

ORDINANCE NO. 305

AN ORDINANCE AMENDING TITLE SIX, OF THE CITY CODE OF BUFFALO, IOWA, TO INCLUDE A NEW CHAPTER 11, ENTITLED THE RENTAL DWELLING INSPECTION CODE

BE IT ENACTED by the City Council of the City of Buffalo, Iowa:

Section 1: Title Six of the Buffalo City Code is hereby amended to include the following, new Chapter 11:

ARTICLE 1

TITLE, PURPOSE AND SCOPE.

6-11.0101 TITLE

These regulations shall be known as the rental dwelling inspection code, and may be cited as such and will be referred to herein as "this code." Any reference to the Uniform Building Code, the Uniform Fire Code, or any other codes mentioned herein, shall be to such codes as adopted by the City of Buffalo, Iowa.

6-11.0102 PURPOSE

The purpose of this code is to provide 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 rental dwellings and structures within this jurisdiction.

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

The purpose of this code is provide for the administration and enforcement of this code and certain technical codes adopted by the City of Buffalo, Iowa.

Administration and enforcement is a function of the City of Buffalo, Iowa, and a rental dwelling inspection officer appointed by the City of Buffalo, Iowa.

This code has been adopted and is to be used in conjunction with other City of Buffalo codes and should not be construed to include all regulations pertaining to buildings and development. This code shall be applied in conjunction with other codes of the City and nothing in this chapter shall be interpreted as prohibiting or limiting enforcement by the inspection official or any other agency of the City of Buffalo, of any other city, county, or state codes and ordinances as have been adopted and amended by those respective jurisdictions.

6-11.0103 SCOPE

The provisions of this code shall apply to all buildings or portions thereof used, or designed, or intended to be used as rental dwellings. This code shall further apply to all accessory structures and any nuisance as defined by this code that may exist in such building or the building's yard.

Where any building or portion thereof is used or intended to be used as a combination apartment, house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Every rooming house or lodging house shall comply with all requirements of this code for dwellings.

6-11.0104 EXISTING INSTALLATIONS

Buildings in existence at the time of the adopted of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this code, provided such continued use is not dangerous to life, unsafe or a fire hazard.

Any change in the use or occupancy of any existing building or structure shall comply with the provisions of any other applicable code or ordinance of the City of Buffalo, Iowa, and the Uniform Building Code as adopted by the City of Buffalo.

6-11.0105 DEFINITIONS

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined in this section or by this code, they shall have their ordinary accepted meanings within the context in which they are used. Words used 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. The following definitions, as well as all applicable definitions contained in those portions of the City Code of Buffalo, Iowa, devoted to buildings and zoning, are hereby adopted as part of this code.

A. "Accessory structures" are garages, carports, sheds, agricultural buildings, fences, tanks, towers, and other such structures.

B. "Garage" is any structure designed for the storage or repair of motor vehicles.

C. "Health officer" is the legally designated head of the department of health of this jurisdiction, or of Scott County, Iowa.

D. "Rental dwelling inspection code" is this code as written and adopted by the City of Buffalo, Iowa.

E. "Inspection official" or chief housing official is the officer designated by the appointing authority and charged with the administration and enforcement of this code, or his duly authorized representative. Any references in this code to the building official shall mean the rental dwelling or housing inspector or official designated by the City to administer and enforce this code.

F. "Nuisance" shall include any of the following:

1. Any public nuisance known at common law or in equity jurisprudence.

2. Any attractive nuisance which may prove detrimental to children whether in a building or on the premises of a building. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles, or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

3. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

4. Overcrowding a room with occupants.

5. Insufficient ventilation or illumination.

6. Inadequate or unsanitary sewage or plumbing facilities.

7. Uncleanliness, as determined by the health officer.

8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

G. "Owner" see record owner.

H. "Owner occupied dwelling" is any dwelling occupied by the legal holder of deed or contract purchaser.

I. "Record owner" is the contract purchaser as legally recorded and shown by the records of the Scott County Auditor's office, and the record holder of legal title.

J. "Rental dwelling" is any dwelling that is not occupied by the legal holder of deed or contract purchaser.

K. "Yard" is an open unoccupied space, other than a court, unobstructed from the ground to the sky except where specifically provided by this code, on the lot in which a building is situated.

ARTICLE 2

ORGANIZATION AND ENFORCEMENT

6-11.0201 RESPONSIBILITIES DEFINED.

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

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

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

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

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

which he occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by ordinance and approved by the housing official.

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

6-11.0202 HOUSING CODE BOARD OF APPEALS

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the housing official relative to the application and interpretations of this code, there shall be and is hereby created a housing code board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction, real estate, property management or related fields and who are not employees of the jurisdiction. All members of the Board shall be residents of the City of Buffalo. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the housing official. Appeals to the board shall be processed in accordance with the provisions contained in this code. Copies of all rules of procedure adopted by the board shall be delivered to the housing official, who shall make them accessible to the public.

B. Power and duty. a simple majority of the board shall constitute a quorum to transact the business of the board. A simple majority of the members present by voice vote shall be required on action by the board.

C. Any person, firm or corporation, or any officer, department, board or bureau aggrieved by any order, requirement,

decision or determination made by the housing official on all matters pertaining to buildings or structures or occupancy included in this code shall have the right to appeal to the housing code board of appeals of the city under regulations and procedures set forth in applicable ordinances of the city.

D. An appeal may be taken to the housing code board of appeals upon payment of a filing fee to the city.

E. The members of the housing code board of appeals shall be appointed by the mayor, subject to the approval of the city council and every member shall hold office for a term of five years. Terms of the members shall be so staggered that there is a least one regular appointment or reappointment each regular year. The expiration date of all terms of office shall be the first Monday in April, and all members shall hold office until their successors are appointed and approved.

F. The board shall establish a regular meeting date and shall hold all meetings in Buffalo, Iowa.

G. The board shall choose a chairperson who shall perform duties as established by the board.

6-11.0203 VIOLATIONS

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

ARTICLE 3

LICENSING, PERMITS AND INSPECTIONS

6-11.0301 REQUIREMENT FOR RENTAL PROPERTY

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

1. The owner or agent holds a valid certificate of structure compliance, issued by the city, applicable to those portions of the specific structure used for residential rental purposes or affecting any areas used for residential rental purposes; and

2. The owner or agent holds a valid rental license issued by the city, in the name of the owner or agent, applicable to those portions of the specific structure used for residential rental purposes.

B. Certificate of Structure Compliance. The certificate of structure compliance, when issued, shall certify that the requirements of this code are met. The certificate shall be transferable at the time of a change in ownership and shall be maintained as a public record of the city. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental license. The certificate of structure compliance shall state the date of issuance and the address of the structure to which it is applicable. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid certificate of structure compliance may be ordered vacated.

C. Issuance of Certificate of Structure Compliance. When the provisions of this code have been complied with by the owner or operator, along with payment of the required fees, the city shall issue a certificate of structure compliance. The certificate of structure compliance shall expire two years from the date of the dwelling inspection. However, the certificate of structure compliance may expire four years from the date

of the licensing inspection for single and two-family structures pursuant to subsection G.

D. Revocation of Certificate of Structure. When there exists a material and substantial noncompliance with this chapter which directly affects the health, life, safety or property of the occupants or the public, the city may revoke the certificate of structure compliance in whole, or modify the certificate to reflect the compliance of each dwelling unit or sleeping room within a structure.

E. Rental License. A rental license shall be a document issued to each individual property that is properly registered with the city and shall be valid for one year. The document shall be transferable from one owner or agent to another at any time prior to its expiration, termination or revocation. The owner or agent shall notify the city of any change of interest or ownership in the property within thirty days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event the city has not been notified of such conveyance or transfer within the designated period of time, the rental license may be transferred from one owner or agent to another upon payment of a fee, the amount of which shall be established by resolution of the city council. The fee shall be assessed to the new owner or agent. The rental license shall state the date of issuance, the address of the structure to which it is applicable and its expiration date. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid rental license with the city and fees paid may be ordered vacated and/or the owner shall be subject to a fine, the amount of which shall be established by the city council.

F. Registration or Rental property. It is the responsibility of the owner and/or agent

of any building used for rental purposes as defined by this code to register said building with the city for the purpose of rental licensing.

G. Dwelling Inspection Schedule.

1. A building will be placed on a two-year inspection schedule.

Exception: Single and two-family structures which successfully comply at the time of the two-year inspection and have continuous compliance with this code may be placed on a four-year inspection schedule.

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

I. Revocation of a Rental License. The housing official or designee shall have the authority to revoke a rental license on any building that is in continual noncompliance with this chapter. The owner or agent of the affected property shall be notified in writing by certified mail of the license revocation.

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

K. General Procedures for inspections. Inspections shall not be:

1. Conducted with a minor as the sole representative of the owner.

ARTICLE 4

TECHNICAL REQUIREMENTS

16-11.0401 STRUCTURAL REQUIREMENTS

A. General. Buildings or structures may be of any types of construction permitted by the building code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the building code. Building of every permitted type of construction shall comply with the applicable requirements of the building code.

B. Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

C. Protection of Materials. All wood shall be protected against termite damage and decay as provided in the building code.

D. Maintenance of Accessory Structures. Every foundation, exterior wall, roof, windows, door and appurtenance of every accessory structure shall be properly maintained.

16-11.0402 SPACE AND OCCUPANCY STANDARDS

A. Room Dimensions.

1. Ceiling Heights. Habitable space shall have a ceiling height of not less than seven feet six inches except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than forty-eight inches on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven feet above the floor.

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

K. General Procedures for Inspections. Inspections shall not be:

1. Conducted with a minor as the sole representative of the owner.

2. Conducted against the will of the tenant without the building owner/agent present.

3. Conducted without prior notice to the tenant, as required by state law.

4. Conducted of an occupied dwelling without the owner/agent or tenant of the dwelling or designated agent being present.

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

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

6-11.0302 HOUSING CODE FEE SCHEDULE

Fees shall be charged for services rendered in relation to this code. These services include but are not limited to the following: licenses, reinspections, failure to appear for inspections or reinspections, late cancellations, and appeals. The amount shall be established by resolution of the City Council.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than seven feet.

2. Floor Area. Every dwelling unit shall have at least one room which shall have not less than one hundred twenty square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than seventy square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty square feet for each occupant in excess of two.

EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

a. The unit shall have a living room of not less than two hundred twenty square feet of superficial floor area. An additional one hundred square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

b. The unit shall be provided with a separate closet.

c. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches in front. Light and ventilation conforming to this code shall be provided.

d. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

3. Width. No habitable room other than a kitchen shall be less than thirty inches in width and a clear space in front of the water closet stool of not less than twenty-four inches shall be provided.

B. Light and Ventilation.

1. Natural Light and Ventilation. All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the floor area of such rooms with a minimum of ten square feet. All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one twentieth of the floor area of such rooms with a minimum of one and one-half square feet.

All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the floor area of such rooms with a minimum of five square feet.

2. Origin of Light and Ventilation. Required exterior openings for natural light and ventilation shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

- a. Abuts a street, yard, or court; and
- b. Has a ceiling height of not less than seven feet; and
- c. Has the longer side at least sixty-five percent open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four feet in least dimension. No vent shaft shall extend through more than two stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

3. Mechanical Ventilation. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms and in public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five air changes per hour shall be provided. The point of discharge of exhaust air shall be at least five feet from any mechanical ventilating intake. Bathrooms which contain only a water closet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

4. Hallways. All public hallways, stairs and other exitways shall be adequately lighted at all times in accordance with applicable Uniform Building Code requirements.

C. Sanitation.

1. Dwelling Units and Lodging Houses. Every dwelling unit and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

2. Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

3. Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly non-absorbent material.

4. Room Separations. Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant. Bathrooms must be separated from all other rooms by a tight fitting door.

5. Installation and Maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

6. Floor Coverings. All kitchen and bathroom floors shall be covered with a properly installed and maintained floor covering. An absorbent floor covering shall be permitted if adequately maintained. Any absorbent floor covering allowed to deteriorate, thus creating a health or safety hazard to the occupants shall be removed and replaced by the property owner with a new floor covering.

16-11.0403 MECHANICAL REQUIREMENTS

A. Heating and Ventilation. Every dwelling unit and sleeping room shall be provided with heating facilities capable of maintaining a room temperature of seventy degrees Fahrenheit at a point three feet above the floor in all habitable rooms. Every person, including any owner, agent, manager or renter who maintains or regulates the temperature control for any building or portion thereof which is occupied for living or sleeping purposes by any person is hereby directed to maintain sufficient heat in all rooms so occupied to produce a temperature of not less than seventy degrees Fahrenheit 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 degrees Fahrenheit from 10:30 p.m. until 6:30 a.m. of each day, and it shall be the duty of every manager or other employee who shall assume or be engaged in employment to operate the furnace or heating plant of any such building aforesaid, to maintain such heat as aforesaid and as this section provides and defines.

16-11.0404 EXITS

Such facilities shall be installed and maintained in a safe condition and in accordance with the mechanical code, and all other applicable laws. No unvented, fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

Any fuel burning device or appliance no longer in use shall be required to have the fuel supply lines and venting source properly disconnected and capped or sealed.

B. Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within three hundred feet of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

C. Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by this code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

D. Shut-Off Valves. All mechanical appliances and equipment fueled by gas shall have an approved mechanical shut-off valve located within thirty-six inches of the appliance or equipment and installed according to Uniform Mechanical Code.

E. Appliance Location. No unapproved vented or unvented fuel burning appliance shall be placed or installed in any room used or designed to be used as a guest room, bathroom or sleeping room.

A. Purpose. The purpose of this section is to provide a reasonable degree of safety to persons living and sleeping in apartment houses and hotels by providing for alterations to such existing buildings that do not conform with the minimum safety requirements of this code.

B. General. Every dwelling unit or guest room shall have access directly to the outside or to the public corridor.

1. Every sleeping room in every dwelling unit below the fourth story shall have at least one operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

2. **Exits Through Hazardous Areas.** Exits which pass through a hazardous area shall not be included in those considered as required exits unless such exits are protected by an approved automatic fire extinguishing system. Hazards may include any equipment such as furnaces, boilers, ovens, incinerators, or rooms containing storage of flammables, garages, rooms used for paint storage or other areas not approved by the fire marshal.

3. **Alternates.** No alternate method of obtaining safety required by this section may be used unless the housing code board of appeals finds that such alternate method provides protection and safety equivalent to that required herein.

4. **Number of Exits.** Every dwelling unit and every guest room shall have access to not less than two exits.

EXCEPTIONS ALLOWING ONE UNIT:

a. Dwelling units and guest rooms which are at grade level and have one exterior door opening directly to the outside air into and upon a yard, exit court or public way.

b. Dwelling units and guest rooms served by a single exit where the total occupant load served by such single exit does not exceed ten and such dwelling units or guest rooms are located below the third story.

16-11.0405 STAIRWAYS

c. When the third floor within an individual dwelling unit does not exceed five hundred square feet, only one exit need be provided from that floor.

d. Dwelling units which have their own private exit hall or exit stair which is not used as a required exit for other dwelling units or guest rooms when such dwelling units are located below the third story.

5. Fire escapes may be used as one means of egress, if approved by the fire marshal. An existing ladder device or a ladder device when used in lieu of a fire escape shall be approved by the fire marshal.

6. When dwelling units or guest rooms are served by only one exit they shall meet the following three requirements:

a. The exits shall be separated from the other dwelling units by one hour fire resistive construction or lath and plaster in good condition.

b. Doors leading from dwelling units or guest rooms to exit hall or stairs serving other dwelling units or guest rooms shall be smoke and draft tight and self-closing.

c. Each dwelling unit shall be provided with a rescue/escape window in every sleeping room in conformance with this code or an exterior door approved for emergency rescue. A fire escape as specified herein may be used as one required exit.

C. Emergency Egress Specifications. All egress or rescue windows and doors from sleeping rooms shall have a minimum net clear opening of five and seven-tenths square feet. The minimum net clear opening height dimension shall be twenty-four inches. The minimum net clear opening width dimension shall be twenty inches. Where windows are provided as a means of egress or rescue, they shall have a finished sill height not more than forty-four inches above the floor.

A. General. Every stairway having two or more risers serving any building or portion thereof shall conform to the requirements of this section.

EXCEPTION: Stairs or ladders used only to attend equipment are exempt from the requirements of this section.

B. Width. Stairways serving an occupant load of fifty or more shall be not less than forty-four inches in width. Stairways serving an occupant load of forty-nine or less shall be not less than thirty-six inches in width.

Handrails may project into the required width a distance of three and one-half inches from each side of a stairway. Stringers and other projections such as trim and similar decorative features may project into the required width one and one-half inches on each side.

C. Rise and Run. The rise of every step in a stairway shall be not less than four inches nor greater than seven inches. The run shall not be less than eleven inches as measured horizontally between the vertical planes of the furthestmost projection of adjacent treads. The largest tread run within any flight of stairs shall not exceed the smallest by more than three-eighth inch. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighth inch.

EXCEPTIONS:

1. Private stairways serving an occupant load of less than ten and stairways to unoccupied roofs may be constructed with an eight inch maximum rise and nine inch minimum run.

2. Where the bottom or top riser adjoins a sloping public way, walk or driveway having an established grade and serving as a landing, the bottom or top riser may be reduced along the slope to less than four inches in height with the variation in height of the bottom or top riser not to exceed three inches in every three feet of stairway width.

D. Landings. Every landing shall have a dimension measured in the direction of travel not less than the width of the stairway. Such dimension

need not exceed forty-four inches when the stair has a straight run.

EXCEPTION: Stairs serving an unoccupied roof are exempt from these provisions.

E. Distance Between Landings. There shall be not more than twelve feet vertically between landings.

F. Handrails. Stairways shall have handrails on each side, and every stairway required to be more than eighty-eight inches in width shall be provided with not less than one intermediate handrail for each eighty-eight inches of required width. Intermediate handrails shall be spaced approximately equally across with the entire width of the stairway. Substantial handrail reconstruction shall adhere to current Uniform Building Code requirements.

EXCEPTIONS:

1. Stairways less than forty-four inches in width or stairways serving one individual dwelling unit in Group R, Division 1 or 3 Occupancies may have one handrail.

2. Private stairways thirty inches or less in height may have handrails on one side only.

3. Stairways having less than four risers and serving one individual dwelling unit in Group R, Division 1 or 3, or serving Group M Occupancies need not have handrails.

The top of handrails shall be placed not less than thirty-four inches nor more than thirty-eight inches above the nosing of treads. They shall be continuous the full length of the stairs and except for private stairways at least one handrail shall extend not less than six inches beyond the top and bottom risers. Ends shall be returned or shall terminate in newel posts or safety terminals.

The handgrip portion of handrails shall be not less than one and one-half inches nor more than two inches in cross-sectional dimension or the shape shall provide an equivalent gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners.

Handrails projecting from a wall shall have a space of not less than one and one-half inches between the wall and the handrail.

G. Guardrails. Stairways open on one or both sides shall have guardrails as required by the Uniform Building Code. Existing buildings shall have guardrails as required by the Uniform Building Code except that the openings between guardrails may be up to nine inches in width on existing installations. Substantial guardrail reconstruction shall adhere to current Uniform Building Code requirements.

H. Headroom. Every stairway shall have a headroom clearance of not less than six feet eight inches. Such clearances shall be measured vertically from a plane parallel and tangent to the stairway tread nosings to the soffit above at all points.

I. Interior Stairways. Every interior stairway shall be enclosed with walls of not less than one hour fire resistive construction, except stairways within individual dwelling units. Where existing partitions form part of a stairwell enclosure, wood, lath and plaster in good condition will be acceptable in lieu of one hour fire resistive construction. Door(s) to such enclosure(s) shall be protected by a self closing door equivalent to a solid wood door not less than one and three-fourths inches thick. Enclosures shall include landings between flights and any corridors, passageways or public rooms necessary for continuous exit to the exterior of the building.

The stairway need not be enclosed in a continuous shaft if cut off at each story by the fire resistive construction required by this subsection for stairwell enclosures. Enclosures shall not be required if an automatic sprinkler is provided for all portions of the building except bedrooms, apartments and room accessory thereto.

J. Exterior Stairways. Exterior stairs shall be noncombustible or of wood of not less than two inch nominal thickness or shall be designed to sustain a forty pound uniform live load and a three hundred pound concentrated load applied to the

stair tread. Solid treads and risers shall be maintained in a safe condition as determined by the housing official and fire marshal.

K. Stair Construction. New stair construction shall conform with Uniform Building Code requirements. Stairways not addressed in this section shall be required to adhere to current Uniform Building Code requirements.

6-11.0406 DOORS AND OPENINGS.

A. General. Exit doors shall meet the requirements of the Uniform Building Code. Doors shall not reduce the required width of a stairway more than six inches when open. Transoms and openings other than doors from corridors to rooms shall be fixed closed and shall be covered with a minimum of three-quarter inch plywood or one-half inch gypsum wallboard or an equivalent material. Regardless of the occupant load, there shall be a floor or landing on each side of a door.

EXCEPTIONS:

1. Existing solid bonded wood core doors one and three-eighths inches thick or their equivalent may be continued in use.

2. Where the existing form will not accommodate a door complying with Uniform Building Code requirements, a one and three-eighths inches thick solid bonded wood core door may be used.

3. Existing wood panel doors separating individual dwelling units or guest rooms from exit corridors may be continued in use but shall be draft and smoke tight.

4. Doors serving building equipment rooms which are not normally occupied.

6-11.0407 FIRE PROTECTION.

A. General. Construction, occupancy load, and fire protection requirements of all buildings containing dwelling units or designed to contain dwelling units shall be provided with the degree of fire resistive construction as required by the

Uniform Building Code, the Uniform Fire Code, the Code of Iowa, and the Iowa Administrative Code.

B. Separation of Occupancies. Occupancy separations shall be provided as specified in the Uniform Building Code. Dwelling units and guest rooms shall be separated from each other and from corridors by construction having as fire resistance ratings of not less than one hour of wood lath and plaster in good condition. Every room containing a boiler or central heating plant shall be separated from the rest of the building by not less than one hour fire resistive occupancy separation. An approved sprinkler system directly over the boiler or central heating plant may be substituted for one hour separation.

EXCEPTION: A separation or sprinkler protection shall not be required for such rooms with equipment serving only one dwelling unit, or for equipment with less than a 400,000 BTU input.

C. Fire Extinguishers.

1. Required. All multi-family dwellings (three units or more) shall be provided with approved type 2A serviceable fire extinguishers in the common corridors at each floor level and the basement. The maximum distance between fire extinguishers on any floor level and the basement shall be seventy-five feet.

The property owner shall have the option to install approved type 1A serviceable fire extinguishers in each dwelling unit or sleeping room in lieu of type 2A extinguishers in the common corridors.

2. Maintenance. All fire extinguishers shall be inspected once a year by an approved service company and serviced as necessary. All fire extinguishers shall be tagged by the approved service company showing the date of service and expiration.

D. Mixed Occupancy Fire Alarms. All buildings containing drinking and/or dining establishments and dwelling units, shall provide a fire alarm installed in each dwelling unit or sleeping

room hard-wired to a heat detector located in the commercial portions of the building.

E. Smoke Detectors.

1. Required. Every dwelling unit, mobile home, guest room, and residential building shall include the installation of at least one smoke detector approved by the fire marshal and located in the following areas:

a. In all efficiency dwelling units and guest rooms in an area centrally located on the ceiling of the main room of the efficiency dwelling unit and guest room,

b. In each area or corridor of a dwelling unit giving access to the immediate vicinity of a room used for sleeping purposes,

c. In all common areas or corridors of every story and basement of residential buildings,

d. In other areas as provided for by law.

2. Location and Installation. All smoke detectors shall be located and mounted on a ceiling or on a wall not more than twelve inches from the ceiling at a point centrally located in the required area. Smoke detectors shall be installed and located in accordance with the manufacturer's recommendation and fire marshal's approval.

3. Power Source and Maintenance.

a. Buildings required by state and local law to install smoke detectors receiving their primary source from the building's wiring shall comply with all applicable laws concerning installation, inspection, and maintenance.

b. All dwelling units, mobile homes, guest rooms or residential buildings, except those with smoke detectors receiving their primary source from the building's wiring, shall have battery operated smoke detectors.

4. Owner and Occupant Responsibilities.

a. The owner shall be responsible for the installation and testing of all battery operated smoke detectors. The owner shall be responsible for the replacement of batteries of smoke detectors located in common areas, corridors, basements and stories not used for dwelling purposes.

b. The occupant shall be responsible for the replacement of batteries of smoke detectors located in the occupant's dwelling unit or guest room, unless the lease or rental agreement provides that this shall be the owner's responsibility, except that the owner shall be responsible for determining that such battery is in operating condition at the time the occupant takes possession of the dwelling unit or guest room.

c. The regular testing of the smoke detector to determine any deficiencies shall be the responsibility of the owner or occupant responsible for battery maintenance. The occupant shall notify the owner or authorized agent in writing of any deficiencies. The owner or authorized agent shall correct any reported deficiencies in the smoke detector. The owner shall not be in violation of this section for a deficient smoke detector in a dwelling unit if the owner or authorized agent was not notified by the occupant.

5. Alternates. No alternate method of obtaining the fire protection required by this section may be used unless the housing code board of appeals finds that such alternate method provides protection equivalent to that required herein.

6-11.0408 SUBSTANDARD BUILDINGS

A. General. Any building or portion thereof which is determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code.

Any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.

B. Inadequate Sanitation and Maintenance. Inadequate sanitation and maintenance shall include but not be limited to the following:

1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
6. Lack of adequate heating facilities.
7. Lack of, or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the health officer or housing official.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the housing official.
16. Deteriorated, crumbling or loose plaster.

C. Structural Hazards. Structural hazards shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.

4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration.

9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

D. Nuisance. Any nuisance as defined in this code.

E. Substandard Electrical Wiring. Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

F. Substandard Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

G. Substandard Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction

practices in areas where no codes are in effect or which has not been maintained in good and safe condition shall be considered substandard.

H. Faulty weather protection which shall include but not be limited to the following:

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.

2. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

3. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

I. Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the fire marshal or his designee, or the housing official, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

J. Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved by this code and the building code, and which have been adequately maintained in good and safe condition.

K. Hazardous or Unsanitary Premises. Those premises on which are accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions which constitute fire, health or safety hazards.

L. Inadequate Exits. Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their

construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exit, or where other conditions exist which are dangerous to human life.

M. Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

N. Gutter and Downspout. Where the control and drainage of surface water is not being maintained, gutters and downspout shall be installed to maintain such control and drainage. Gutters and downspouts shall be properly maintained in a good and safe condition.

O. Screening. Every openable window, door or similar device used or intended to be used for ventilation shall be supplied with properly fitted screens of not less than sixteen meshes to the inch. Such screening shall be maintained in good repair.

P. Inadequate Maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with this code of the City Code of Buffalo, Iowa.

Q. Building Security. Locking devices are required on all dwelling openings accessible from the ground.

R. Off Street Parking. All off street parking shall comply with the requirements of the City Code of Buffalo, Iowa.

ARTICLE 4

NOTICES AND ORDERS OF HOUSING OFFICIAL

6-11.0501 NOTICES AND ORDERS.

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

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

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

2. A statement that the housing 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 this code.

3. A statement of the action required to be taken as determined by the housing official.

a. If the housing official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

b. If the housing 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 housing official to be reasonable.

c. If the housing 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 housing official shall determine reasonable (not to exceed sixty days from the date of the order); that all required permits be secured therefor within thirty days from the date of the order, and that the demolition be completed within such time as the housing official shall determine is reasonable (not to exceed ninety days from the date of the order).

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

5. 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 housing official to the housing code board of appeals, provided the appeal is made in writing as provided in this code, and filed with the housing official within thirty 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.

C. Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner/agent. The failure of the housing 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.

D. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either by personal service or by mailing a copy by certified mail or by regular mail with affidavit of mailing attesting thereto. If no such interested persons can be located regarding the property, then, in lieu of the above stated methods of

service, the property shall be physically posted with the notice and order.

E. Proof of Service. Proof of service may be by written affidavit or by receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the housing official.

F. 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 housing official shall 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. If a certificate of substandard condition has been filed and whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the housing 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.

G. Repair, Vacation and Demolition. The following standards shall be followed by the housing official (and by the housing code board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any substandard building or structure:

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

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

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

c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated and to be secured in accordance with the city code of Buffalo, Iowa.

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

H. Notice to Vacate.

1. Posting. Every notice to vacate shall, in addition to being served, be posted at or upon each exit of the building.

2. Compliance. Whenever such notice is posted, the housing official shall include a notification thereof in the notice and order issued by him 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. 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 occupancy issued pursuant to the provisions of this code.

6-11.0502 APPEAL.

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

1. The names of all appellants participating in the appeal.

2. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

3. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action reversed, modified or otherwise set aside.

5. The signatures of all parties named as appellants and their official mailing addresses.

6. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within thirty days from the date of the service of such order or action of the housing 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 and is ordered vacated and is posted in accordance with this code such appeal shall be filed within ten days from the date of the service of the notice and order of the housing official.

B. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the housing official acting as secretary to the board shall fix a date, time and place for the hearing of the appeal by the board. Such date shall be not less than ten days nor more than sixty days from the date the appeal was filed with the housing official. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the secretary of the 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.

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

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

E. Staying of Order Under Appeal. Except for vacation orders made pursuant to this code, enforcement of any notice and order of the housing

official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

F. Procedures for Conduct of Hearing Appeals.

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

2. Continuances. The board may grant continuances for good cause shown.

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

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

G. Subpoenas.

1. Filing of Affidavit. The board may authorize the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail 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. Any party may move to quash a subpoena before the board.

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

H. Conduct of Hearing.

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

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

3. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

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

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

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

a. To call and examine witnesses on any matter relevant to the issues of the hearing;

b. To introduce documentary and physical evidence;

c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

d. To impeach any witness regardless of which party first called him to testify;

e. To rebut the evidence against him;

f. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

7. Official Notice.

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

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

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

8. Inspection of the Premises. 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, and (iii) the 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 board.

I. Method and Form of Decision.

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

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

3. Effective Date of Decision. The effective date of the decision shall be as stated therein.

6-11.0503 ENFORCEMENT OF THE ORDER OF THE HOUSING OFFICIAL OR HOUSING CODE BOARD OF APPEALS

A. Compliance. After any order of the housing official or the housing code board of appeals made pursuant to this code, shall have become final, no person to whom such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a simple misdemeanor.

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

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

2. No person shall occupy any building 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 housing official have been completed and a certificate of compliance issued pursuant to the provisions of this code.

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

over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

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

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

E. Violations-Penalties. Any person or entity who violates any of the provisions of this code shall be guilty of a simple misdemeanor and except as otherwise

provided in this code shall be fined fifty dollars for a first offense and one hundred dollars for every subsequent offense thereof for the same violation. The housing official is authorized to enforce this chapter pursuant to procedures and remedies set forth in this chapter.

6-11.0504 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

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

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

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

D. Lien of assessment. All liens of assessment shall be done according to applicable city and state code.

6-11.0505 CONFLICTING PROVISIONS.

Whenever conflicting provisions or requirements occur between this code, the technical code or any codes or laws, the most restrictive shall govern.

6-11.0506 SEVERABILITY CLAUSE.

If any of the provisions of this code are for any reason illegal or void, then the lawful provisions of this code which are separable from said unlawful provisions, shall be and remain in full force and effect, the same as if the code contained no illegal or void provisions.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, subsection, sentence, clause or phrase 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, subsection, sentence, clause or phrase hereof not adjudged invalid or unconstitutional.

Section 4: This ordinance shall become effective upon publication as required by law.

APPROVED by the City Council of the City of Buffalo, Iowa, this 10 day of January, 1995.

APPROVED AND SIGNED by the Mayor of the City of Buffalo, Iowa, this 10 day of January, 1995.

Signed:



Phil C. Hoover, Mayor
City of Buffalo, Iowa

Attest:



Carol A. Bernauer, City Clerk
City of Buffalo, Iowa

1st reading: 01-10-95
2nd & 3rd reading waived: 01-10-95
Adopted: 01-10-95
Published: 01-30-95