for Inspections. Appointments for inspections with the owner/agent of the building shall be scheduled by the city. The owner/agent may request the appointment to be rescheduled. However, the inspection shall be performed within thirty days of the original date unless modified by the property maintenance code board of appeals or code enforcement officer. An owner/agent shall be required to arrange for access to all portions of the building. Failure to provide access to all portions of the building shall prevent the issuance of a certificate of structure compliance, and thus compliance with the law. The owner/agent shall notify all tenants of the inspection in accordance with Iowa law.

K. Inspections shall not be:

1. Conducted with a minor as the sole representative of the owner.
2. Conducted against the will of the tenant without the building's owner/agent present.
3. Conducted without prior notice to the tenant, as required by state law.
4. Conducted in an occupied dwelling without the owner/agent or tenant of the dwelling or designated agent being present.

Should the person in control of the unit refuse admittance to the code enforcement officer or designee and refuse to reschedule the inspection or reinspection, a request to the court to issue a search warrant may be prepared, subject to approval by the legal department.

All areas of each dwelling governed by this code shall be inspected. Should access not be obtained to all areas, a reinspection must be scheduled and an additional fee may be charged for each subsequent reinspection of accordance with the established fee schedule.

L. Provision of False Information Prohibited. No person shall provide false information to the city in connection with the licensing, permitting, or inspection of a property whether owner occupied or not. (Ord. 2009-49 § 1: Ord. 2007-529 § 1: Ord. 2007-329 § 3: Ord. 2007-81 § 1: Ord. 2005-273: Ord. 2002-31 § 29 (part)).

8.15.150 Fee schedule.

Fees shall be charged for services rendered in relation to this code. These services include but are not limited to the following: licenses, inspections, and failure to appear for any scheduled inspections, late cancellations, and appeals. The amount shall be established by resolution of the city council. As a nuisance abatement remedial measure the fee schedule shall include a per tax parcel per response surcharge for police and fire department responses, excluding emergency medical responses, in an amount equal to the approximate cost of the response, plus a processing fee, for all responses above the nuisance threshold set forth immediately below within a calendar year.

Number of Units on Tax Parcel	Number of Responses
	Prior to Being a Nuisance

1-3	10
4-8	25
9-24	50
25 or more	75

In the case of police responses the number shall be based upon founded calls. Within ten days of the date of a surcharge invoice, the owner may request the fire chief or his designee review the call log to verify the number of responses and provide the owner with the dates and nature of the responses included in the bill. (Ord. 2009-49 §2: Ord. 2002-31 § 29 (part)).

8.15.155 Notice and order of code enforcement officer.

A. Commencement of Proceedings. Whenever the code enforcement officer has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation or demolition of the building.

B. Notice and Order. The code enforcement officer shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the code enforcement officer has found the building to be substandard with a brief and concise description of the conditions found to render the building substandard under the provisions of this code.

3. A statement of the action required as determined by the code enforcement officer.

a. If the code enforcement officer has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed thirty days from the date of the order except for weather related repairs as determined by the code enforcement officer and completed within such times as the code enforcement officer shall determine is reasonable under all of the circumstances.)

b. If the code enforcement officer has determined that the building or structure must be vacated, the order shall require that the building or structure be vacated, within a certain time from the date of the order as determined by the code enforcement officer to be reasonable.

c. If the code enforcement officer has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the code enforcement officer shall determine reasonable (not to exceed thirty days from the date of the order); that all required permits be secured therefore within thirty days from the date of the order, and that the demolition be completed within such time as the code enforcement officer shall determine is reasonable (not to exceed sixty days from the date of the order).

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the code enforcement officer:

a. Will order the building vacated and posted to prevent further occupancy until the work is completed, and

b. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising:

a. That any person having any record title or legal interest in the building may appeal from the notice and order or any action of the code enforcement officer to the property maintenance code board of appeals, provided the appeal is made in writing as provided in this code, and filed with the code enforcement officer within thirty days from the date of such notice and order; and

b. That failure to appeal will constitute a waiver of all rights to an administration hearing and determination of the matter.

C. Service of Notice and Order. The notice and order, or any amended or supplemental notice and order, shall be served upon the record owner/agent. The failure of the code enforcement officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

D. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by regular mail, to each such person at his address as it appears on the last equalized assessment roll of the county or as known to the code enforcement officer. If no address of any such person so appears or is known to the code enforcement officer, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notices shall not affect the validity of any proceedings taken under this section. Service by regular mail in the manner herein provided shall be effective on the date of mailing.

E. Recordation of Substandard Conditions. If compliance is not had with the notice and order within the time specified therein, and no appeal has been properly and timely filed, the code enforcement officer shall file in the office of the county recorder a certificate describing the property and certifying:

1. The building is a substandard building, and

2. The owner has been so notified. If a certificate of substandard conditions has been filed and whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the code enforcement officer shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

F. Repair, Vacation and Demolition. The code enforcement officer and the property maintenance code board of appeals shall follow the standards set forth herein when ordering the repair, vacation or demolition of any substandard building or structure:

1. Any building declared a substandard building under this code shall be made to comply with one of the following:

- a. The building shall be repaired in accordance with the current property maintenance code or other current code applicable to the type of substandard conditions requiring repair; or

- b. The building shall be demolished at the option of the building owner; or

- c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated and to be secured in accordance with the Davenport Municipal Code.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated and/or demolished.

G. Notice to Vacate.

1. Notice of Intent to Post. The code enforcement officer shall send notice to the record owner or her agent that the property will be posted with a notice to vacate.

2. Posting. Every notice to vacate shall, in addition to being served, be posted at each building.

3. Compliance with Notice to Vacate. Whenever such notice is posted, the code enforcement officer shall include a notification thereof in the notice and order issued by him reciting the violation and specifying the conditions necessitating the posting. No person shall remain in or enter any building having been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and approved by the code enforcement officer pursuant to the provisions of this code. (Ord. 2002-31 § 29 (part)).

8.15.160 Appeal.

A. Form of Appeal. Any person entitled to service of notice under this code may appeal from any notice and order or any action of the code enforcement officer under this code by filing at the office of the code enforcement officer a written appeal containing:

1. The names of all appellants participating in the appeal.
2. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
3. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
5. The signatures of all parties named as appellants and their official mailing addresses.
6. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed prior to the date and time specified in the order or, if no date is specified, within thirty days from the date of such order or action of the code enforcement officer, provided, however that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with this code such appeal shall be filed within ten days from the date of the service of the notice and order of the housing official.

B. Nonpayment of Fees. Appeals for nonpayment of fees must be filed within thirty days from the date of the original bill. Within sixty days after the date of the original bill, the debtor must pay all fees billed if no appeal was filed or the amount determined by the hearing officer if an appeal was filed. If said amounts are not paid as required, the city may revoke the rental license for the property and order the building vacated. This appeal shall not encompass matters that have previously been appealed or may have been appealed.

C. Notice to Vacate. After receiving a notice of intent to post pursuant to this code, the property owner may request an appeal of the decision to post within the time specified in said notice. This appeal shall not encompass matters that have previously been appealed or may have been appealed.

D. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the code enforcement officer acting as secretary to the board shall fix a date, time

and place for the hearing of the appeal by the board or, in the case of license or certificate revocation, by the fire chief. Such date shall not be less than ten days nor more than sixty days from the date the appeal was filed with the code enforcement officer unless the appellant agrees otherwise. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at this address shown on the appeal.

E. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

F. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

G. Staying of Order under Appeal. Except for vacation orders made pursuant to this code, enforcement of any notice and order of the code enforcement officer issued under this code shall be stayed during the pendency of an administrative appeal there from which is properly and timely filed.

H. Procedures for Conduct of Hearing Appeals.

1. Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the board or the fire chief.

2. Continuances. The board or the fire chief may grant continuances for good cause shown.

3. Oaths-Certification. In any proceedings under this chapter, the board, any board member, the fire chief or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

4. Reasonable Dispatch. The hearing officer or board shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

I. Subpoenas.

1. Filing of Affidavit. The board or fire chief may authorize the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party or as appropriate in the fire chief's discretion. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail of the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular. Any party may move to quash a subpoena before the board.

2. Penalties. Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

J. Conduct of Hearing.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

3. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it

would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. **Admissibility of Evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over the objection in civil actions in courts of competent jurisdictions in this state.

5. **Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

6. **Rights of Parties.** Each party shall have these rights:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called him to testify;
- e. To rebut the evidence against him;
- f. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

7. **Official Notice.**

a. **What may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city of rules and regulations of the board.

b. **Parties to be noticed.** Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

c. **Opportunity to refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board or the fire chief.

8. **Inspection of the Premises.** The board or the fire chief may inspect any building or premises involved in the appeal during the course of the hearing, provided that:

- a. Notice of such inspection shall be given to the parties before the inspection is made;
- b. The parties are given an opportunity to be present during the inspection, and
- c. The board or the fire chief shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn there of. Each party then shall have a right to rebut or explain the matters so stated by the board.

K. **Method and Form of Decision.**

1. **Hearing Before the Board Itself.** Where a contested case is heard before the board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

2. **Form of Decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail.

3. **Effective Date of Decision.** The effective date of the decision shall be as stated therein. (Ord. 2007-453 § 1: Ord. 2002-31 § 29 (part)).

8.15.165 Enforcement of the order of the code enforcement officer or code board of appeals.

A. Compliance. After any order of the code enforcement officer, the fire chief or other hearing officer, or the property maintenance code board of appeals made pursuant to this code, shall have become final, no person to whom such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a municipal infraction.

B. Failure to Commence Work. Whenever the required repair or demolition is not commenced within thirty days or any time period established after any final notice and order issued under this code becomes effective:

1. The code enforcement officer shall cause the building described in such notice and order to be vacated by posting a notice at each entrance thereto.

2. No person shall occupy any building having been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the code enforcement officer have been completed and a certificate of compliance issued pursuant to the provisions of this code.

3. The code enforcement officer may, in addition to any other remedy provided herein, cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or if the notice and order required demolition, to cause the building to be sold and demolished, or to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

C. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the code enforcement officer may, in his sole discretion, grant an extension of time, not to exceed an additional one hundred twenty days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The housing official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.

D. Interference with Repair or Demolition Work Prohibited: Exception. The order of the property maintenance code board of appeals or the fire chief shall be enforced as written. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code, or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

E. Violations—Penalties. Any person or entity who violates any of the provisions of this chapter shall be guilty of a municipal infraction; and shall be fined thirty dollars for a first offense, one hundred dollars for every offense thereafter for the same violation. However, in addition to all other remedies and sanctions available, violations of Subsection 8.15.145A,3 and Section 8.15.145L shall be punished by a fine of two hundred fifty dollars for the first offense and five hundred dollars for each violation thereafter. Additionally, violations of 8.15.155G,3 may be charged and punished as a simple misdemeanor. The code enforcement officer is authorized to enforce this chapter pursuant to procedures and remedies set forth in this chapter as well as Chapter 1.30. (Ord. 2009-49 § 3: Ord. 2007-453 § 3: Ord. 2002-31 § 29 (part)).

8.15.170 Performance of work, repair or demolition.

A. Procedure. When any work or repair or demolition is to be done pursuant to this code, the code enforcement officer shall cause the work to be accomplished by city personnel or by private contract under the direction of the code enforcement officer. The code enforcement officer may prepare plans and specifications, or he may employ such architectural and engineering assistance on a contract basis, as he may deem reasonably necessary.

B. Costs. The cost of such work shall be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

C. Personal Obligation or Special Assessment. The city legal department shall determine whether said charge shall be made a personal obligation of the property owner and/or assess said charge against the property involved.

D. Lien of assessment. All liens of assessment shall be done according to applicable city and state code. (Ord. 2002-31 § 29 (part)).

8.15.175 Conflicting provisions.

Whenever conflicting provisions or requirements occur between this code, the technical code or any codes or laws, the most restrictive shall govern. (Ord. 2002-31 § 29 (part)).

8.15.180 College/university zone requirements.

A. The city council of the city of Davenport finds that a significant number of landlords rent residential units to unrelated persons who frequently engage in conduct that negatively impact the quality of life of the surrounding neighborhood and tends to depress the value of the nearby properties. This situation is in major part due to the presence of numerous university students living off-campus in rental properties located within established residential neighborhoods; a condition present in an area relatively close in proximity to the college or university campus. The intent of this section is to establish further specific regulations to help protect established neighborhoods from said negative impacts.

B. The area(s) designated as college/ university zones that are subject to these regulations is/are:

1. The area of the city bounded on the north by Columbia Court extended westerly along its centerline to Fillmore and easterly to and along the centerline of Columbia Avenue, on the east by the centerline of Pershing, on the south by the centerline of West 16th Street and the centerline of Kirkwood Boulevard, and on the west by the centerline of Fillmore.

C. In addition to those requirements set forth in Section 8.15.145, upon written notice of a determination by the CSD attorney that reasonable suspicion of over-occupancy exists or upon a

"founded call" (Defined in Chapter 8.12) at the address, the tenants of a single-family rental property, defined the same as "dwelling, single-family detached," "dwelling, single-family attached," or "dwelling single-family semi-detached," or "dwelling, single-family townhouse," as the case may be, in Title 17, located within a college/university zone shall:

1. Register the property by property address;
2. Provide information regarding number of bedrooms, number of bathrooms, and number of off-street parking spaces available (counting only enclosed garage spaces and driveway spaces behind the front of the residential structure and connecting the entrance of a private garage with a public right-of-way so as to permit ingress and egress—one off street parking space for each 8' x 20' area of paved driveway);
3. Provide information regarding the lease and tenant(s): term of the lease and initial of first name and surname of all tenant(s), each tenant registered shall be required to report license plate information (state and number) for each vehicle he or she has at the property within seven days' time of the onset of their tenancy and failure to comply with this requirement constitutes a violation of this chapter;
4. The tenants shall amend the information required to be on file by this subsection within seven days of an occurrence affecting the required information, such as change in tenancy;
5. Said information shall be kept current for a period of two years from the date of the notice unless the property owner has received notice from the city that the university zone registration requirements no longer apply;
6. All of the tenants of a single-family rental property for which notice in this subsection has been given are jointly and severally responsible for making such that the required information has been filed.

D. The maximum number of unrelated persons who may reside within a single-family rental property located within a college/university zone is five. However, that number shall be reduced on a one-to-one ratio based upon the number of off-street parking spaces available on the single-family rental property so that there is one off-street parking space for each unrelated person living within a single-family rental property within a college university zone and shall be further reduced, if necessary, so that the total square footage of the building provides at least 200 square feet of enclosed living space per occupant. Off-street parking space is defined the same as "parking space" in Title 17 and, if unenclosed must be durably surfaced (paved or bricked) and connect the entrance of the private garage with a public right-of-way so as to permit ingress and egress with no such space being allowed in the front yard. No additional off-street parking space shall be constructed as a parking pad, but any off-street parking pad in existence as shown on the GIS aerial photograph taken in 2009 may be considered in the number of available off-street parking spaces (parking pad being a durably surfaced area for vehicle storage that does not serve as ingress/egress to a garage). If, because of the age and character of a single-family property located within a designated college/university zone there are no off-street parking spaces, the maximum number of unrelated persons who may occupy the single-family rental property is two persons. For purposes of this subsection, the square footage and bedroom numbers on file with the city assessor are presumed to be accurate and it is the property owner's or tenant's duty to rebut their presumed accuracy. This subsection applies to any single-family rental property located within a designated university zone that is occupied by unrelated persons regardless of whether the property has been notified to register tenant information or not. If illegal over occupancy is established a property owner shall take immediate steps to comply with the provisions of this section.

E. This section shall not apply to a multi-family rental property located within a college/university zone. A multi-family rental property being defined the same as a "dwelling, multiple" in Title 17. This section shall also not apply to the rental of a single-family rental property to a family or related persons, as defined in Title 17, or to a group of persons with verifiable disabilities, as defined by the fair housing act, as amended, of 1988, who occupy a single-family rental property as a single housekeeping unit.

F. It shall be a violation of this section for a tenant to occupy a single-family rental property without said tenant's name and other specified information having been provided to the city or its designee as required.

G. It is a violation of the section for an owner to permit occupancy contrary to the provisions of this section.

H. Each day a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section. Any person who is found to have violated this section after having been previously convicted of violating this section shall be subject to the applicable penalty for the subsequent offense.

1. For a first offense the fine for a tenant shall be one hundred dollars. For a first offense for an owner the fine shall be not less than three hundred dollars nor more than five hundred dollars.

2. For a second offense the fine for a tenant shall be not less than two hundred dollars nor more than five hundred dollars. For a second offense for an owner the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars.

3. For a third or subsequent offense the fine for a tenant shall be not less than five hundred dollars nor more than one thousand dollars. For a third or subsequent offense the fine for an owner shall be one thousand dollars.

In addition, the code enforcement officer or designee shall have the authority to suspend or revoke a rental license on any single-family rental property that has been the subject of three or more violations of this section. (Ord. 2010-355 § 1).