

TITLE 8
BUILDING REGULATIONS

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**TITLE 8 – BUILDING REGULATIONS
CHAPTER 1 – BUILDING CODE**

SECTIONS:

- 8-1-1 Adoption of Code
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8-1-1 Adoption of the International Building Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Building Code", 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Building Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said code is on file in the office of the City Clerk.

8-1-2 Building Official. There is hereby created the position of Building Official to be appointed in the same manner as other department heads. The Community Development Director and the Building Official are one and the same position and the Building Official, when exercising the duties prescribed for such office, shall have all the powers of a policeman.

8-1-3 Building Permits.

- A. **Building Permit Fee.** The fee for a building permit when required by this Code shall be as established from time to time by resolution of the City Council.
- B. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified may be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

8-1-4 Amendments. That the International Building Code, adopted by the City of Muscatine, Iowa, be amended to read as follows:

- A. **Building Permit Fees.** A fee for each required permit shall be paid to the Community Development as set forth in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances.
- B. **Existing Building.** Section 101.4.7 is amended to read as follows: "The provisions of Chapter 34 of the document entitled "International Building Code", 2015 Edition, shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing building."

8-1-5 (Reserved).

8-1-6 (Reserved).

8-1-7 Applicability. It is the intent of the City of Muscatine that the International Building Code and its companion Codes as adopted elsewhere in the City Code shall be the prevailing construction and occupancy controls within the City unless otherwise mandated by State law. It shall be the responsibility of the Building Official to make a final decision as to the applicability of any other codes or ordinances adopted by the City which may present a conflict with the intent of other regulations contained herein.

8-1-8 Violation. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 2 – DEMOLITION OF BUILDINGS**

SECTIONS:

- 8-2-1 Permit Required
- 8-2-2 Permit Application
- 8-2-3 Supervision of Work
- 8-2-4 Condition of Site
- 8-2-5 Requirements
- 8-2-6 Drawings for Certain Buildings
- 8-2-7 Aprons, Canopies, Streets, and Sidewalks
- 8-2-8 Time
- 8-2-9 Adjacent Frontage Consents
- 8-2-10 Party Walls
- 8-2-11 Night Work
- 8-2-12 Exemption
- 8-2-13 Burning

8-2-1 Permit Required. Before proceeding with the demolition of any building or structure, a permit for such demolition shall first be obtained by the owner, his agent, or his contractor from the Building Department.

8-2-2 Permit Application. Application for said permit shall be made by such owner, his agent, or his contractor to the Building Official, who shall issue such permit in accordance with this Chapter upon application and the payment as set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances. Such application shall state the location and describe the building to be demolished, the method of demolition, and the estimated cost of the demolition. If no new building is to be erected on the site thereof, the statement shall include a description of the condition in which it is intended to leave the site thereof. In addition, the applicant shall provide information necessary to ensure compliance with asbestos investigation and abatement, and proof of notification to the State of Iowa, as required.

8-2-3 Supervision of Work. Upon the issuance of the required permit, each building may be demolished, provided that all the work done thereunder shall be subject to the supervision of the Building Official.

8-2-4 Condition of Site. The site where any building has been left demolished shall be left in a clean, presentable, and safe condition with the cellar, if any, of the old building properly filled in and graded so as not to permit accumulation of surface water or discharge to the detriment of adjoining property. The sanitary sewer shall be cut off and plugged with concrete at the property line and all utilities shall be properly shut off at the main or in accordance with rules and regulations of the particular utility.

8-2-5 Requirements. Before any permit is issued granting authority to demolish a building or structure, the person engaged in the same or the owner of said building or structure shall file with the Community Development Department proof of public liability insurance naming the City as an additional insured and covering any personal injury or property damage which may arise out of said demolition work, with limits of liability limits as established in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances. The person engaged in the work of demolishing said building or structure and the owner of said building or structure shall also execute an indemnification agreement whereby they agree to indemnify and hold harmless the City against any loss, cost, damage, expense, judgment, or liability of any kind whatsoever which the City may suffer or which may occur against, be charged to, or recovered from the City or any of its employees by reason of or arising out of any such demolition operation.

8-2-6 Drawings for Certain Buildings. When requested by the Building Official, the owner or his agent shall submit a drawing indicating fences, barricades, aprons, canopies, lighting, and other safeguards to be used in connection with the wrecking program. These safeguards shall be approved by the Building Official before a permit is issued and the safeguards shall be erected in strict compliance therewith.

8-2-7 Aprons, Canopies, Streets, and Sidewalks. The wrecker owner, his agent or contractor, shall construct aprons, canopies, fences, barricades, and other safeguards in conformance with all Federal, State, and local standards, rules, and regulations. Streets and sidewalks shall not be blocked without the approval of the Building Official. All damage to public property as a result of the demolition must be repaired, including damage to sidewalks, curbs, streets, etc.

8-2-8 Time. Each and every requirement mentioned or described in this Chapter shall be performed by the owner, his agent or his contractor, within the time set by the Building Official, unless otherwise prescribed herein.

8-2-9 Adjacent Frontage Consents. If the written consent of and a waiver of claims for damage against the City by the owners of properties adjoining the site of the proposed demolition of any building is first obtained and filed with the Building Official, the permission to occupy the roadway and the sidewalk may be extended beyond the limits of such building front of the property for which the consent of the owner thereof has been secured upon the same terms and conditions as those fixed for the occupation of sidewalks and roadways in front of the building site.

8-2-10 Party Walls. Before a permit is issued for the wrecking of a structure that has one or more party walls in common with one or more buildings, there shall be delivered to the Building Official a certificate by a licensed architect or a licensed structural engineer to the effect that the adjoining premises do not require anchorage, or, if such certificate indicates that anchorage is necessary, the certificate shall be accompanied by a drawing signed and sealed by such architect or engineer and subject to the approval of the Building Official indicating adequate anchorage of floor and roof joists at not greater than ten foot (10') intervals for each and every floor and roof resting on such party wall, and the adjoining premises shall be anchored in compliance with such drawing. Owners of adjoining premises shall be notified of said anchorage, as shown on such drawing.

8-2-11 Night Work. It shall be unlawful for any person to conduct the demolition of any building between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., unless otherwise approved in writing by the City of Muscatine

8-2-12 Exemption. The provisions of this Ordinance shall not apply to the demolition of garages, out-buildings, or other accessory structures of a similar nature.

8-2-13 Burning. It is unlawful to demolish by burning without approval of the Fire chief and in accordance with all applicable State and Local rules and policies.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 3 – ELECTRICAL CODE**

SECTIONS:

- 8-3-1 Adoption of Code
- 8-3-2 Supplemental Electrical Regulations
- 8-3-3 Plans and Specifications
- 8-3-4 Permits
- 8-3-5 Inspections
- 8-3-6 Turning Off Electric Current
- 8-3-7 Connection to Power Source

8-3-1 Adoption of Code. The most recent edition of the National Electric Code, as amended and published by the National Fire Protection Association, is hereby adopted as the Electrical Code for the City of Muscatine, Iowa, insofar as they do not conflict with the regulations set out in this Chapter, which shall supersede. The current edition of the National Electrical Code is made a part hereof as if fully set out in this Ordinance.

8-3-2 Supplemental Electrical Regulations. The purpose of this Section is to provide for additional electrical rules and regulations which are intended to supplement the provisions of the current edition of the National Electrical Code adopted by the City Council. The supplemental rules and regulations take precedence over any provisions of the National Electrical Code which may be in conflict therewith as provided in Section 8-3-1.

- A. Distribution Centers - Divisions of Load. In laying out an electrical installation, except for a constant current system, every reasonable effort shall be made to secure distribution centers located in easily accessible places at which points, cutouts, and switches controlling various branch circuits shall be grouped for convenience and safety of operations. The electrical load shall be divided as evenly as possible between branch circuits and all complicated and unnecessary wiring shall be avoided.
- B. Transformers-Meters. Transformers and meters shall comply with the following regulations:
 - 1. All power or heavy lighting services over two hundred amperes, single-phase and two hundred amperes, three-phase, shall be metered by a potential and current transformer or current transformers.
 - 2. Metering transformers shall be enclosed in an approved metal box enclosure or cabinet with a door locked or sealed by the utility company or mounted in the mast drip loop at the utility's discretion.
 - 3. Meter loops shall not be opened or closed by anyone without the permission of an authorized representative of the utility company.
 - 4. A meter board and/or distribution panel board of the size and type approved by the Code Inspector shall be installed in a proper and convenient place designated by the utility company to receive the various types of meters used by the utility company and distribution panels used by the customer.

5. Where two or more meters are to be placed on one building for different electric customers, they shall be grouped at a common place on the exterior portion of the building. All multiple metering points shall be marked on the cover's exterior as well as the interior meter base which identifies the building address and respective apartment identifier with a permanent, wide tip, non-soluble black ink.
 6. Meters shall be placed on solid walls free from vibration and in a convenient and accessible place for reading as specified by the utility company. They shall be placed not over six foot six inches or less than four feet from the finish grade with a minimum of three feet clear space in all directions of the meter.
- C. Service Entrance Wiring and Requirements. All service entrance wiring and requirements shall comply with the following regulations unless elsewhere allowed in the adopted National Electrical Code and utility company, or a variation thereof is approved by the Code Inspector due to the type of building occupancy or electrical service requirements:
1. Only one service shall be permitted for any one building or structure, except as elsewhere allowed in the adopted National Electrical Code.
 2. A minimum of a three-wire, 100 ampere electric service shall be required for any existing building or structure requiring electrical service, except as allowed by the utility company. The service locations shall be designated by the utility company.
 3. Newly constructed and existing single residential dwellings receiving new electric service following the passage of this Chapter shall conform to the following requirements:
 - a. They shall be provided with a minimum of a 200 ampere service.
Exception: Each newly constructed multifamily and existing multifamily residential unit(s) containing less than 1,000 square feet of habitable area shall be provided with a minimum of a 100 ampere service per the National Electric Code.
 - b. Mast type services shall be installed utilizing not less than 2" (inch) galvanized rigid conduit and shall require a guy brace if the mast extends more than four 4' (feet) above the adjacent roof.
 - c. Service from an underground system shall enter the structure above grade on the exterior portion of the building and shall be sealed with a proper compound to prevent the entrance of water.
 - d. Service panel switches shall not be installed over sinks, stationary tubs, stoves, or near any plumbing appliances where the person operating same could come in contact with a grounding device.
 - e. In no case shall more than twelve feet (12') of service wires be allowed on the inside of any building, or structure without a disconnect being present.
 - f. Service of 200 amperes or less shall have a sequence of meter, main fused disconnect switch or breaker, circuit fuses or breakers when the number of disconnects is six (6) or less. Emergency systems may be connected to line side of the main switch or breaker as provided by the National Electrical Code. If the number of disconnects is greater than six (6) the main must be ahead of the meters.

- g. Where the electrical service entrance or electric panel is relocated more than three feet on existing work, the provision of this Section shall apply as if said relocation was new work. Extensions shall not be allowed on work where wiring is not in conformance with the adopted National Electrical Code. Old work shall be brought up to the standards set by the National Electrical Code and by this Chapter.

D. Armored Construction. Armored construction shall include iron conduit, metallic tubing and metal molding work, and shall comply with the following requirements:

1. Riser or switch legs may be run to cellars or basements in romex with full size ground or conduit.
2. Metal moldings, when run in cellars or basements, shall be securely fastened to walls so as to prevent any movement.
3. Receptacles installed on first floors of buildings or structures that are connected from basements or cellars below, where said basements or cellars have armored construction, shall be run in complete armored material. This provision shall not apply to existing buildings or structures where cellars or basements contain unarmored construction.
4. The use of BX cable is prohibited.
5. All conduits exposed to moisture shall be made moisture proof in conformance with accepted methods and safe workmanlike practices.

E. Unarmored Construction. Romex wiring shall be considered unarmored construction, and may be used in places where armored construction is not required. All romex where used shall be of the full grounded type.

F. Conduit Wiring. All buildings or structures within C-2 Downtown Commercial Zoning District and all hotels, motels, public, semipublic and private schools, churches, hospitals, sanitariums, institutions for the care of children or elderly persons, semipublic and private clubs, theatres, dance and amusement halls, gasoline service stations, commercial garages, storage garages where three or more vehicles are stored, and all public buildings and places of assembly shall be wired in approved metal conduit. This provision shall not apply to such buildings or structures that contain existing wiring unless said wiring is found to be in a hazardous or dangerous condition to life or property, and shall be ordered removed, changed or condemned by the Code Inspector.

Exception. New multi-family dwellings of no more than two floors with City and State approved construction, and with City and State U.L. approved smoke and fire alarm systems, may be wired in nonmetallic cable. All wiring installed in basements, garages, and storage areas, shall be in metal raceways. Breaker panels shall be located in each apartment. Main service and service to each apartment containing less than one thousand (1,000) square feet shall be in conduit and sized no less than 100 amperes to each unit. Disconnecting means shall be located at the main service location with meter.

- G. Workmanship. In all electrical wiring work and installation of electrical apparatus and equipment, special care and attention shall be given to the mechanical execution of the work. Care shall be given to assure the neat and orderly running, connecting, and taping of conductors, securing and attaching related fittings.

8-3-3 Plans and Specifications. Whenever it shall be deemed necessary by the Inspector, plans and specifications shall be required and shall show, in sufficient detail, that all electrical work to be done which requires an Electrical Permit conforms to the adopted Code of the City. Plans and specifications may not have to be submitted where minor work is proposed and/or the contractor agrees to comply with all the provisions of this Chapter.

8-3-4 Permits. Before an Electrical Permit is issued as required, the Inspector shall charge the owner of the property or his contractor the required fee which shall be established by resolution of the City Council and is set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances. No electrical work will commence without the party performing the electrical work first insuring that the required permit has been issued by the City. Failure to comply with this provision shall result in the fee being doubled and subjects the violator to the issuance of a municipal infraction, at the discretion of the Building Official.

Exception. Minor repair work and installations may not require issuance of an Electrical Permit when, in the opinion of the Inspector and with the approval of the Building Official, such work or installation does not require significant changes, alteration and/or repair.

8-3-5 Inspections. The Inspector must be notified when work is ready to be inspected by the licensed electrician or homeowner (when wiring his/her own home) doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved by the City. No request shall be made for an inspection until the work is entirely ready for inspection or unless the Inspector makes arrangements to the contrary. In case of violation of any of the provisions contained herein, the permit may be revoked by the City and upon notice of revocation, all work under the permit shall cease. The Inspector shall examine all work required to be inspected within eight (8) working hours of notice that the work is ready for inspection. Any materials found to be defective, improperly installed or not meeting the minimum requirements of the Code shall be removed, replaced and/or altered to fully comply with all the provisions of this Chapter. When all work is completed under the Electrical Permit and is found to be in compliance with the Code, the Inspector shall give his or her approval.

- A. Emergency Repair. Emergency repair may be performed by an electrical license holder, but must be reported to the City Community Development Department within eight (8) working hours of the repair.
- B. Heating and Air Conditioning Installations. Electrical installation of all heating, air conditioning equipment and electric water heaters shall be performed by an electrical license holder or the homeowner and comply with this Code.

8-3-6 Turning Off Electric Current.

- A. The Code Inspector shall have full power and authority to cut off or cause to have cut off the electric current from any new installation, alteration or extension of existing systems, existing installation found to be hazardous, or any equipment, in or on any building, structure or premises which:
1. Does not comply with applicable city codes pertaining to electrical work for which a permit has been issued, or

2. In the opinion of the Inspector an unsafe or hazardous condition exists, or that danger to persons or property is possible; or
 3. The electrical current would interfere with or hinder the necessary work of the fire or law enforcement officials.
- B. Where the current is cut off or ordered cut off under the provisions of this Section, such current shall not be turned on again without the authorization of the Code Inspector. Any person engaged in furnishing electricity, shall cut off the current from any consumer, building, structure, or premises when so ordered by the Code Inspector for reasons indicated in this Section.

8-3-7 Connection to Power Source. No electrical connection to the power source shall be made, or any electric meter set until the same has been approved by the Code Inspector or representative of the utility company.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 4 – FUEL GAS CODE**

SECTIONS:

8-4-1 Fuel Gas Code

8-4-2 Enforcement

8-4-1 Fuel Gas Code. Except as hereinafter added to, deleted, modified or amended, the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA), is hereby adopted by reference as the Fuel Gas Code for the City of Muscatine and is made a part hereof as if fully set out in this Ordinance. An official copy of said code is in the office of the City Clerk.

8-4-2 Enforcement. The duly franchised agency (the Gas Division of the Interstate Power and Light Company) shall work together with the City, and the City in turn will cooperate with the person, firm, or corporation to disconnect or to order disconnection and plug or cap any gas piping, appliance, or accessory which does not conform to the requirements of the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA) and the American Gas Association, or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory, or gas piping which shall state that it has been disconnected and the reason therefore, and such notice shall not be removed nor shall the appliance, accessory, or gas piping be reconnected until it shall have been made to conform with the requirements of the Code of Standards.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 5 – HOUSING CODE**

SECTIONS:

- 8-5-1 Title, Scope, and Enforcement
- 8-5-2 Definitions
- 8-5-3 Permits and Inspection
- 8-5-4 Registration and Inspections of Rental Properties
- 8-5-5 Minimum Structural Standards for All Dwellings
- 8-5-6 Minimum Structural Standards for All Rental Housing
- 8-5-7 Owners Responsibilities
- 8-5-8 Occupants Responsibilities
- 8-5-9 Substandard Buildings
- 8-5-10 Notices and Orders of Building Official
- 8-5-11 Appeals
- 8-5-12 Procedures for Conduct of Hearing Appeals
- 8-5-13 Enforcement of Orders from Building Official or Board of Appeals
- 8-5-14 Performance of Demolition and Cost Recovery

8-5-1 Title Scope and Enforcement.

- A. Title. These regulations shall be known as the "Muscatine Housing Code", hereinafter referred to as "The Housing Code".
- B. Housing Code Adopted. There is hereby adopted by the City of Muscatine, Iowa, for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction, the "Housing Quality Standards" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), the latest version being dated April 1, 1993, save and except such portions as are hereinafter deleted, modified or amended. The "*Housing Quality Standards*" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), is incorporated herein as though fully set out at length herein.

(Code of Iowa, Section 364.17[1][e] & 364.17[7])

- C. Scope. The provisions of this Housing Code shall apply to all buildings or portions thereof which are used or intended to be used for human occupancy. Additionally, all accessory buildings or structures are hereby subject to all applicable sections regarding health, safety, and maintenance thereof.
- D. Enforcement.
 - 1. Authority. The Building Official, or his or her designated representative, is hereby authorized and directed to enforce all of the provisions of this Code. For such purposes, he or she shall have the powers of a law enforcement officer.
 - 2. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official, or his or her authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official, or his or her

authorized representative, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises be occupied, he or she shall first present proper credentials and request entry; and if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official, or his or her authorized representative, shall have recourse to every remedy provided by law to secure entry.

When the Building Official, or his or her authorized representative, shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official, or his or her authorized representative, for the purpose of inspection and examination pursuant to this Code.

8-5-2 Definitions. For the purpose of this Housing Code, certain terms, phrases, words, and their derivatives shall be construed as specified in this Chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Whenever the words "dwelling", "dwelling unit", "rooming house", or "premises" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

- A. "Acceptable" or "approved" shall mean in substantial compliance with the provisions of the Housing Code, or the intent of the Code as approved by the Building Official or his/her designated representative.
- B. "Accessory structure" shall mean a structure which is not used, nor intended to be used, for living or sleeping by human occupants.
- C. "Appurtenance" shall mean that which is directly or indirectly connected or an accessory to some other structure.
- D. "Basement" shall mean a story having at least 1/2 of its height below grade.
- E. "Bath" shall mean a bathtub or shower stall connected with both hot and cold water lines.
- F. "Cellar" shall mean a space having its principal height below the first or main floor which is used, or intended to be used, for storage, location for heating equipment, etc., and shall not be considered habitable space.
- G. "Certificate of Structural Compliance" shall mean a document showing that the structure for which it is issued was in compliance with the City of Muscatine Housing Code at the time of issuance.
- H. "Communal" shall mean used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.

- I. "Condominium" shall mean a dwelling unit which is in compliance with the requirements of 499B of the Code of Iowa, as amended.
- J. "Cooperative" shall mean a dwelling unit which is in compliance with the requirements of 499A of the Code of Iowa, as amended.
- K. "Court" shall mean an open unoccupied space which is more than 50% enclosed by buildings.
- L. "Dining room" shall mean a habitable room used, or intended to be used, for the purpose of eating, but not for cooking or the preparation of meals.
- M. "Dwelling" shall mean any building or structure which is wholly or partly used, or intended to be used, for living or sleeping by human occupants and includes any appurtenances attached thereto.
- N. "Dwelling unit" shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used, for living, sleeping, cooking, and eating of meals.
- O. "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Inspector.
- P. "Filth" shall mean excrement, either animal or human, or any material connected therewith.
- Q. "Garbage" shall mean animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food and shall also mean combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, and other combustible materials.
- R. "Habitable room" shall mean a room, or enclosed space, having a minimum of seventy (70) square feet of total floor area within a dwelling unit or rooming unit used, or intended to be used, for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, corridors, closets, storage spaces, and stairways.
- S. "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests in such quantities as would be considered unsanitary.
- T. "Inspector" shall mean the official or officials of the City of Muscatine delegated the responsibility to administer the provisions of the Housing Code, together with his or her duly authorized representative(s) and/or agent(s).
- U. "Kitchen" shall mean a habitable room used, or intended to be used, for cooking or the preparation of meals.
- V. "Kitchenette" shall mean a food preparation area of not less than forty (40) square feet.

- W. "Lavatory" shall mean a hand washing basin which is connected to both hot and cold water lines and which is separate and distinct from a kitchen sink.
- X. "Multiple dwelling" shall mean any dwelling containing three (3) or more dwelling units.
- Y. "Nuisance" shall mean any item or items as defined in Title 9, Chapter 3, of the City Code.
- Z. "Occupant" shall mean any person, including the owner or operator, living in, sleeping in, and/or cooking in, or having actual physical possession of a dwelling unit or a rooming unit.
- AA. "Operator" shall mean any person who rents to another or who has custody or control of a building, or parts thereof, in which dwelling units or rooming units are let and who has custody and control of the premises.
- BB. "Owner" shall mean any person who has control of any dwelling, dwelling unit, or rooming unit by virtue of a contractual interest in or legal or equitable title to said dwelling, dwelling unit, or rooming unit. An owner who has sold the premises on a legally recorded contract but retains legal title shall not be deemed an owner hereunder.
- CC. "Person" shall mean any individual, firm, corporation, association, partnership, trust, or estate.
- DD. "Plumbing" shall mean and include any or all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, showers, water heating devices, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas services.
- EE. "Premises" shall mean a lot, plot, or parcel of land including all building(s) thereon.
- FF. "Refuse" shall mean waste materials (except human waste) including garbage, rubbish, ashes, and dead animals.
- GG. "Rental Property (Residential Rental Property) or Rental Unit (Residential Rental Unit)" shall mean a structure containing one or more dwelling units, rooming units, or sleeping units, or any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person(s) other than the legal owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a rental property, as context requires.
- HH. "Rental Property Registration" shall mean registration with the City of Muscatine of a structure containing one or more rental units subject to regulation under this Chapter.
- II. "Rental Unit Registration" shall mean registration of any given dwelling unit within a duly registered rental property.

- JJ. "Roomer." shall mean an occupant of a rooming house or rooming unit and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling.
- KK. "Rooming unit" shall mean any habitable room, or group of adjoining habitable rooms, located within a dwelling and forming a single unit with facilities which are used, or intended to be used, primarily for living and sleeping and contain no cooking equipment except that a properly connected and safely operated microwave shall be permitted. A rooming unit shall have a bath and toilet facilities available for exclusive use by the occupant(s) or for communal use in accordance with Sections 8-5-6(E)1 and 8-5-6(E)2.
- LL. "Rubbish" shall mean inorganic waste material consisting of primarily noncombustible materials.
- MM. "Supplied" shall mean paid for, furnished by, provided by, or under the control of the owner or operator.

8-5-3 Permits and Inspection.

- A. General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure regulated by this Code without first obtaining a separate permit for each building or structure from the Building Official in the manner and according to the City Code for Muscatine, Iowa.
- B. Fees. Whenever a building permit is required by Section 8-5-3(A) of this Code, the appropriate fees shall be paid to the Building Official at the rate(s) established by the City Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D(1) to this Code of Ordinances.
- C. Inspection. All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by the City Code for the City of Muscatine.

8-5-4 Registration and Inspections of Rental Properties.

- A. Rental Property or Rental Unit Registration
1. Registration Required; Notification of Changes. No person shall lease, rent, or let for occupancy, a residential rental unit in the City of Muscatine, Iowa, without first obtaining from the Building Official proper Rental Property or Rental Unit Registration, as the case may be. Rental Property or Rental Unit Registration shall not be transferred from one owner to another. Each owner of residential rental property shall register the same with the Building Official within 30 days of transfer of title or possession of such property. It shall be the responsibility of the owner to inform the Building Official of any change in address for purposes of conducting business and communicating with the Building Official.

All residential rental properties or units rooms being let for rent and/or occupancy without a valid Rental Registration 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 resolution of the city council and set out in Appendix D of this Code of Ordinances.

2. Application Requirements.

- a. Application for Rental Property or Rental Unit Registration required by this Code shall be made to the Building Official in such form and detail as prescribed by the Building Official.
- b. When registering a property for which the Certificate of Code Compliance has not expired, the property owner shall include a signed Certificate of Self Inspection that states the property owner has inspected the rental property and he or she has determined that property to be in compliance with the Housing Code. Such Certificate of Self Inspection shall also include an itemized list of what items were inspected so as to form the basis of the owner's representation that the property is in compliance with the Housing Code.
- c. Rental Property or Rental Unit Registration fees shall be as set forth by resolution of the City Council and as set out in Appendix D to this Code of Ordinances and payment thereof shall accompany an application for Rental Unit Registration.

3. Rental Unit Registration to Issue. When the owner has properly completed an application for registration of a rental unit, completed all requirements as provided herein and complied with all applicable codes, then Rental Unit Registration shall be issued. Such Registration does not indicate that a dwelling, dwelling unit, rooming unit, or sleeping unit meets the requirements of this Code.

4. Annual Registration. Rental Unit Registration shall be valid for one year after the date of issuance. Registration may not be renewed unless all required fees have been paid in full for all rental unit(s) of which the applicant is an owner.

5. Change of Registration Information upon Transfer of Title. The owner of any rental property or unit shall notify the Building Official within thirty (30) days of any change in the information required for Rental Property or Rental Unit Registration. If a rental property or unit is sold, assigned, or otherwise transferred, the rental property/unit must be re-registered within thirty (30) days of the transfer. The new owner shall notify the Building Official of any change in contact information for their designated local representative, including a change in name, address, e-mail address, telephone number, mobile telephone number, or facsimile number of the designated local representative within thirty (30) business days of the change.

B. Revocation of Rental Unit Registration. The Building Official may revoke or deny renewal of any Rental Unit Registration issued under this Subchapter where any of the following applies:

1. False statements on any application or information or report required by this Subchapter to be given by the applicant, registrant, or permit holder;

2. Conviction or judgment of the licensee for violation of any provision of this Housing Code;
3. Refusal by the owner to permit inspection by authorized personnel of the rental property or unit;
4. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter as set out in Appendix D of this Code of Ordinances;
5. Failure to comply with the provisions of an approved mitigation/remediation plan by the Building Official;
6. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended);
7. Declaration of status as a Dangerous or Unsafe Building or Structure pursuant to 9-3-3(R) of this Code of Ordinances;
8. Declaration of Status as dangerous or substandard building as defined by Section 8-5-9 of this Chapter; and
9. Frequent and recurrent noncompliance with the provisions of this Chapter.

The owner or agent of the affected property shall be notified in writing by certified mail of the registration revocation or denial.

C. Inspection of Rental Property

1. Initial Inspection Required. An initial inspection is an inspection of rental properties or rental units that have not previously received a Certificate of Code Compliance. The initial inspection shall be scheduled with the Building Official or his or her designee following receipt of Rental Registration and is required before any rental property or unit thereof may be occupied.
2. Regular Rental Inspection. Regular rental inspections of rental property, rental units, and the common areas thereof, shall be inspected in accordance with a program of regular rental inspections conducted not more frequently than yearly nor less frequently than every five (5) years for a Certificate of Code Compliance.
3. Other Rental Inspection. Rental units may be inspected on a more frequent basis to ensure compliance with this code based upon one (1) or more of the following:
 - a. Information is received indicating that there is a violation of provisions of this Code, or any state or federal regulations;
 - b. An observation is made by a Building Official, or police officer, or fire Building Official, or any other Government official of a possible violation of the standards or the provisions of this code or any state or federal laws;
 - c. Information is received indicating that a rental unit is unoccupied and unsecured or that a rental unit is damaged by fire, water, or other causes detrimental to the structure;
 - d. A determination must be made whether there is compliance with a notice or an order issued by a Building Official;
 - e. A public health safety or welfare emergency is observed or is reasonably believed to exist;

- f. A tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, then the City of Muscatine shall give a written notice to the owner. Fourteen (14) days after the written notification to the owner, an inspection may be conducted by the Building Official;
- g. A dwelling unit is to be demolished by the City of Muscatine, Iowa or the ownership is to be transferred to the City of Muscatine, Iowa;
- h. A property is declared a Dangerous or Unsafe Building or Structure pursuant to Section 9-3-3(R) of this Code of Ordinances; and
- i. A property is declared a Substandard Building pursuant to Section 8-5-9 of this Chapter.

D. Certificate of Code Compliance

1. Certificate of Code Compliance Required. It shall be a violation of this Code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, rooming unit, or sleeping unit in the City of Muscatine, Iowa unless the owner holds a valid rental Certificate of Code Compliance and a current Rental Property or Unit Registration.

The Building Official may grant owners of rental properties or rental units that have been inspected provisional approval to let for rent or occupancy their rental property or unit, while formal issuance of Certificate of Code Compliance is pending, provided that all requirements for issuance of the certificate at 8-5-4(D)(2) are satisfied.

Unless a rental unit is re-inspected, the Certificate of Code Compliance shall be valid for a period of three (3) years from the initial regular rental inspection (shown as the Issue Date on the Certificate of Code Compliance). A Certificate of Code Compliance shall be transferable from one owner to another for the address for which it is applicable. A Certificate of Code Compliance shall in no way signify or imply that the premises for which it is issued is in conformance or compliance with all portions of the Municipal Code of Muscatine, or the laws of Muscatine County or the State of Iowa. The City of Muscatine shall maintain no liability in regard to the Certificate of Code Compliance.

2. Requirements for Issuance. The City shall issue a Certificate of Code Compliance for any rental unit upon request by the owner providing that the rental unit meets the following requirements:
 - a. Rental Unit Registration for the rental unit in question is on file with the Building Official; and
 - b. The Building Official determines all provisions of this Chapter have been complied with by the owner; and
 - c. All fees required by the Muscatine City Council have been paid in full; and
 - d. The Certificate of Code Compliance, if withdrawn, shall be restored only upon a re-inspection showing compliance with this code and any additional fees are paid in full.
3. Revocation. If, at the discretion of the Building Official, an emergency exists which threatens the immediate health, safety or general welfare of the occupant or general public, the Building Official may immediately issue an order revoking the Certificate of Code Compliance. Upon issuance of the order, the occupant of the unit shall immediately vacate the premises until the rental certificate is reinstated. A Certificate of Code Compliance may be revoked for a given unit without effect on the other units for which the Certificate was issued.

4. Reinstatement. The Building Official will reinstate a revoked Certificate of Code Compliance only after a regular inspection has been completed, fees have been paid in full, and the rental property/unit has been brought into compliance with the applicable standards of this Code. Reinstatement of the Certificate of Code Compliance shall not extend or change the next inspection date of the Certificate of Code Compliance.
- E. Fee Schedule. Fees shall be charged for services rendered in relation to this Section. These services include but are not limited to the following: registration, inspections, failure to appear for any scheduled inspections, and late cancellations. The amounts shall be established by resolution of the City Council and are set out in Appendix D of this Code of Ordinances. As a nuisance abatement remedial measure, the fee schedule shall include any unpaid nuisance abatement fees or costs that have been incurred by the City of Muscatine and 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.

The nuisance threshold is exceeded if the number of responses is greater than three (3) times the number of units on the tax parcel. In the case of police responses, the number shall be based upon founded calls. Within ten (10) days of the date of a surcharge invoice, the owner may request the Community Development Department 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.

8-5-5 Minimum Structural Standards for All Dwellings.

- A. Kitchens. Every dwelling unit shall have a kitchen or kitchenette equipped with the following:
 1. An approved kitchen sink.
 2. Space capable of properly accommodating a refrigerator and a stove or range.
 3. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range.
 4. Adequate space for the storage and preparation of food.
- B. Sanitation. Every kitchen sink, toilet, lavatory basin, and bath shall be properly connected to an approved water and sewer system as provided for in the City of Muscatine City Code. Additionally, sanitary facilities shall include the following:
 1. Every dwelling unit shall contain a toilet.
 2. Every dwelling unit shall contain a bath or shower compartment.
 3. Every dwelling unit shall contain a lavatory basin.
 4. Every toilet and bath shall be contained within a room which will afford privacy to the user and shall be separated from a food preparation area by a tight fitting door.

C. Required Water Heating Facilities. Every kitchen sink and bath and lavatory basin required in accordance with the provisions of this Housing Code shall be properly connected with supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn on every kitchen sink and lavatory basin required at a temperature of not less than one hundred twenty (120) degrees Fahrenheit (forty-eight (48) degrees Centigrade). Such supplied water heating facilities shall be capable of meeting the requirements of this Section, regardless of space heating facilities which are not in operation.

D. Exits.

1. Every dwelling unit and rooming unit shall have access to two (2) independent, unobstructed means of egress remote from each other. At least one shall be an exit which discharges directly to corridors or stairways or both to a public way. If both means of egress are to a common corridor, they shall be in opposite directions or in compliance with local building and/or fire codes.
2. Every means of egress shall comply with the following requirements:
 - a. Handrails. All stairways comprised of four (4) or more risers shall be provided with a substantial and safely constructed handrail.
 - b. Guardrails. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies, or porches which are more than thirty inches (30") above grade and any roof used for other than maintenance purposes shall be protected by a substantial and safely constructed guardrail.
 - c. Every stairway shall have a reasonably uniform riser height and uniform tread width which shall be adequate for safe use.
 - d. Doors and windows accessible from outside the unit shall be lockable from inside the unit.
 - e. In basement units where one means of egress is a window, such window shall have an unobstructed opening no less in area than that required in the Building Code.
 - f. No existing fire escape shall be deemed a sufficient means of egress unless it is in compliance with the fire codes of the State of Iowa and any applicable City rule or regulation.
 - g. Every doorway providing ingress or egress from any dwelling unit, rooming unit, or habitable room shall be at least six feet, four inches (6' 4") high and twenty-four inches (24") wide.

E. Natural Artificial Light. Every habitable room shall be provided with adequate natural and/or artificial light to permit normal indoor activities and to support the health and safety of the occupants.

F. Ventilation.

1. Every dwelling unit shall be provided with natural ventilation as follows:
 - a. Every window or other device with openings to the outdoor space which are capable of being used for ventilation purposes and currently contain screens shall be maintained in a good state of repair.
 - b. Every door opening directly from a dwelling unit or rooming unit to the outdoor space shall fit reasonably tight within its frame and shall be maintained in a good state of repair.
 - c. For natural ventilation, every bathroom or toilet compartment shall have at

least one openable window facing directly to the outdoors.

2. Every dwelling unit shall be equipped with mechanical ventilation as follows:
 - a. In lieu of openable windows for natural ventilation, as specified in Section 8-5-5(F)1(c), adequate ventilation which provides not less than two (2) air changes per hour in all bathrooms or toilet compartments.
 - b. No mechanical exhaust system, exhausting vapors, gases, or odors shall be discharged into an attic, crawl space, or cellar unless such attic, crawl space, or cellar is adequately vented to the outside.

G. Heating. Heating shall be provided as follows:

1. Every dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit (nineteen (19) degrees Centigrade) at a distance of three feet (3') above the floor level. Said heating facilities shall be so designed and equipped that heat, as herein specified, is available for all dwelling units and rooming units between the hours of 6:30 A.M. and 10:30 P.M., of each day, and shall maintain a temperature of not less than sixty (60) degrees Fahrenheit from 10:30 P.M. to 6:30 a.m. of each day.
2. Every central heating unit, space heater, water heater, and cooking appliance shall be located and installed in such a manner so as to afford reasonable protection against interference of egress facilities or egress routes in the event of uncontrolled fire in the structure.
3. Every fuel-burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney duct and vent shall be of such design as to assure proper draft and shall be adequately supported.
4. No fuel-burning furnace or water heater shall be located within any sleeping room or bathroom unless there is adequate combustion air, an automatic shutoff is provided, and the continuing operation of the furnace and/or water heater poses no threat to the occupant, as determined by the Inspector.
5. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate pressure and temperature limit controls.
6. Every fuel-burning space heating unit and water heater shall be equipped with an electronic ignition or with a pilot light and an automatic control to interrupt the flow of fuel to the unit in the event of failure of the ignition device.

H. Electrical Requirements. Extension cords shall not be used or considered as permanent wiring intended to meet the requirements contained in this section.

1. Every habitable room shall contain at least two (2) separate floor or wall-type electric double convenience outlets which shall be properly installed, on adjacent walls or otherwise separated for reasonable access from all spaces within the room.

2. Every toilet room, bathroom, laundry room, furnace room, basement, and cellar shall contain at least one supplied ceiling or wall-type electric light fixture, and one floor or wall-type electrical outlet which shall be properly installed.
- I. Minimum Space and Occupancy Standards. Minimum space and occupancy standards shall be the minimum requirements established in the Housing Quality Standards as adopted, and amended by the United States Department of Housing and Urban Development.
- J. Ceiling Height. The ceiling height in every habitable room shall be at least six feet, eight inches (6' 8"). In addition, obstructions of space by such items as water and gas pipes, cabinetry, etc. shall be permitted when such obstructions are located in such a fashion that they do not interfere with normal or emergency ingress and egress and are approved by the Inspector.

8-5-6 Minimum Structural Standards for All Rental Housing.

- A. Access. Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit.

Exception: Access to rooming units may be through a living room or kitchen of a unit occupied by the owner or operator of the structure.

No dwelling, dwelling unit, or rooming unit containing two (2) or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room.

Exception: Access may be provided through not more than one room which is restricted for use as a sleeping room for children under five (5) years of age. However, all other occupancy minimums shall apply.

- B. Lighting in Public Halls and Stairways. Lighting shall be provided as follows:
 1. Public passageways and stairways in dwellings accommodating three (3) or more dwelling units or rooming units shall be provided with a convenient wall mounted light switch(es) which activates an adequate lighting system.
 2. Exterior stairways serving individual units shall be supplied with sufficient illumination to allow their safe use.
- C. Fire Regulations. All rental housing shall be provided with fire protection equipment as follows:
 1. All structures containing three (3) or more dwelling units or rooming units shall be provided with a sufficient number of fire extinguishers which are approved by the Fire Marshall. Fire extinguishers shall be properly hung in an area accessible to all tenants within the individual unit, or in the common corridors at each level and in the basement.
 2. All dwelling units and rooming houses shall be provided with smoke detectors as required.

3. Location and Installation. All smoke detectors shall be located and mounted on a ceiling or on a wall not more than twelve inches (12") from the ceiling at a point centrally located within the required area. Smoke detectors shall be located in accordance with the manufacturer's recommendation and this Code.
4. Power Source and Maintenance. Buildings required by State and local law to install smoke detectors receiving their primary source from building wiring shall comply with all applicable laws concerning installation, inspection, and maintenance. All other units may receive their primary source of power from batteries.
5. Owner's Responsibility. The owner shall be responsible for the installation and testing of all smoke detectors as a condition to occupancy.
 - a. If the unit is currently (and otherwise legally) occupied on the effective date of this Ordinance, the owner shall cause all existing smoke detectors to be tested. Any non-functioning and/or inoperable detectors and batteries shall be immediately replaced by the owner, at the owner's expense. It shall be the responsibility of the owner to provide verification of compliance with this section when requested by the City, or the owner shall be guilty of a municipal infraction.
 - b. When a unit is scheduled for occupancy by a new tenant(s), it shall be the responsibility of the owner to install and test all required smoke detectors prior to occupancy. All non-functioning and/or inoperable detectors and batteries shall be replaced at the owner's expense. The owner shall retain verification of this requirement and produce it when requested by the City, or the owner shall be guilty of a municipal infraction.
 - c. The owner shall be responsible for the installation and maintenance of all detectors and batteries located in common corridors and other areas required by law that are not under the direct control of the occupant(s).
6. Occupants Responsibility.
 - a. The occupant shall be responsible for the replacement of all batteries necessary for the proper operation of all supplied smoke detectors within the rental dwelling. The occupant shall be required to notify the owner, in writing, of any deficiencies known to exist in the supplied detector. It shall be the responsibility of the occupant to test all smoke detectors on a regular basis to insure proper operation. Failure to keep batteries replaced, as necessary for their safe operation, shall cause the occupant to be in violation of this Section and subject to a municipal infraction citation. Detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Smoke detectors hereinafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

D. Sanitation.

1. Toilets and Lavatory Basins. At least one toilet and one lavatory basin shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit, or units, including members of the operator's family whenever they share said facilities.

Exception: In rooming houses where rooms are let to males only, flush urinals may be substituted for not more than one-half (1/2) of the required number of toilets.

2. Baths. At least one bath shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit or units, including members of the operator's family whenever they share the use of said facilities.

E. Communal Toilets, Kitchens, and Dining Rooms.

1. Communal Toilets and Baths. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit.

2. Communal Kitchens. If a communal kitchen is supplied, it shall comply with the following requirements:

- a. The minimum floor area of communal kitchens shall be sixty (60) square feet.
- b. Floor area in communal kitchens which permits roomers to prepare and eat meals shall be one hundred (100) square feet.
- c. The kitchen shall contain adequate food storage capacity, an approved sink, and a stove or range.
- d. It shall include at least one cabinet of adequate size suitable for the storage of food and eating and cooking utensils.
- e. It shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.
- f. Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

3. Communal Dining Rooms. Every dwelling or rooming house within which the occupant of any rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than one hundred (100) square feet of floor area, as provided in Section 8-5-6(E)2(b), shall contain a communal dining room which complies with the following requirements:

- a. Every communal dining room shall be located on the same floor as the communal kitchen and located as nearly adjacent to the communal kitchen as is practicable.
- b. Accessibility to the communal dining room by occupants shall be the same as requirements for communal kitchens in Section 8-5-6(E)2(f).
- c. The communal dining room shall contain a table and adequate chairs for the normal use of the facilities.
- d. Every communal dining room shall contain not less than seventy (70) square feet of floor area.

- F. Lead Based Paint. Every owner or operator of a dwelling shall comply with HUD Lead Based Paint Regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act.

G. Shades, Draperies, and Window Coverings.

1. Every window in rooms used for sleeping purposes in rooming units and furnished dwelling units shall be supplied with shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.
2. Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.

H. Mobile Home Tiedown Requirements. All mobile homes shall be provided with two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in booklet TR-75 published by the Department of Defense.

8-5-7 Owners Responsibilities.

A. Maintenance of Structure.

1. Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, porch, guardrail, sidewalk, and appurtenance thereto shall be maintained in a safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.
2. Every foundation, floor, exterior wall, exterior door, window, and roof shall be maintained in a reasonably weather tight, watertight, rodent proof, and insect proof condition.
3. Every door and window to include all hardware associated with every door and window shall be maintained in good and functional condition and shall fit reasonably well within its frame.
4. Every interior partition, wall, floor, ceiling, and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition, and where appropriate, shall be capable of providing privacy.

B. Maintenance of Accessory Structures.

1. Every foundation, exterior wall, roof, window, exterior door, and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for rats or other vermin and shall be maintained in a reasonably watertight, structurally sound condition capable of withstanding imposed wind and snow loads.
2. Security. Every accessory building and/or garage shall be secured against unauthorized entry, or it shall be declared a public nuisance subject to abatement and/or civil penalty. It shall be the responsibility of the person(s) having the possession and use of the accessory building to comply with this Section.

C. Drainage.

1. Rainwater Drainage. Rainwater shall be directed away from the building so as to prevent water damage to the structure.

2. Grading and Drainage. Every premises shall be graded and drained so no stagnant water will accumulate or stand thereon.

Exception: This Section shall not affect the existence or maintenance of approved storm water detention systems.

- D. Chimneys. Every chimney shall be adequately supported and maintained in a reasonably good state of repair.
- E. Protection of Exterior Wood Surfaces. All exterior wood surfaces of a dwelling and its accessory structures, porches, and similar appurtenances shall be protected from the elements and against decay by a non-lead based paint or other approved protective covering.

Exception: Any exterior wood surface comprised of a type or species of wood or which has been treated to resist decay and infestation shall be exempted from the above listed requirement when approved by the Inspector.

- F. Egress from Structure. Every means of egress shall be maintained in good condition and shall be free of obstruction at all times. If the means of egress is a fire escape, it shall be maintained in a good state of repair. Egress via exterior stairways shall be provided with sufficient illumination to allow for their safe use by the occupant.
- G. Screening. Every openable exterior window, door, or similar device intended to be used for ventilation in a non-air conditioned environment, shall be supplied with properly fitted screens of not less than sixteen (16) mesh to the inch. All doors leading into common stairways or corridors shared by more than one tenant shall be supplied with screening sufficient to allow ventilation into the common areas when such areas are not air conditioned. Such screening shall be maintained in good repair.
- H. Electrical System. The electrical system of every dwelling or accessory structure shall not by reason of overloading, dilapidation, lack of insulation, improper fusing, or for any other cause, expose the occupants to hazards of electrical shock or fire, and every electrical outlet, switch, and fixture shall be maintained in good and safe working condition.
- I. Maintenance of Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be maintained in a good and sanitary working condition. Water pressure shall be adequate to permit a proper flow of water from all open outlets at all times. (Except during maintenance and repair.)
- J. Maintenance of Gas Appliances and Facilities.
 1. Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion, and obstruction causing reduced pressure or volume.
 2. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.
- K. Maintenance of Heating and Supplied Cooling Facilities. The heating equipment of each dwelling shall be maintained in a good, safe working condition and shall be capable of heating all habitable rooms and bathrooms located therein to the minimum temperature required by this Code. However, heating and supplied cooling equipment shall not be required to be maintained in operational condition during what is considered to be off season periods. Owners of rental properties with fuel burning furnaces that are 10 years or older or that have been inoperative for one

year or longer are required to have annual carbon monoxide tests. Tests must be performed by a properly certified and registered mechanical contractor. Owners shall immediately notify the Inspection Department of failed tests. Owners shall provide a legible certified copy of successful test results to the Inspection Department not later than 30 days after the test. This requirement does not apply if a carbon monoxide detector is installed within 10' of the furnace.

- L. Floors. Every toilet room floor surface, bathroom floor surface, and kitchen floor surface shall be maintained so as to permit them to be kept in a clean, dry, and sanitary condition.
- M. Supplied Facilities. No supplied facility shall be removed, shut off, or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption(s) as may be necessary while actual (and active) repairs, replacements, or alterations are being made, unless authorized by court order.
- N. Maintenance of Sanitary Facilities. All toilets, baths, and lavatory basins shall be maintained in good working condition.
- O. Fire Protection. All fire extinguishers and early warning fire protection systems shall be maintained in good working condition at all times.
- P. Pest Extermination. The property owner shall be responsible for extermination of pests when it is determined by the Health Officer, or his or her designate, that the infestation is present in two (2) or more dwelling units or rooming units within a dwelling.
- Q. Garbage Disposal. Every owner of a dwelling shall supply an approved exterior location for the disposal of garbage and in compliance with the City Code for Muscatine, Iowa.
- R. Occupancy Control. A dwelling unit shall not exceed occupancy maximums.
- S. Cooking in Rooming Units. No owner or operator shall knowingly allow the use of cooking equipment within any rooming unit.

8-5-8 Occupant's Responsibilities.

- A. Occupant Responsible for Controlled Areas. Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, rooming unit, or premises thereof he or she occupies and controls, to include:
 - 1. Every floor and floor covering shall be kept reasonably clean and sanitary.
 - 2. Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
 - 3. No dwelling shall be used for the storage or handling of refuse, except as provided in this Code.
- B. Plumbing Fixtures. The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use, and proper operation thereof.

- C. Extermination of Pests. Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents, or other pests on the premises. Every occupant of a dwelling containing two (2) or more dwelling units or rooming units shall be responsible for such extermination within the unit occupied by him or her whenever said unit is the only one infested. However, whenever it is determined by the Health Officer, or his or her designate, that infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodent proof and/or insect proof condition, extermination shall be the responsibility of the owner.
- D. Storage and Disposal of Garbage. Every occupant of a dwelling shall dispose of rubbish, garbage, and any other organic waste in a clean and sanitary manner by placing it in container(s) required by the City Code of Muscatine, Iowa.
- E. Electrical Wiring. No temporary wiring or extension cords shall be used, except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms, or similar structural elements or attached thereto. The occupant shall not knowingly overload the circuitry of the dwelling unit or rooming unit. Multiplug connectors may only be used when they are equipped with an overcurrent device and individually approved by the Inspector.
- F. Supplied Facilities. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.
- G. Preparation of Meals in Rooming Units Prohibited. No occupant of a rooming unit shall prepare meals in his or her rooming unit unless an approved kitchen and/or dining room is contained within the rooming unit or in accordance with communal facilities outlined in Section 8-5-6 of this Code.
- H. Occupancy Control. No occupant shall allow the occupancy of any dwelling unit or rooming unit within which he or she resides to exceed the occupancy standards outlined in Section 8-5-5 of this Code.

8-5-9 Substandard Buildings.

- A. Definition. Any building or portion thereof, including any dwelling, dwelling unit, rooming unit, guest room, or the premises on which the same is located, in which there exists a violation of this Code to the extent that the violation endangers the life, limb, health, property, safety, or welfare of the public or the occupant(s) thereof shall be deemed and hereby is declared to be a substandard building.
- B. Substandard Buildings. All buildings or portions thereof which are determined to be substandard are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 9-3-3(R) of this Code.

8-5-10 Notices and Orders of Building Official.

A. General.

1. **Commencement of Proceedings.** Whenever the Building Official has inspected, or caused to be inspected, any building or portion thereof and has found and determined that such building or portion thereof is a substandard building, he or she shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building or portion thereof.
2. **Notice and Order.** The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
 - a. The street address and a legal description sufficient for identification of the premises upon which the building is located.
 - b. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9-3-3 (R8) of this Code.
 - c. A statement of the action required to be taken as determined by the Building Official.
 - i. If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work commenced within such time (not to exceed sixty [60] days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all the circumstances.
 - ii. If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable, given the nature of the violation(s).
 - iii. If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed sixty [60] days from the date of the order), that all required permits be secured therefore within sixty (60) days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.
 - d. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

- e. Statements advising (i) 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 Building Official to the City Council, provided the appeal is made in writing as provided in this Code and filed with the Building Official within thirty (30) days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
3. Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property. The failure of the Building Official 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.
 4. 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 certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be posted on the property where the violation exists. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
 5. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.
- B. Recordation of Notice and Order. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official may file in the Office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building, and (ii) that the owner has been so notified. 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 Building Official 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.
- C. Repair, Vacation, and Demolition.
1. Standards to be Followed. The following standards shall be followed by the Building Official (and by the City Council or Housing Board if an appeal is taken) in ordering the repair, vacation, or demolition of any substandard building or structure:
 - a. If any building declared a substandard building under this ordinance shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.

- b. 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 to be vacated.

D. Notice to Vacate.

1. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8-5-10(A)3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a misdemeanor to enter this building or remove or deface this notice. Any person(s) found inside this building are subject to immediate arrest. Building Department, City of Muscatine.

2. Compliance. Whenever such notice is posted, the Building Official shall require that the owner comply with all provisions of the Housing Code with respect to occupancy prior to removal of the posting, and subsequent occupancy of the building send a notification there of in the notice and order issued by him under Section 8-5-10(A)(2), reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. Nothing contained herein shall prevent authorized person(s) from entering the property for the sole purpose of removing personal belongings during all reasonable hours, with prior notification and approval of the City.

No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Structural Compliance Occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

8-5-11 Appeals.

- A. Appeal to Council or Housing Appeals Board. In any instance where a party is left aggrieved by an adverse action of the Building Official under this Chapter, such person shall have an opportunity to appeal the decision to the City Council or an equivalent Housing Appeals Board formed by Council as allowed by State law. The Council or equivalent board established by Council as allowed by law shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals shall be processed in accordance with the provisions contained in Section 8-5-11(B) of this Code.
- B. Form of Appeal. Any person entitled to service under this Code may appeal any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official a written appeal containing:
 1. A heading in the words: "Before the City Council of the City of Muscatine, Iowa"
 2. A caption reading: "Appeal of ___", giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order.
 4. 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.
 5. 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.
 6. The signatures of all parties named as appellants and their official mailing address.
 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- C. Filing of the Appeal. The appeal shall be filed within thirty (30) days from the date of the service (or other such time as may have been imposed by the Building Official based on the type of violation) of such order or action of the Building Official; 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, or has otherwise been declared a Public Nuisance as contained elsewhere herein, and is ordered vacated and is posted in accordance with this Code, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the Building Official.
- D. Processing of Appeal. Upon receipt of any appeal filed pursuant to Section 8-5-11(C), the Building Official shall present it to the City Council in accordance with this Chapter. The Council shall then proceed by scheduling and noticing appellant as provided under Section 8-5-11(E) or by establishing or forwarding as soon as practicable the appeal to an equivalent Housing Appeals Board formed by Council as allowed by State law, which Board shall then schedule and notice appellant as provided in Section 8-5-11(E).
- E. Scheduling and Notice of Appeal for Hearing. As soon as practicable after receiving the written appeal, the City Council or Housing Appeals Board shall fix a date, time, and place for hearing of the appeal by Council or the Board. Such date shall be not less than seven (7) days nor more than thirty (30) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least five (5) days prior to the date of the hearing to each appellant by the secretary of the Council or Board, 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 his address shown on the appeal.
- F. 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 or her right to an administrative hearing and adjudication of the notice and order or to any portion thereof.
- G. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

- H. Staying of Order Under Appeal. Except for vacation orders made pursuant to Section 8-5-10, enforcement of any notice and order of the Building Official issued under this Code shall in abeyance during the pendency of an appeal therefrom which is properly and timely filed.

8-5-12 Procedures for Conduct of Hearing Appeals.

A. General.

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 Council or the Housing Appeals Board.
2. Reporting. The proceedings at the hearing shall also be transcribed from the recording if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by Council, but shall in no event be greater than the cost involved.
3. Continuances. Council or the Appeals Board may grant continuances for good cause shown.
4. Oaths, Certification. In any proceedings under this chapter, Council or the Appeals Board, or any member thereof, has the power to administer oaths and affirmations and to certify to official acts.
5. Reasonable Dispatch. Council or the Appeals Board and its representatives 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.

- B. Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the City Council/or the Housing Appeals Board at.... on the _____day of _____, 20___, at the hour __, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit therefore with the City Council or Housing Appeals Board."

C. Subpoenas.

1. Filing of Affidavit. The Council or Housing Appeals Board and any appellant(s) may obtain 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 Council or the Housing Appeals Board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness, specifies the exact things sought to be produced and the materiality thereof in detail to 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.
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.

D. 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 permitted.
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 an 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 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, among others:
 - 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 which may be judicially noticed by the courts of this state or of official records of the Council or Housing Appeals Board or departments and ordinances of the City or rules and regulations of the Council or the Board.
- b. Parties to be Notified. 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 hearing examiner.
- d. Inspection of the Premises. Council or the Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, (iii) only those items listed in the official notice may be noted during the inspection, and (iv) the Council or Board shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Council or Board.

E. Method and Form of Decision.

1. Hearing Before Council or the Board Itself. Where a contested case is heard before the Council or 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 mail, postage prepaid, at the address listed on the appeal.
3. Effective Date of Decision. The effective date of the decision shall be as stated therein.
 - a. Any appellant aggrieved by any decision may appeal the same to the District Court of Muscatine County within thirty (30) days after receiving the decision of Council or the Board.

8-5-13 Enforcement of Orders from Building Official, City Council, the Housing Board.

A. Compliance.

1. General. After any order of the Building Official, Council, or the Housing Board made pursuant to this Code shall have become final, no person to whom any 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 misdemeanor.

2. Failure to Obey Order. If, after any order of the Building Official, Council, or Housing Board made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection 1 of this section, or (ii) institute any appropriate action to abate such building as a public nuisance.
3. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the time specified in the final notice and order issued under this Code:

- a. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

SUBSTANDARD BUILDING DO NOT OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice. Any unauthorized person(s) found inside this building are subject to immediate arrest. Building Official - City of Muscatine.

- b. No person shall occupy any building which has 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 Building Official have been completed and a Certificate of Structural Compliance issued pursuant to the provisions of this Code.
 - c. The Building Official may, in addition to any other remedy herein provided, order demolition to cause the building to be demolished and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this Code.
- B. 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 or she will comply with the order if allowed additional time, the Building Official may, in his or her discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation, or demolition if the Building Official determines that such extension of time will not create or perpetuate a situation imminently dangerous to life or property.
- C. Interference with Repair or Demolition Work Prohibited. 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 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 as authorized or directed pursuant to this Code.

8-5-14 Performance of Demolition.

A. General.

1. Procedure. When any work, repair, or demolition is to be done pursuant to this Code, the Building Official shall cause the work to be accomplished by private contract under the direction of the Building Official. Plans and specifications therefor may be prepared by the Building Official, or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary.
2. Costs. Costs incurred under Section 8-5-14(A)(1) shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.12[3h])

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 6 – ADDRESSING**

SECTIONS:

- 8-6-1 Numbers Required
- 8-6-2 Location of Numbers
- 8-6-3 Numbers Obtained from the Community Development Department
- 8-6-4 Material; Size
- 8-6-5 Allowing Buildings Without Numbers
- 8-6-6 Failure to Comply
- 8-6-7 Numbers Designated
- 8-6-8 System; Base Lines
- 8-6-9 Numbers Assigned
- 8-6-10 Street Names

8-6-1 Numbers Required. The owners of improved property, or property having erected thereon any building, shall cause their property fronting upon the public streets and avenues within the City to be numbered as hereinafter described in this Chapter.

(Code of Iowa, Sec. 364.12[3d])

8-6-2 Location of Numbers. The owner of every building, residence, or store within the Corporate Limits of the City shall have the number of their buildings, residences, or stores, conspicuously fixed on their property and visible from the public street.

8-6-3 Numbers Obtained from the Community Development Department. The owners of every building, residence, or store erected within the Corporate Limits of the City shall be assigned an address as part of the permit issuing process for every such structure as required.

8-6-4 Material; Size. The number placed upon buildings, residences, or stores, as prescribed in the foregoing Sections, may be of metal, wood, or plastic or may be painted upon metal or glass, but in every case the number must be at least two and one-half inches (2 1/2") in height. If painted, such numbers shall be of durable and legible characters, and no numbering done or attempted to be done in numbers or figures of a less size than prescribed in this Section shall be regarded as complying with the provisions of this Chapter.

8-6-5 Allowing Buildings Without Numbers. Legible characters of less than 2 1/2" in height may be used when posted on rural type mail boxes which are accessible from the improved street in front of the building.

8-6-6 Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[3h])

8-6-7 Numbers Designated. It shall be the duty of the Community Development Department to designate the numbers to be assigned to each building, residence, or store as prescribed in this Chapter.

8-6-8 System: Base Lines. In designating and assigning numbers to buildings, residences, and stores, the system of commencing and continuing the numbering of each block or square as the same appears recorded upon the plat of the City proper shall be by what is known as the "Philadelphia Plan", which is one hundred (100) to each block, the hundred indicating the block and the unit of ten (10), as the case may be, indicating the building. In numbering the additions to the City, the same plan shall be followed as far as practicable. In numbering the City proper, on streets running East and West the base line shall be Iowa Avenue, and on streets running North and South the base line shall be Front Street. In numbering South Muscatine to the corporate limits of the City, the base line shall be the Chicago, Rock Island and Pacific Railroad track. Iowa Avenue shall be the dividing line of the City proper, and including that portion of the City lying between Eighth Street and Fulliam Avenue, from which, upon all streets running at right angles thereto, all buildings shall be numbered "East" and "West" respectively, in the following manner: The parts of streets lying East of Iowa Avenue shall be known as "East Mississippi Drive", "East Second", and "East Third" streets, and so on, and the parts of streets lying West of Iowa Avenue shall be known as "West Mississippi Drive", "West Second", and "West Third" streets and so on. The even numbers shall be placed upon the South and West sides of the streets and the odd numbers on the opposite sides of the streets.

8-6-9 Numbers Assigned. In the numbering of buildings, residences, or stores, each main door or entrance to every building, residence, or store shall be assigned one number. On each block, in whole or in part occupied by businesses, houses, stores, etc., or by residences not detached but compacted together, the unimproved property shall be assigned numbers as deemed appropriate by the Community Development Department.

8-6-10 Street Names. The name of a newly constructed street segment must comply with all of the following criteria in order for it to be accepted as a public street:

- A. A newly developed street segment will assume the name of the one which it aligns and directly connects.
- B. A newly developed street segment may only share a name with an existing street if it aligns with the existing street and either connects with the existing street, or which plans for making a connection to the existing street exist.
- C. Once a street name in its current format is used, it may not be used in another format: e.g. Oak Street or Oak Drive, 1st Street or 1st Avenue, etc.
- D. Names that are the same, or are pronounced the same (homonyms) or similarly, with different spellings may only be used once: e.g. Smith Avenue or Smythe Avenue, Ellis Street or Aalice Street, Allen Drive or Alan Drive, etc.
- E. Either the singular form or plural form of a word may be used for a street name, but not both: e.g. Oak Drive or Oaks Street, Adam Street or Adams Street, etc.
- F. When applying Section C, D and E, the names of all streets within service area of all emergency responders serving Muscatine shall be considered.
- G. A street name shall not use special characters such as hyphens, apostrophes, or dashes.
- H. Directional shall not be used as street names: e.g. East Street, North Lane, West Avenue, etc.

- I. A street name should be easy to read so that children can use the name in an emergency situation.
- J. All streets shall be identified with an approved sign.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 7 – MECHANICAL CODE**

SECTIONS:

8-7-1 Adoption of International Mechanical Code

8-7-2 Plans and Specifications

8-7-3 Inspections

8-7-4 Permits

8-7-1 Adoption of the International Mechanical Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Mechanical Code", 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Mechanical Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said Code is on file in the office of the City Clerk.

8-7-2 Plans and Specifications. Whenever it shall be deemed necessary by the Mechanical Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the heating, ventilation, and air conditioning of such building showing the type, size, and location of all mechanical equipment to be used which may be retained by the Mechanical Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

8-7-3 Inspections. The Mechanical Inspector must be notified when work is ready for inspection by the person doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Mechanical Inspector and upon notice of revocation being given, all work under such plans shall cease. The Mechanical Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective material must be removed and replaced with sound material. When the entire mechanical work is completed to the satisfaction of the Mechanical Inspector, he or she shall give his or her approval.

8-7-4 Permits. Before the Building Official issues a permit as required, the Mechanical Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances, except that no permit shall be required for the repair of mechanical equipment. No mechanical work will commence without the party performing the mechanical work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-7-1 may be made to the City Council.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 8 – MOVING BUILDINGS**

SECTIONS:

- 8-8-1 House Mover Defined
- 8-8-2 Permit Required
- 8-8-3 Application
- 8-8-4 Bond Required
- 8-8-5 Insurance Required
- 8-8-6 Permit Fee
- 8-8-7 Inspection; Structure to be Moved; Route
- 8-8-8 Reporting Application to Council
- 8-8-9 Supervision by Building Department
- 8-8-10 Damages
- 8-8-11 Permit Revocation

8-8-1 House Mover Defined. A “house mover” means any person or business who undertakes to move any house, building, structure or any part or parts thereof from one location to another when the moving of such house, building, or structure or part or parts of structures requires traveling upon, across, along or over any street, avenue, highway, thoroughfare, alley, sidewalk or other public ground in the City.

8-8-2 Permit Required. No person shall engage in the activity or business of house moving as defined in Section 8-8-1 of this Code of Ordinances, unless such person or business shall have first applied for and obtained a permit to do so from the Council as hereinafter provided in this Chapter.

8-8-3 Application. Any person or business desiring a house moving permit as required herein shall file an application with the Office of the Building Official. Such application shall contain:

- A. The date or dates and time of moving the house, structure or building.
- B. The detailed statement setting forth the proposed route to be followed in moving the structure, the equipment to be used and specifying the person in charge of the moving operation.
- C. The location of the premises to which the structure is to be moved and the zoning classification thereof.
- D. The name of the owner of the structure and the name of the owner of the premises to which it is being moved showing that the applicant is entitled to move the house.
- E. A plot plan of the location to which the structure is to be moved, showing the exact proposed location of the structure, the boundaries of the lot upon which the structure is to be placed, and the dimensions of said lot.
- F. A statement showing the maximum length and width, including eaves, and loaded height of the structure to be moved.
- G. An agreement that the house mover shall indemnify and hold the City harmless from any claims or damages for injury to person or property resulting from the moving of the structure for which the permit is requested.

- H. An agreement that the applicant shall immediately report any damage done by the moving operation to any street, sidewalk, alley, curb, highway, tree or other public property and that the applicant will upon demand pay the cost of repair occasioned by said damage to the City.

8-8-4 Bond Required. The applicant for a house mover's permit shall file with the application a bond, with an approved corporate surety in the penal sum as set by resolution of City Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances, conditioned that all work done under such permit shall be done in good and workmanlike manner, and that the applicant will pay to the City or to any person injured all damages for injuries to person or property, including but not limited to damages to any street, curb, sidewalk or any other public property caused by negligence, fault or mismanagement of cause, in doing work under such permit.

8-8-5 Insurance Required. Before the permit is issued, the applicant shall obtain and furnish to the City an insurance policy for public liability and property damage in the amount as set by resolution of City Council and set out in the Schedule of Building Related Permits and Other Requirements in Appendix D to this Code of Ordinances. Said insurance policy shall name the City and the applicant as insured and shall provide that said policy cannot be revoked, cancelled, or modified in any way until the City has been notified by certified mail at least ten (10) days prior to the proposed action.

8-8-6 Permit Fee. The fee for a house moving permit shall be the amount as set by resolution of Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances and shall be paid at the time the application is filed.

8-8-7 Inspection; Structure to be Moved; Route. Before any permit is issued under the provisions of Sections 8-8-2 and 8-8-5 of this Chapter, the Building Official shall carefully inspect the structure proposed to be moved and shall determine whether such structure when moved will comply with the provisions of this Code and the Housing Laws of the State. The Building Official shall inspect the route proposed to be used in moving the structure and will insure that the applicant has secured estimates from owners of all wires, poles, or other property to be effected by the proposed moving of the structure.

8-8-8 Reporting Application to Council. The Building Official shall report the application for a permit to the Council at its next regular or special meeting and shall either recommend the permit be granted or otherwise. This Section shall not be construed as an assumption by the City of the payment of any sum to any person except the amounts deposited in accordance with this Section.

8-8-9 Supervision by Building Official. Any building or other structure moved under the provisions of this Chapter shall be moved under the supervision of the Building Official, and no building or other structure shall be moved during normal high traffic periods. This section shall not be construed to hold the house mover responsible for traffic or other delays caused by factors outside the house mover's control.

8-8-10 Damages. The house mover shall report any damages done to any street highway, alley, sidewalk, curb, tree, telephone or light poles or wires, or to any other public or private property, except property owned by the house mover or the structure being moved, to the Public Works Director within twelve (12) hours after the occurrence. The house mover shall, upon demand, pay any damages resulting from an injury to any person or property. Nothing herein shall be construed to prevent the house mover from contesting any claim in good faith in any court.

8-8-11 Permit Revocation. Any permits granted under Section 8-8-2 of this Chapter may be revoked at any time by the Council upon showing being made that the permit holder has violated the provisions of this Chapter.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 9 – PLUMBING CODE**

SECTIONS:

8-9-1 Adoption of International Plumbing Code

8-9-2 Plans and Specifications

8-9-3 Inspections

8-9-4 Permits

8-9-1 Adoption of the International Plumbing Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Plumbing Code", 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Plumbing Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said Code is on file in the office of the City Clerk.

8-9-2 Plans and Specifications. Whenever it shall be deemed necessary by the Plumbing Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the drainage of such building, showing the size and kind of pipes, the traps, closets, and fixtures to be used, which may be retained by the Plumbing Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

8-9-3 Inspections. The Plumbing Inspector must be notified when work is ready for inspection by the plumber doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Plumbing Inspector and upon notice of revocation being given, all work under such plans shall cease. The Plumbing Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective pipe or fittings must be removed and replaced with sound pipe and fittings. When the entire plumbing work is completed to the satisfaction of the Plumbing Inspector, he or she shall give his or her approval.

8-9-4 Permits. Before the Building Official issues a permit as required, the Plumbing Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of City Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances, except that no permit shall be required for any replacement of existing plumbing or plumbing fixtures unless such replacement requires a physical relocation, addition, or expansion of the same. No plumbing work will commence without the party performing the plumbing work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-9-1 may be made to the City Council

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 10 – RESIDENTIAL CODE**

SECTIONS:

8-10-1 Adoption of the International Residential Code

8-10-2 Amendments

8-10-1 Adoption of the International Residential Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Residential Code", 2015 Edition, together with Appendix Chapters F and J, as amended and published by the International Code Council, is hereby adopted by reference as the Residential Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this ordinance. An official copy of said code is on file in the office of the City Clerk.

8-10-2 Amendments: That the International Residential Code, adopted by the City of Muscatine, Iowa, be amended by:

- A. Climatic and Geographical Design Criteria. Table R301.2(1) is amended by insertion of the following criteria and the addition of footnotes n, o, and p. Footnotes a-m remain as printed in the International Residential Code.

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost line depth	Termite					
20	115	No	No	No	A	Severe	42"	Moderate to heavy	-5	Yes	n, o, p	2,000	50.7

n. Date of National Flood Insurance Program - 8/25/1981

o. Date of Flood Insurance Study - 7/18/2011 & 4/16/2013

p. Panel Numbers - Flood Insurance Rate Map - 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D.

- B. Deletion of Section R313, Automatic Fire Sprinkler Systems.

- C. Deletion of Section P2904, Dwelling Unit Fire Sprinklers.

- D. One-story wood or metal frame accessory buildings associated with a Group R Division 3 Occupancy and not used for human occupancy with a floor area not to exceed two hundred (200) square feet may be constructed on a four inch (4") concrete slab utilizing anchor bolts on six foot (6') centers, or other anchoring systems as may be approved by the Building Official.
- E. One-story wood or metal frame accessory buildings with a height not exceeding sixteen (16') and side walls not exceeding twelve feet (12') associated with a Group R Division 3 Occupancy and not used for human occupancy or exceeding one thousand (1,000) square feet in floor area may be constructed on a floating slab provided there is a perimeter footing one foot (1') deep and one foot (1') wide which requires the installation of one (1) number four (4) reinforcing steel bar centrally located throughout the footing.
- F. A single family dwelling not more than one story in height may be constructed on eight inch (8") wide trenched footings provided they are forty two inches (42") below grade and are reinforced with a minimum of two (2) number four (4) reinforcing steel bars running horizontally through the top one-third (1/3) and the bottom one-third (1/3) of the foundation wall.