

**REGULAR MEETING OF THE RED OAK CITY COUNCIL
MONDAY, MAY 20, 2019 – 5:30 P.M.
RED OAK FIRE STATION – 1904 BROADWAY**

Mayor William H. Billings, Jr. called the regular meeting of the Red Oak City Council to order on Monday, May 20, 2019, 5:30 p.m. in the meeting room of the Red Oak Fire Station, 1904 Broadway.

Invocation was given and it was announced the meeting was being recorded.

Pledge of allegiance was recited

Roll Call: Present: Councilperson Jeanice Lester, Bill Haufle, T.J. Clark, Scott Keith, and Tony Wernicke
Absent: None

Moved by Councilperson Clark, seconded by Keith to approve the agenda

Roll Call: Ayes: Councilperson Haufle, Lester, Wernicke, Keith, and Clark
Nays: None

Motion Carried.

Moved by Councilperson Lester, seconded by Haufle to approve the consent agenda:

- *Minutes from regular meeting of May 6, 2019

- *Warrants for April 2019

- *Financial Report for April 2019

- *Airport Lease Agreements, per Airport Commission recommendation:

- Dave McGrew for Hangar #5-F

- Nick Hildreth for Hangar #2-D

- *Renewal of Class C Liquor with Sunday Sales and Outdoor Service for Rainbow Café at 105 W Market Street

- *Renewal of Class C Beer & Wine for White Oak Station at 710 Broadway

Roll Call: Ayes: Councilperson Wernicke, Keith, Clark, Haufle, and Lester
Nays: None

Motion Carried.

Moved by Councilperson Keith, seconded by Wernicke to approve city claims to be paid in the amount of \$1,338,136.05

Roll Call: Ayes: Councilperson Clark, Haufle, Lester, Wernicke, and Keith
Nays: None

Motion Carried.

Moved by Councilperson Lester, seconded by Keith to approve New Special Outdoor Event for Liquor License for Red Oak Tap on June 8, 2019 at 419 E Reed Street

Roll Call: Ayes: Councilperson Clark, Haufle, Lester, Wernicke, and Clark
Nays: None

Motion Carried.

Moved by Councilperson Keith, seconded by Wernicke to approve contract for Library Services for Montgomery County for July 1, 2019 through June 30, 2020

Roll Call: Ayes: Councilperson Clark, Haufle, Lester, Wernicke, and Keith
Nays: None

Motion Carried.

Moved by Councilperson Lester, seconded by Clark to approve Contract for Services between The City of Red Oak and Southwest Iowa Planning Council for regulating property maintenance and new construction building code within the city limits

Roll Call: Ayes: Councilperson Haufle, Lester, Wernicke, Keith, and Clark
Nays: None

Motion Carried.

Moved by Councilperson Clark, seconded by Keith to approve the 1st reading of Proposed Ordinance of the City of Red Oak Adopting Building Codes to Regulate and Govern the Conditions and Maintenance of all Property, Buildings and Structures; to Provide the Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure that Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use and the Demolition of Such Structures in the City of Red Oak; Providing for the Issuance of Permits and Collection of Fees Therefor; Repealing all Other Ordinances or Parts of Ordinances in Conflict Herewith

Roll Call: Ayes: Councilperson Haufle, Lester, Wernicke, Keith, and Clark
Nays: None

Motion Carried.

Moved by Councilperson Lester, seconded by Keith to waive the 2nd and 3rd readings of the Proposed Ordinance of the City of Red Oak Adopting Building Codes to Regulate and Govern the Conditions and Maintenance of all Property, Buildings and Structures; to Provide the Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure that Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use and the Demolition of Such Structures in the City of Red Oak; Providing for the Issuance of Permits and Collection of Fees Therefor; Repealing all Other Ordinances or Parts of Ordinances in Conflict Herewith

Roll Call: Ayes: Councilperson Haufle, Lester, Wernicke, Keith, and Clark
Nays: None

Motion Carried.

Moved by Councilperson Lester, seconded by Keith to adopt Ordinance No. 611 **ORDINANCE OF THE CITY OF RED OAK ADOPTING BUILDING CODES TO REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; TO PROVIDE THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF RED OAK; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED OAK AS FOLLOWS:

SECTION I. PURPOSE

The purpose of this ordinance is to designate the responsibilities of persons for new construction, additions, and modifications of structures within the City in order to provide for the safety and preserve the health and welfare of the citizens of the City.

SECTION II. ADOPTION OF BUILDING CODE

Except as hereinafter added, deleted, modified or amended, there is hereby adopted following building codes as well as any amendments adopted to these codes heretofore by the State of Iowa:

1. *International Building Code, 2015 Edition*
2. *International Residential Code, 2015 Edition*
3. *International Fire Code, 2015 Edition*
4. *National Electrical Code, 2017 Edition*
5. *International Mechanical Code, 2015 Edition*
6. *Uniform Plumbing Code, 2015 Edition*
7. *International Energy Conservation Code, 2012 Edition*

The provisions of said Building Codes shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known inclusively as the Red Oak Building Code.

SECTION III. AMENDMENTS, MODIFICATIONS, ADDITION, AND DELTIONS

The following sections to the *2015 International Building Code and 2015 International Residential Code* are hereby revised:

Title. Section 101.1 and Section R101.1 Insert “City of Red Oak” as name of jurisdiction

Permit Required. Section 105.1 and Section R105.1 shall read as follows:

Any owner or owner’s authorized agent who intends to erect, construct, convert, alter, enlarge, extend, raise or demolish or move any building or structure or any portion thereof shall first make application to the City and obtain the required building permit.

Application for Permit. Section 105.3 and Section R105.3 shall be read as follows:

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the City Administrator for that purpose. Such application shall include sufficient documentation to ensure compliance with the building code.

Section 105.3.1 Action on Application. The City Administrator shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the City Administrator shall reject such application in writing, stating the reasons therefor. If the City Administrator is satisfied that the proposed work conforms to the requirements of

this code and laws and ordinances applicable thereto, the City Administrator shall issue a permit therefor as soon as practicable.

Expiration. Section 105.5 and Section R105.5 shall read as follows:

Any building permit under which no construction work has been commenced within six (6) months after the date of issue of the permit, or under which the proposed construction has not been completed within two (2) years of the date of issue, shall expire by limitation; and no work or operations shall take place under any building permit after such expiration.

Reinspection Fees. Add a new Section 109.7 and Section R109.5 to read as follows:

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made or incorrectly completed.

Re-inspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the City Administrator.

Violations and Penalties. Section 114.4 and Section R113.4 shall read as follows:

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this Code is committed, continued, or permitted and upon conviction of any such violations such person shall be penalized in accordance with Chapter 4 of the Red Oak Code of Ordinances.

Establishment of Flood Hazard Areas. Section 1612.3 shall refer to the Flood Insurance Rate Map (FIRM) for Red Oak, Iowa dated January 3, 1990, or any other FIRM or amendments thereto adopted by the City Council.

SECTION IV ADMINISTRATION

The City Administrator or his/her designee, is charged with the administration of this ordinance.

SECTION V REPEALER

SECTION V SEVERABILITY

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 VI EFFECTIVE DATE

William H. Billings, Jr., Mayor

ATTEST:

Mary L. Bolton, City Clerk

Roll Call: Ayes: Councilperson Wernicke, Keith, Clark, Haufle, and Lester
Nays: None

Motion Carried.

Moved by Councilperson Keith, seconded by Haufle to waive the 2nd and 3rd readings of the proposed Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED OAK AS FOLLOWS:

SECTION I PURPOSE

The purpose of this ordinance is to designate the responsibilities of persons for maintenance of structures, equipment, and exterior property within the City, to define health and safety hazards as a result of the failure to perform such maintenance and to provide for the abatement of such hazards in order to provide for the safety and preserve the health and welfare of the citizens of the City.

SECTION II INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Property Maintenance Code of the City of Red Oak that certain Code known as the *International Property Maintenance Code, 2015 Edition*, as published by the International Code Council, and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the Red Oak Property Maintenance Code.

SECTION III AUTHORITY FOR ENFORCEMENT.

The City Administrator, as the Code Enforcement Officer, shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. The Code Enforcement Officer may designate an inspector and/or such persons as necessary to carry to the provisions of this ordinance.

SECTION IV AMENDMENTS TO THE PROPERTY MAINTENANCE CODE

The following sections are hereby revised:

Title. Section 101.1. Insert: "The City of Red Oak" as name of jurisdiction

Fees. Section 103.5 shall be deleted and replaced as follows:

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be adopted by resolution of the City Council.

Permits. New sections 103.6 through 103.12, shall be added to read as follows:

103.6 Permit Required.

1. No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless
 - a. A valid Residential Rental Permit has been issued, or is pending, subject to inspection approval

103.7 Permit Application.

1. Permit application shall be made by the owner or owner's representative on forms provided by the City, and submitted to the Code Enforcement Officer. Applications will not be approved without submittal of all required information, payment of required fees, and compliance with the requirements of this chapter. Residential rental properties in existence at the time of the adoption of this ordinance shall not be required to pay fees until such time as their property inspection is scheduled.
2. Applicant shall provide the following information:
 - a. Address of property
 - b. Number and type of dwelling units in the dwelling structure
 - c. Zoning district in which the property is located
 - d. Owner's name and contact information:
 - i. Mailing address
 - ii. Contact telephone number during normal business hours
 - iii. Alternate telephone number
 - iv. Email address, if applicable
 - e. If management responsibility has been delegated by the owner to a different party:
 - i. Name of property manager
 - ii. Mailing address
 - iii. Contact telephone number during normal business hours
 - iv. Alternate telephone number
 - v. Email address, if applicable

3. The owner or property manager is responsible to inform the Code Enforcement Officer of any subsequent changes to any permit information, at the time of such changes, and at any such time that changes occur after initial permit application submission or permit approval.

103.8 Duration of Permit.

Residential Rental Permits shall be issued for terms of three years, shall expire at the end of that term, and shall not be renewed without inspection. Notice of expiration shall be issued by the City to the owner or property manager.

103.9 Permit Fees.

Fees shall be due within thirty (30) days of date of notice to the owner or property manager. Failure to pay require fees shall constitute a violation of this Code, and may result in penalties in the form of revocation of the Residential Rental Permit; issuance of tenant notice to vacate; and/or issuance of municipal infraction citations. Fees shall be authorized by resolution.

103.10 Transfer of Permit.

Residential Rental Permits may not be transferred from one owner to another in the event of property sale. It is the responsibility of the current owner to inform the Code Enforcement Officer of the buyer's name and contact information. It is the responsibility of the property buyer to register the property in his/her name or company name, and furnish appropriate contact information to the Code Enforcement Officer.

103.11 Sale of Property.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Inspector and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

103.12 Denial and/or Revocation of Permit.

1. If a dwelling unit is found in violation of any requirements of this chapter, the Inspector shall notify the owner, and if applicable property manager, of the deficiencies in writing. All cited deficiencies must be corrected within the time limits specified in the Inspector's notice. The Residential Rental permit shall be denied or revoked if the dwelling is not in compliance at the end of the period specified by the Inspector.
2. Upon denial or revocation of the Residential Rental Permit the City shall notify the owner and the occupants in writing. The notice shall state the reason for revocation, statement of required corrective actions, that the dwelling must be vacated within 30 days of the date of notice unless compliance is achieved prior to that date and that the owner may appeal to decision as outlined in Section 111.

Residential Rental Inspections. Add Sections 104.7 through 104.15.

104.7 Residential Rental Inspection Required.

Inspection of residential rental property is required to secure compliance with all relevant codes and standards.

104.8 Initial Inspections.

1. Inspections shall occur in accordance with a schedule prepared by the City. A minimum thirty (30) days written notice shall be given for all regular inspections. Inspections for residential rental units may also be scheduled upon a transfer of ownership, upon receipt of written complaints, alterations, modifications, or for any other reasonable cause.
2. Inspections shall be scheduled by the City with the owner or property manager. The owner or property manager is responsible to provide a minimum 24-hour advance notice to tenants prior to the scheduled inspection. The owner, property manager, or his/her designated representative shall be present at the inspection. The inspector shall not perform the inspection if it is discovered the tenants have not received the required advance notice or if the owner, property manager, or his/her designated representative is not present. Additionally, a re-inspection will be scheduled, and the owner will be charged a re-inspection fee in accordance with a fee schedule set by resolution of the City Council.

104.9 Re-inspections.

Re-inspections are required to verify correction of code deficiencies identified at a prior inspection. If Code deficiencies are found on a first inspection, each succeeding re-inspection shall be charged a fee in accordance with a fee schedule set by resolution of the City Council.

104.10 Regular Periodic Inspection.

Regular periodic inspection is required prior to expiration of a current Rental Permit. Registered owners or property managers shall receive advance notice of required periodic inspection appointments from the City. An owner's or property manager's or his/her designated representative's failure to appear at a scheduled periodic inspection is a violation of this Code subject to penalties as provided herein. Penalties include, but may not be limited to fees in accordance with a fee schedule set by resolution of the City Council.

104.11 Noted and cited code violations.

1. Noted code violations are not considered life safety issues and are not of a severity to cause structural deterioration. Noted items shall not prevent the issuance of a Residential Rental Permit.
2. Cited code violations must be repaired prior to the issuance of a Residential Rental Permit. Cited items may lead to further enforcement actions by the City of Red Oak.

104.12 Reasonable time limits for compliance.

General compliance time limits for cited items shall be as follows:

1. Imminent life safety – requires immediate corrective action;
2. Routine/normal maintenance – must be completed within 30 days;
3. Seriously deferred maintenance/medium-large project – 90 days;
4. Weather/seasonal dependent item – 180 days or as negotiated with the Inspector.

104.13 Time Extensions for Compliance

Applications for time extensions may be submitted to the Code Enforcement Officer with a progress report and estimated schedule for completion. Such applications will be reviewed and approved or denied in writing on an individual case basis by the Code Enforcement Officer. Appeals of the determination of the Code Enforcement Officer may be made in accordance with Section 111.

104.14 Right to Access by Inspector.

The Building Inspector and his/her authorized representative may enter any premises on proof of authority for the purpose of inspecting any building, at such times as may be reasonably necessary to protect the public health, safety, and welfare.

104.15 Emergency Orders.

1. Whenever the inspector, in the enforcement of the code, finds that a condition exists which requires immediate action to protect the health or safety of the occupants and/or the general public, the inspector may, without notice or hearing, issue an order reciting the existence of such a condition and requiring that action be taken such as the inspector deems necessary to abate the condition. If necessary, the Code Enforcement Officer may order that the premises be vacated forthwith, and said premises shall not be reoccupied until the order to make repairs has been complied with. Notwithstanding other provisions

of the code, such order shall be effective immediately or in the time and manner prescribed by the order itself.

2. No dwelling, dwelling unit, rooming unit or portion thereof which has been determined to be unfit for human habitation shall be used for human habitation again until written approval is secured from the Inspector and the Code Enforcement Officer. 3.

Stop Work Order. Section 112.4. Replace with the following:

Weeds. Section 302.4 Replace with the following:

Insect Screens. Section 304.14. Delete the following:

Interior Surfaces. Section 305.3 Replace with the following:

305.3 Interior Surfaces

Heat Supply. Section 602.3. Delete the following:

Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Occupiable Work Spaces. Section 602.4. Delete the following:

Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

SECTION V REPEALER

SECTION VI SEVERABILITY

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 VII EFFECTIVE DATE

Moved by Councilperson Keith, seconded by Haufle to adjourn the meeting.

Roll Call: Ayes: Councilperson Clark, Haufle, Lester, Wernicke, and Keith

Nays: None

Motion Carried.

Meeting Adjourned.

William H. Billings, Jr., Mayor

ATTEST:

Mary L. Bolton, City Clerk