

CHAPTER 90 BUILDING CODE

90.1 Purpose	90.12 Flood Plain
90.2 Title	90.13 International Building Code
90.3 Transition Period	90.14 International Residential Code
90.4 Permit Fees, Exemption From Permits	90.15 Uniform Plumbing Code
90.5 Board of Appeals	90.16 International Mechanical Code
90.6 Bonding and Insurance	90.17 International Fire Code
90.7 Electrical Licenses	90.18 International Fuel Gas Code
90.8 Plumbing Licenses	90.19 International Existing Building Code
90.9 Moved Buildings and Temporary Buildings	90.20 National Electrical Code
90.10 Unsafe Buildings	90.21 Enforcement
90.11 Unsafe Appendages	90.22 Repealer
	90.23 Severability Clause
	90.24 Effective Date

90.1 PURPOSE

An ordinance regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings and/or structures in the City of Waverly, Iowa, to provide minimum standards to safeguard life or limb, health, property and public welfare.

90.2 TITLE

Building Code – Except as herein after added to, deleted, modified or amended, there is hereby adopted as the Building Code of the City of Waverly, Iowa, that certain Building Code known as the:

International Building Code 2024 edition (herein after known as the IBC)

International Residential Building Code 2024 edition (herein after known as the IRC)

State Adopted Plumbing Code - current edition (herein after known as the UPC) with amendments (IAC 641-25)

International Mechanical Code 2024 edition (herein after known as the IMC)

International Fire Code 2024 edition (herein after known as the IFC)

International Fuel Gas Code 2024 edition (herein after known as the IFGC)

International Existing Building Code 2024 edition (herein after known as the IEBC), All as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California and the National Electrical Code current edition (herein after known as the NEC) as published by the National Fire Protection Association and as adopted by the State of Iowa.

The provisions of said Building Code shall be controlling in the construction of buildings and other structures and in all matters covered by said Building Code within the City of Waverly, Iowa, and shall be known as the City of Waverly Building Code.

90.3 TRANSITION PERIOD

1. A construction project that is subject to the provisions of any rule contained in this code may comply with the requirements established either in the edition of the codes adopted herein or the requirements established in the edition of the same code previously in effect if the project is commenced no later than 120 days after the effective date of this code. For this provision to become applicable the submitter must have obtained signed contracts for the project prior to the effective date of this code and provide documentation to this effect to the Building Department.

90.4 PERMIT FEES, EXEMPTION FROM PERMIT

1. Fees pertaining to permits and actions required by this Ordinance shall be in accordance with the schedule of fees, as determined and adopted by resolution of the City of Waverly City Council. A copy of the schedule of fees shall be on file in the office of the Building Official. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation fee in an amount equal to the permit fee or \$250.00, whichever is higher, shall be collected whether or not a permit is subsequently issued.
2. Work Exempt from Permit-
Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
- b. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- d. Sidewalks and driveways.

- e. Painting, papering, tiling, carpeting, and similar finish work.
- f. Prefabricated swimming pools that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
- g. Swings and other playground equipment.
- h. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- i. Replacement of storm doors, entrance doors and garage doors provided the size of the opening remains unchanged.

Electrical:

- a. Listed cord-and-plug connected temporary decorative lighting.
- b. Replacement of switches, receptacles and lighting fixtures to existing branch circuits.
- c. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
- d. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- e. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved, permanently installed receptacles.

Gas:

- a. Portable heating, cooking or clothes drying appliances.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- c. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

- a. Portable heating appliances.
- b. Portable ventilation appliances.
- c. Portable cooling units.
- d. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.

- e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- f. Portable evaporative coolers
- g. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

- a. The stopping of leaks in drains, water, soil, waste or vent pipe, provided however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

90.5 BOARD OF APPEALS

In order to hear and decide appeals concerning the suitability of alternate materials and methods of construction and to hear and decide appeals of determinations made by the Building Official or designated representative concerning interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of eight (8) members whose place of business, residence, or work is located in the jurisdictions served by the Bremer County, Iowa Building Department, and who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official or designee shall be an ex-officio member and shall act as Secretary of the Board of Appeals involving this Code. The Board of Appeals shall be appointed by the Bremer County Board of Supervisors and the Mayors of Denver, Readlyn, Janesville, Waverly & Plainfield. Each jurisdiction shall appoint one member with the exception of Bremer County and Waverly, who shall appoint two (2). The present Board members shall serve the remainder of their appointed terms or until their successors are duly appointed and qualified. All successive appointments or reappointments shall be for five-year terms. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The Board shall have no authority to waive requirements of this Code.

90.6 BONDING AND INSURANCE

1. General Contractor Insurance

No person, firm or corporation shall engage in the business of general contracting in the City of Waverly without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of \$50,000.

No insurance shall be required for the following described work:

- a. Homeowners (owner/occupants) qualifying for the Homestead Tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures.

90.7 ELECTRICAL LICENSES

1. Licensing and Permit Acquisition

No person, firm or corporation shall engage in the business of Electrical contracting in the City of Waverly without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of \$50,000, and supplying the Building Department with a copy of their electrical license and the electrical license of any and all employees employed by the contractor, firm or corporation for a wage or salary issued by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103.

- a. Electrical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103. A responsible person or an electrician licensed by the State of Iowa Electrical Examining board as a "Master A or B" may sign and obtain a permit for the contractor for which they are employed only when said responsible person or "Master A or B" has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.
- b. A State of Iowa licensed electrical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed electrical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 103 shall perform the work for which the permit was obtained.
- c. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, state of Iowa licensing or other such documents.

- d. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
- e. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for electrical work, not to include dwelling service upgrade, replacement or the construction of new single-family dwellings pursuant to Iowa code Chapter 103.22.
- f. Annual Permits. An industrial plant may apply for an annual permit to perform electrical work, for the maintenance and repair of electrical equipment, provided that the following requirements are satisfied:
 - 1. The work must be performed on the premises of the industrial plant for the exclusive use of such plant.
 - 2. The work must be performed by at least one Licensed Journeyman Electrician and all other persons employed by the firm to perform electrical work must be under the direct supervision of the Journeyman Electrician all of whom shall possess a valid license as issued by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103.
 - 3. The work performed under the annual permit shall not include the installation of electrical power or distribution equipment to a new structure or extension to an existing structure.

90.8 PLUMBING LICENSES

1. Licensing and permit acquisition

No person, firm or corporation shall engage in the business of Plumbing or HVAC contracting in the City of Waverly without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of \$50,000, and supplying the Bremer County Building Department with a copy of their Plumbing and HVAC license and the license of any and all employees employed by the contractor, firm or corporation for a wage or salary issued by the State of Iowa Plumbing and Mechanical Systems Board.

- a. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which they are employed only when said "Master"

has provided proof of employment by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

- b. A State of Iowa licensed plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed plumbing contractor has secured such a permit, only the employees of such contractor shall perform the work for which the permit was obtained.
- c. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, state of Iowa licensing, or other such documents.
- d. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
- e. Homeowners (owner/occupants) qualifying for the Homestead Tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines, or any private on-site wastewater treatment system.

90.9 MOVED BUILDINGS AND TEMPORARY BUILDINGS

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permits from the Building Official or issuing authority for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistance, or time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

90.10 UNSAFE BUILDINGS

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures provided by local or

state law. The Building Official is authorized to exercise emergency measures to protect the health, safety and public welfare of the community by certain procedures as follows:

1. Inspect the building and surrounding premises to determine the extent of dilapidation, damage, obsolesce, fire hazard and risk as an attractive nuisance.
2. Inform the owner or owner's agent of the unsafe, dangerous or hazardous condition which causes such building to be unsafe or an attractive nuisance.
3. Inform the owner or owner's agent of the applicable provisions of the Building Code and demand a commitment regarding a time schedule and manner of compliance with said Code.
4. Order the prompt boarding up of the windows, doors, and other openings of unsafe or vacant buildings to prevent unauthorized access or the perpetuation of an attractive nuisance during the time which is necessary to gain compliance with the Building Code.
5. Order the disconnection of any electricity supply to a building or structure when it is ascertained that the equipment or any portion thereof has become hazardous or unsafe.
6. Upon the failure of the owner or the owner's agent to comply with the order to close, board up and secure an unsafe building within a twenty-four (24) hour time period after receiving such order, the Building Official may cause the openings boarded up and secured, or the premises barricaded and fenced, and the unsafe conditions abated, with the cost of such construction, barricading, fencing and abatement to be assessed against the property.

90.11 UNSAFE APPENDAGES

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in this Code, are hereby designated unsafe and as such are public nuisances and shall be abated in accordance with the local or state laws governing.

90.12 FLOOD PLAIN

All references to construction standards in the flood plain found in the IBC & IRC shall be referred to those standards as adopted in state and local ordinances.

90.13 INTERNATIONAL BUILDING CODE

The IBC shall be adopted in its entirety except for the following:

1. Section 101.4.4 Property Maintenance- Delete reference International Property Maintenance Code and insert in lieu thereof the following: 2024 International Building Code.

2. Section 105.2 Work exempt from a permit- Delete the section. Refer to section 90.4 of this ordinance
3. Section R111.2 Amend to read “After the building official inspects the building or structure and does not find any violations of the provisions of this code or other ordinances as enforced by the City of Waverly, the building official, upon City approval, shall issue a certificate of occupancy...”
4. Section 113, Board of Appeals- Delete section. Refer to 90.5
5. Delete Chapter 13 Energy Efficiency and insert in lieu thereof International Energy Conservation Code as adopted by the State of Iowa and any subsequent amendments thereto.
6. Delete Section 1608.2 and insert in lieu thereof the following:

Ground Snow Load- The ground snow load to be used in determining the design snow load for roofs is hereby established at 35 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load. Wind speed and ground snow load in accordance with ASCE 7 Hazard Tool.

7. Section 1809.5 Delete exceptions #1-3
8. Chapter 27, Electrical- Delete chapter. Reference State adopted edition of the National Electrical Code.
9. Chapter 29, Plumbing Systems – Delete Chapter. Reference State adopted Plumbing Code
10. Appendix chapters are for reference only.

90.14 INTERNATIONAL RESIDENTIAL CODE

The IRC shall be adopted in its entirety except for the following:

1. Section R105.2 Work Exempt from Permit- Delete the section. Refer to Section 90.4 of this ordinance.
2. Section R110.2 Amend to read “After the building official inspects the building or structure and does not find any violations of the provisions of this code or other ordinances as enforced by the City of Waverly, the building official, upon City approval, shall issue a certificate of occupancy...”

3. Section R112 Board of Appeals- Delete section. Reference 90.5
4. Table R301.2(1) shall read as follows:
 - a. Ground Snow Load -- 35 PSF
 - b. Wind Speed—109 MPH (3 second gust) or according to ASCE 7 Hazard Tool
 - c. Topographic effects—No
 - d. Seismic Design Category—A
 - e. Subject to Weathering Damage From, Weathering (severe), Frost line depth (42”), Termite (slight to moderate)
 - f. Winter Design Temperature -- -10 degree
 - g. Ice Barrier Underlayment Required –Yes
 - h. Flood Hazards—FIRM dated 1/29/21 and FEMA authorized map amendments
 - i. Air Freezing Index—2500
 - j. Mean Annual Temp—45 degrees
5. Table R 302.1. (1) Amend by changing the fire-resistance rating of projections to 0-hours in lieu of 1-hour on the underside.
6. Delete Section R302.2.2 Common Walls.
7. Delete Section R302.3 and exceptions and insert a new section R302.3 to read as follows:
Two Family Dwellings- Dwelling units in two family dwellings shall be separated from each other in accordance with section R302.2.1
8. Table R302.3.6 Delete any reference to “equivalent” material and changed to approved”
9. Section R302.5.1 Delete Self Latching
10. Table R302.6 Delete any reference to equivalent material
11. Delete Section R302.13 Fire Protection of Floors
12. Section R310.2.1 – Delete exception.
13. Delete Section R318.7.5.1. and insert a new Section R318.7.5.1 to read as follows:

Riser Height - The maximum riser height shall be 8 inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of an interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the riser exceed the maximum height of 8 inches. The riser shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30

degrees from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter sphere. Exception: The opening between adjacent treads is not limited on stairs with a total rise of 30 inches or less or on exterior stairs serving individual dwelling units

14. Section R320.5 - add an exception #3 to read as follows:

Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

15. Delete Sections 319.5.1, window fall protection.

16. Delete Section R309 Automatic Sprinkler Systems

17. Section R403.1.4.1- Delete exceptions #1& #2 and insert a new exception #1& #2 read as follows:

Detached one story accessory buildings of light frame construction may be provided with a floating slab which shall include a thickened edge of a minimum 8 inches plus slab thickness and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick and reinforced with a minimum of # 4 reinforcement bars on two-foot centers.

The perimeter or grade beam shall be reinforced with a minimum of two continuous #4 bars around the perimeter. The floor slab and grade beam shall be made in one continuous pour. The sub grade shall be free from all sod or other foreign material and shall be provided with a minimum 3 inches compacted aggregate backfill prior to installing the floor

18. Add to R601.2 Requirements - Where alteration or removal of any load bearing wall(s), a registered design professional or other qualified person as approved by the Building Official shall submit design documentation to confirm compliance with this code.
19. Delete Chapter 11 Energy Efficiency and insert in lieu thereof International Energy Conservation Code as adopted by the State of Iowa and any subsequent amendments thereto.
20. Section P3114.3- Amend by adding a third sentence to read as follows:
Air admittance valves may only be used in conjunction with remodel & repair projects where in the opinion of the Building Official it would be impractical to install a vent which conforms to the venting provisions of this Code.
21. Adopt Appendix BE: Radon Control Methods.

22. Appendix chapters are for reference only.

90.15 STATE ADOPTED PLUMBING CODE

The provisions of the State adopted Uniform Plumbing Code with amendments, current edition as published by the Iowa Department of Public Health and as adopted by the State of Iowa in Administrative Code 661 Chapter 504 and any subsequent amendments thereto shall be adopted as the plumbing code for the City of Waverly, Iowa

90.16 INTERNATIONAL MECHANICAL CODE

The IMC shall be adopted in its entirety except:

1. Section 105.2 Permits not Required- Delete Section. Refer to Section 90.4 of this Ordinance
2. Section 112- Delete section. Reference 90.5
3. Appendix chapters are for reference only.

90.17 INTERNATIONAL FIRE CODE

The IFC shall be adopted in its entirety except:

1. Section 105 – Delete Section
2. Section 112- Delete section. Reference 90.5
3. Appendix chapters are for reference only.

90.18 INTERNATIONAL FUEL GAS CODE

The IFGC shall be adopted in its entirety except for the following:

1. Section 112- Delete section – Reference 90.5.
2. Appendix chapters are for reference only.

90.19 INTERNATIONAL EXISTING BUILDING CODE

The IEBC shall be adopted in its entirety except for the following:

1. Section 105.2- Delete Section – Reference 90.4.
2. Appendix chapters are for reference only

90.20 NATIONAL ELECTRICAL CODE

The provisions of the National Electrical Code, 2020 edition as published by the National Fire Protection Association and as adopted by the State of Iowa in Iowa Administrative Code 661 Chapter 504 and any subsequent amendments thereto shall be adopted as the electrical code for the City of Waverly.

90.21 ENFORCEMENT

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a Municipal Infraction. A Municipal Infraction is a civil offense punishable by a civil penalty of not more than five hundred dollars (\$500.00) for each violation, or if the infraction is a repeat offense a civil penalty not to exceed seven hundred fifty dollars (\$750.00) for each repeat offense. Nothing herein contained shall prevent the City of Waverly from taking such other lawful action as is necessary to prevent or remedy any violation.

90.22 REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

90.23 SEVERABILITY CLAUSE

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

90.24 EFFECTIVE DATE

This ordinance shall be in effect on the 27th day of May, 2025, after its final passage, approval and publication as provided by law.

(Ordinance 1165 – Published on 5/27/25)

CHAPTER 91
RENTAL HOUSING CODE

SECTIONS:

91.1	Purpose
91.2	Housing Quality Standards
91.3	Off-Street Parking Regulations
91.4	Registration Requirements
91.5	Inspection
91.6	Contract Properties
91.7	HUD Inspection Certification
91.8	Rental Permit Required
91.9	Civil Penalties

Sec. 91.1 Purpose.

An ordinance intended to adopt a Rental Code to regulate and govern the conditions and maintenance of new and existing residential rental property, buildings and structures by providing housing quality standards to ensure that structures are safe, sanitary and fit for occupation and use. The ordinance shall provide for the registration, inspection, administration, enforcement and penalties. The ordinance shall be construed to secure its expressed intent to insure public health, safety and welfare as those are affected by the continued occupancy and maintenance of structures and premises.

Sec. 91.2 Housing Quality Standards.

This section sets forth the minimum housing quality standards (HQS) for rental housing subject to the Waverly Rental Housing Code. The HQS include minimum acceptability criteria for the following key aspects of housing quality. All rental housing must meet the HQS acceptability requirements both at commencement of use as rental property and at all times thereafter it is maintained and used as rental property.

(A) Sanitary facilities.

- (1) The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.
- (2) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
- (3) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
- (4) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
- (5) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(B) Food preparation and refuse disposal.

- (1) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
- (2) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).
- (3) The dwelling unit must have adequate space and utility hook-ups for an oven, and a stove or range, and a refrigerator. The equipment may be supplied by either the Landlord or the Tenant. All equipment provided by the Landlord must be in proper operating condition.
- (4) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.

(C) Space and security.

- (1) At a minimum, the dwelling unit must have a living area, kitchen area, and a bathroom.
- (2) The dwelling unit must have compliant sleeping rooms.
- (3) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be capable of being opened and lockable (such as window units with sash pins or sash locks, and combination windows with latches).
- (4) Exterior doors by which someone can enter or exit the dwelling unit must be lockable.

(D) Thermal environment.

- (1) The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.
- (2) There must be a safe system for heating the dwelling unit. The system must be in proper operating condition. The system must be able to provide adequate heat, either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- (3) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

(E) Illumination and electricity.

- (1) Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.
- (2) There must be at least one window in the living room and one window in each sleeping room.
- (3) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- (4) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

(F) Structure and materials.

- (1) The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment and rodents.
- (2) Interior ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning; large holes; loose surface materials; severe buckling; missing parts; substantial areas of loose, flaking or chipping paint; or other serious damage.
- (3) The roof must be structurally sound and weather-tight.

(4) The exterior wall structure and surface must not have any serious defects such as serious leaning; buckling; sagging; large holes; loose, substantial areas of flaking or chipped paint; or defects that may result in air infiltration or vermin infestation.

(5) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable. Handrails must be installed on all stairs with four or more risers.

(6) Porches and balconies more 30 inches high must have guardrails with openings not more than four inches wide.

(7) Gutters and downspouts must not be missing, loose or disconnected.

(8) Elevators must be working and safe.

(G) Interior air quality.

(1) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants that threaten the health of the occupants.

(2) There must be adequate air circulation in the dwelling unit.

(3) Bathroom areas must have one operable window or other adequate exhaust ventilation.

(4) Any room used for sleeping must have at least one operable window unless no egress is required.

(H) Water supply.

The dwelling unit must be served by an appropriate public or private water supply that is sanitary and free from contamination.

(I) Lead-based paint.

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, M, and R of this title apply to dwelling units under this Code.

(J) Access.

(1) The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(2) Every room used for sleeping above grade must have an egress window for escape compliant with the size requirements in the current building code, unless such room was designed and built as a sleeping room and was compliant at the time it was constructed. Any basement sleeping room must have an operable egress window compliant with the size requirements in the current building code unless the dwelling unit met the applicable building code and was approved by the building inspector when built because of sprinkling and outside access.

(K) Sanitary condition.

The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. Units must be supplied with garbage and recycling containers.

(L) Smoke detectors.

Each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and

unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

(M) Occupancy Limitations.

Every sleeping room must have a minimum ceiling height of 7 feet. Every sleeping room occupied by one adult person shall contain a minimum of 70 square feet. Every sleeping room occupied by two adults shall contain a minimum of 120 square feet. No dwelling unit may be occupied by more than two adults in a one-bedroom unit, four adults in a two-bedroom unit and for three bedroom units and above, no more adults than the number of sleeping rooms plus one. For purposes of this section, an adult is someone 18 years of age or older who is not currently attending high school. There is no limitation on occupancy for children.

(N) Accessory Structures.

Garages, sheds and other accessory structures must be maintained in good condition. Walkways and sidewalks must be maintained in good repair.

Sec. 91.3 Off-Street Parking Regulations.

All dwelling units shall provide off-street parking as provided herein:

- (a) Single or duplex dwelling units require a minimum of two spaces for each dwelling unit; three spaces for dwelling units with three bedrooms and four spaces for dwelling units with four or more bedrooms.
- (b) Structures with multiple dwelling units require one space for each efficiency (studio) unit; one and one-half space for each one bedroom unit; two spaces for each two or more bedroom unit.
- (c) Multiple dwellings for the elderly and disabled require three-quarters space per unit.
- (d) Outside parking spaces in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet per space. Enclosed parking stalls in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet per space and a maximum of 340 square feet per stall.
- (e) No one shall use more than one third of a front yard for off-street parking.
- (f) Multi-family rental structures that were built to code as rental units regarding parking at the time of construction, shall be considered legal, although non-conforming. The owner of any other dwelling unit that had no practical space or alternative for the off-street parking required on the effective date of enactment of this Chapter, may apply to the Board of Adjustments for a variance of this section. For one year from the effective date of this Ordinance, any owner may petition the Board of Adjustments for a variance without the normal fee for said application.

Sec. 91.4 Registration.

All residential rental real estate located within the City of Waverly shall be registered with the City of Waverly by the owner of the property prior to renting such property to tenants as provided below:

(a) Registration shall consist of completing both a registration application and a self-inspection form and submitting those forms to the City with the registration fee. The information contained in both forms shall be certified true and correct to the best knowledge of the applicant. The registration application and self-inspection form shall be maintained in the City records and available for public inspection. The registration application and self-inspection form information must be updated by the owner whenever the information provided in these documents has changed. No fee shall be payable for updating a current registration application and self-inspection form.

(b) Based upon a review of the application and self-inspection form, and an initial inspection if requested, the Code Enforcement Officer shall determine whether the property is in substantial compliance with the Waverly Rental Housing Code. If the property is in compliance, a Rental Permit shall be issued. If the property is inspected and the inspection report shows deficiencies, but those deficiencies do not render the unit unsafe or unfit for occupation and use, a Rental Permit shall be issued, but the owner shall have 60 days to correct any deficiencies identified. If the inspection shows deficiencies that render the unit unsafe and unfit for occupation and use, no Rental Permit shall be issued until such deficiencies have been remedied.

(c) The fee due upon initial registration shall be established by resolution of the City Council and is initially established below:

1.	Single unit	\$20 per structure
2.	Structures with multiple units	\$20 per structure/\$3 per unit
3.	Rooming house	\$20 per structure/\$3 per unit

(d) Renting a residential rental dwelling unit to a Tenant without registering and without receiving a Rental Permit for said unit, shall be a violation of this Ordinance and punishable as a municipal infraction as provided herein under Section 91.8.

Sec. 91.5 Inspection.

All residential rental property located within the city limits of Waverly shall be subject to inspection by a City Code Enforcement Officer as provided below:

(a) The owner of residential rental housing shall schedule and have completed an inspection prior to receiving a Rental Permit if an initial inspection is requested by a City Code Enforcement Officer, or within sixty (60) days of receiving Notice to Schedule Inspection from a City Code Enforcement Officer, if a Rental Permit has already been issued.

(b) If the inspection reveals that the property is not in compliance with the Waverly Rental Housing Code, the inspector shall provide the owner with a copy of the inspection report specifying the improvements or repairs required in order to bring the inspected property into compliance. The owner shall have sixty (60) days to bring the property into compliance. A re-inspection shall be completed within sixty (60) days of the initial inspection unless such inspection is waived by the City Code Enforcement Officer.

(c) Except in the case of complaints regarding compliance with the Code, no residential property shall be inspected more frequently than every three (3) years. An inspection may be ordered in any situation where a credible complaint has been made with regards to a property subject to this Code.

(d) Residential real estate shall not be rented to, nor shall a tenant be allowed to occupy residential rental housing, if an inspection report indicates that the property is unsafe, unsanitary or unfit for occupation and use. If the inspection report shows deficiencies that do not render the unit unsafe and fit for occupation and use, the unit may continue to be rented and a tenant allowed to occupy, but the owner shall have 60 days to correct any deficiencies identified. Failure to correct the identified deficiencies within the time allotted shall be a violation of the Code and shall be a basis for revocation of the Rental Permit.

(e) The owner shall pay inspection fees as established by the City Council by Resolution, with the initial fees established as follows:

Dwelling Unit	\$125 per unit
Fee for re-inspection	\$75 per unit

Sec.91.6 Contract Properties.

Any property sold by real estate contract and occupied by the contract vendee will be considered as a rental dwelling, subject to this Code, unless the real estate contract has been recorded with the County Recorder.

Sec. 91.7 H.U.D. Inspection Certification.

Any properties that have a current HUD, or other federal government inspection certificate, will be required to be registered, but shall be exempt from routine rental housing inspection. It will remain subject to inspection based upon complaint. If the property is no longer utilized or enrolled in the HUD or other program, it will be thereafter be subject to routine housing inspection under this Code.

Sec. 91.8 Rental Permit Required.

(a) The Rental Permit shall be a document establishing satisfactory compliance with the Waverly Rental Housing Code at the time of issuance and shall be valid for a period of three (3) years from the date it is issued. The Rental Permit shall state the date of issuance, Permit number, owner of the property, address and unit numbers of the structure to which it is applicable, number of approved adults and sleeping rooms, and its expiration date.

(b) If a Rental Permit is not issued, all residential dwelling units and rooming units being occupied and/or rented by an owner without such Rental Permit may be ordered vacated or the collection of rent prohibited. Notice shall be served upon the owner and any such tenant or occupant that the unit shall be vacated and rent not payable until such time as said residential dwelling is in compliance with the Waverly Rental Housing Code and a Rental Permit is issued.

(c) The Rental Permit is not transferrable from an owner to a new purchaser. The new owner shall have 30 days from the date of transfer to submit a new registration application and self-inspection form. The fee for issuance of the transferred Rental Permit shall be the same as a new application.

(d) Prior to the expiration date of a Rental Permit, the owner must submit an application for renewal of the Rental Permit. The owner must submit a new self-inspection form to note any changes to the dwelling unit. There is no fee for renewal of the Rental Permit.

Sec. 91.9 Mediation.

Any owner of a dwelling unit who wishes to have a review of any formal determination of a City Code Enforcement Officer (hereafter Officer) regarding the alleged violation of any section herein, shall be offered an opportunity for mediation regarding the Officer's findings prior to further enforcement of the findings by civil action in court under the following provisions:

- (a) A request for mediation must be submitted in writing to the City Clerk within 10 days of the date of the letter from the Officer.
- (b) The request for mediation must identify the findings that the owner contests.
- (c) The City shall schedule mediation involving the landlord and Officer with two persons drawn from a list of rental property owners/managers who have indicated their willingness to participate as a mediator on any Registration Application filed with the City in compliance with this Ordinance , the City Administrator, and one member of the Waverly City Council.
- (d) The group shall meet at a time and place set by the City Clerk.
- (e) Mediation shall take place regarding the contested findings and may, if appropriate, result in a modification of the findings.

An agreement reached in mediation shall preclude either party from contesting that issue in any further proceedings. The owner shall not be precluded from contesting any municipal infraction in court regarding any issue that is not resolved in this mediation. The fact that either party has participated in mediation, nor any statements made during the discussion taking place in the mediation, may be used by either party to support its position in court.

Sec. 91.10 Civil Penalties.

Any violation of any duty or requirement under the Waverly Rental Housing Code shall be charged as a municipal infraction as provided in Chapter 23 of this Code.

(Chapter established by Ordinance 991 – Published on 1/19/15)

Reserved Chapter 92 – Repealed by Ordinance 880 – Published on 07/01/07

Reserved Chapter 93 – Repealed by Ordinance 880 – Published on 07/01/07

Reserved Chapter 94 – Repealed by Ordinance 880 – Published on 07/01/07

RESERVED CHAPTER 95