

ORDINANCE NO. 962

AN ORDINANCE AMENDING THE JOHNSTON REVISED ORDINANCES OF 2007 BY AMENDING CHAPTER 153, RESIDENTIAL RENTAL CODE.

Be It Enacted by the City Council of the City of Johnston, Iowa that:

Section 1. PURPOSE. The purpose of this ordinance is to amend language within the Residential Rental Code and to align it with the Property Maintenance Code, Chapter 161.

Section 2. AMENDMENT. Section 153.02 Code Adopted is hereby deleted in its entirety and replaced with the following:

Section 153.02 Code Reference.

1. Building Codes Referenced. The *International Residential Code, (Chapter 155); National Electric Code, (Chapter 157); International Plumbing Code, (Chapter 156); International Mechanical Code, (Chapter 158);* and *International Property Maintenance Code, (Chapter 161)* as adopted at the time of inspection are applicable as references for requirements, location, and maintenance of building elements needed to provide structural, fire, and building safety for occupants unless otherwise stated in this chapter.

2. All Property Maintenance aspects shall be referred to Chapter 161, of the Johnston Property Maintenance Code as adopted.

3. Public Health. Those nuisances and/or public health conditions not addressed by other chapters of the Johnston Code of Ordinances shall be governed and regulated by the Polk County Department of Health.

Section 3. AMENDMENT. Chapter 153.03 shall be deleted in its entirety and replaced with the following:

153.03 Definitions. For the purposes of this chapter the following definitions shall apply:

A. Apartment House is any building or portion thereof that contains three or more Rental Dwelling Units, and for the purpose of this code, includes residential Condominiums and Townhomes.

B. Rental Dwelling Unit(s) is any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by this code and rented for monetary compensation.

C. Congregate Residence is any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or

sorority house, but does not include jails, hospitals, nursing homes or lodging houses.

Section 4. AMENDMENT. Chapter 153.04 is hereby deleted in its entirety and replaced with the following:

153.04 Fees. All fees associated with residential rental inspection shall be based on the following table. This table shall be amended by resolution by the Johnston City Council. Insert Table 153.04(1)* therein.

Table 153.04(1)*

Rental Inspection Fee Schedule
Apartment House - \$50.00 per structure plus \$15.00 per dwelling unit
Congregate Residential - \$50.00 per structure plus \$4.00 per sleeping room
Condos Individual Owner - \$50.00 per dwelling unit
Condos Single Building Owner - \$50.00 per structure plus \$15.00 per dwelling unit
Duplex - \$50.00 per structure plus \$15.00 per dwelling unit
Single Family Home - \$50.00 per dwelling
Townhouse Individual Owner - \$50.00 per dwelling unit
Townhouse Single Building Owner - \$50.00 per structure plus \$15.00 per dwelling unit
Landlord Initiated Inspection - \$50.00
Third Party Initiated Inspection - \$100.00
Re-inspection fee - 1 st no charge, 2 nd \$75.00, 3 rd \$200.00
Failure to complete repair fines shall be - 1 st notice \$75.00, 2 nd notice \$200.00, 3 rd notice shall be considered a Municipal Infraction and prosecuted pursuant to Chapter 3 of the Johnston Code of Ordinances,
Owners shall have 6 months after adoption to report initial rental properties and apply for a rental certificate. Failure to do so will result in all fees and fines being doubled.
Owner will have 60 days to report all new rental properties and apply for a rental certificate. Failure to do so will result in all fees and fines being doubled.

***All fees shall be paid prior to inspection. Those fees collected for Landlord, Tenant or Third Party inspections shall be refunded if the party filing the complaint is found to be correct and the fee shall be assessed to the culpable individual or company.**

Section 5. AMENDMENT. Chapter 153.06. Certificates Required is modified by deleting the first paragraph and inserting the following paragraph thereto:

Any person or entity wishing to engage in the renting/contract sale of dwelling units or allow the occupation of a dwelling unit by a non-relative shall first obtain a Rental Certificate from the Johnston Building Department. This certificate shall be placed in a conspicuous place within the property being rented.

Section 6. AMENDMENT. Chapter 153.10 is hereby deleting and replaced with the following language:

153.10 EXPIRATION. Every certificate of use issued by the Building Official under the provisions of this code shall expire and become null and void two years after the date of issuance, unless suspended or revoked by separate action as provided for herein. It shall be the responsibility of the property owner, or their assigned agent to maintain an active and valid certificate. If a certificate of use is allowed to expire, the property owner or their assigned agent shall be required to pay all outstanding fines and fees including double the regular inspection fees within 60 days of the expiration date of the certificate of use to regain eligibility for rental housing and be issued a current certificate of use. The Building Official may extend the certificate to an expiration date of three (3) years depending on inspection history. New construction dwelling units at the determination of the Building Official may be granted an expiration of up to three (3) years.

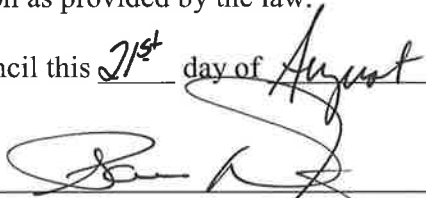
Section 7. AMENDMENT. Chapter 153.14 is hereby deleted and replaced with the following language:

153.14 VIOLATION – PENALTY. Any person violating this chapter or otherwise fails to comply with a Rental Housing Inspection Order is in violation and shall be fined according to the fee table 153.04(1) or in accordance with Chapter 3 of the Johnston Code of Ordinance as a municipal infraction.

Section 8. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

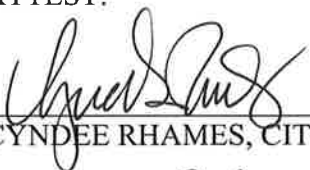
Section 9. WHEN EFFECTIVE. This ordinance shall be in full effect from and after its final passage, approval, and publication as provided by the law.

Passed and approved by the City Council this 21st day of August, 2017.



PAULA S. DIERENFELD, MAYOR

ATTEST:



CYNDEE RHAMES, CITY CLERK

1st Reading: July 17, 2017
2nd Reading: August 7, 2017
3rd Reading: August 21, 2017
Passed: August 21, 2017
Signed: August 21, 2017
Published: August 25, 2017

ROLL CALL VOTE

	1 st Reading		2 nd Reading		3 rd Reading	
	Aye	Nay	Aye	Nay	Aye	Nay
Brown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clabaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cope	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lindeman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temple	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>