



CITY HALL  
124 W. COURT AVENUE  
WINTERSET, IOWA 50273-1545  
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Thomas J. Leners, Mayor  
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## **Winterset Residential Rental Housing Inspection Program Municipal Code Sections 4.1701 through 4.1713**

**4.1701 RESIDENTIAL RENTAL HOUSING INSPECTION PROGRAM.** Sections 4.1701 through 4.1713 shall be known as the Residential Rental Housing Inspection Program and will be referred hereto in as “this program.” The requirements of this program shall be based upon the provisions set forth in the 2021 International Property Maintenance Code as adopted by City Council and as hereafter may be amended and the provisions of Winterset Code Title IV Chapter 12.

**4.1702 PURPOSE.** The purpose of this program is to provide for the inspection of residential rental properties within the corporate limits of the City of Winterset, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

**4.1703 SCOPE.** The provisions of this program shall apply to the maintenance, repair, equipment, use, and occupancy of all residential rental buildings and accessory structures now in existence or hereafter constructed, habilitated, renovated, or converted to residential use within the corporate limits, including, but not limited to, single- and two-family dwellings, multiple-family dwellings and rooming/sleeping units with the following exceptions:

- a. Single-family dwellings occupied by the owner, or members of that owner’s family as defined in Title IV Chapter 4.12003.(A) only.
- b. A duplex, at least one of the units of which is occupied by the owner, and the other unit is occupied by a member of that owner’s family as defined in Title IV Chapter 4.12003.(A) only.
- c. Transient shelters and group homes subject to state licensing.
- d. Hotels, motels, extended stay hotels, and other similar uses subject to state licensing.
- e. Dormitory rooms of higher education institutions.
- f. Nursing homes, long-term care, and medical care facilities.
- g. Church parsonages, and other similar facilities owned by religious institutions, that provide housing for their clergy or other similar staff.
- h. Dwellings owned by the local, state, or federal governments.

**4.1704 INDEMNIFICATION.** The applicant for any rental permit under this program, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such rental permit or the doing of anything thereunder, or the failure of such applicant, or the agents, employees, or servants of such applicant, to abide by or comply with any of the provisions of this program or any other ordinance of the City; and such applicant, by making such application, forever indemnifies the City, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the City, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any certificate issued under this program whether expressly recited therein or not.



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**4.1705 FEES.** The fees for activities and services performed by the City of Winterset in carrying out its responsibilities under this Residential Rental Code shall be as indicated in a fee schedule adopted from time to time by the City Council.

**4.1706 REGISTRATION REQUIRED.** Unless excepted in accordance with 4.1703, all rental properties and rental units, as defined and in accordance with Municipal code 4.601, within the corporate limits of the City of Winterset shall be required to register with the City by the owner or the owner's representative. The owner or owner's representative shall file a completed registration form, as provided by the City, with the Zoning Administrator or its designee within thirty days of the property becoming a rental property, and subsequently at the time the rental certificate renewal is due. A registration form shall be accompanied by a fee as established by resolution of council and in accordance with the Winterset Residential Rental Housing Inspection Administrative Policy.

By submitting an application for a rental property and/or rental units, the property owner consents to the City of Winterset inspector or designee entering and conducting an inspection as described in the Winterset Residential Rental Inspection Administrative Policy.

**4.1707 EXPIRATION OF CERTIFICATE.** Prior to the expiration date of the rental certificate, the Zoning Administrator or its designee shall mail a renewal notice to the owner advising of the requirements for renewal of the rental certificate. Failure of the owner to complete the requirements for renewal will result in a late payment penalty being applied to the balance owed. If the renewal is not completed within 30 days following expiration of the rental certificate, a notice of violation will be issued to the property owner.

**4.1708 REVOCATION OF CERTIFICATE.** Any rental certificate may be summarily revoked by the Board of Appeals upon the review of a notice of violation of any provision of this program. If, at the discretion of the Code Official, an emergency exists which threatens the immediate health, safety, or general welfare of the occupant(s) or general public, the Code Official may immediately issue an order suspending the rental certificate. Upon issuance of the order, the occupant(s) of the unit(s) shall immediately vacate the premises until the rental certificate is reinstated.

**4.1709 TRANSFER OF OWNERSHIP.** Residential Rental Compliance Certificates shall not be transferable to succeeding owners. Residential Rental Compliance Certificates shall automatically terminate and become null and void, without further action of the City, upon transfer of property ownership or upon execution of an agreement to purchase property on contract.

Every seller of a residential rental property shall give notice to the Zoning Administrator or its designee within thirty (30) days after closing or execution of a contract for sale. This notice shall include the name and address of the buyer.

Every buyer of a residential rental property, including contract buyer, shall submit a new registration form to the Zoning Administrator or its designee within thirty (30) days after closing. This notice shall include the name and address of the buyer and their agent.

**4.1710 OUTSTANDING ISSUES.** If an owner has outstanding fees, fines, or violations on any property within the City, the issuance of a rental certificate may be withheld by the Zoning Administrator or its designee.



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4.1711 COMPLAINT BY TENANT. Unless there are significant health, safety, or general welfare issues, a tenant must first make written contact to the owner or agent. Tenant shall allow at least fourteen (14) days for the owner or agent to correct the basis of the complaint. In the event that the owner or agent does not correct the basis of the tenant's complaint, the tenant may file a complaint with City staff. Complaints shall be made in writing using the city Residential Rental Housing Complaint Form. The complaint form shall be supplemented with documentation that the tenant has first made a written complaint to the owner or agent, and their complaint has not been resolved. City Staff will contact the owner or agent to advise of the complaint and schedule an inspection.

4.1712 COLLECTION OF FEES, FINES, PENALTIES, AND COSTS. All fees, fines, penalties, and costs imposed upon an owner in the enforcement of this program shall be due when notice of the amount of such fees, fines, penalties, and costs is mailed to the owner.

1. If notice containing the information required by Section 364.17 of the *Code of Iowa* is given and the total amount of such fees, fines, penalties, and costs is not paid within 30 days of when due, or within 10 days of the final action of the Board of Appeals, then:

- A. The owner shall be charged a late payment penalty in the amount of \$25 as per Iowa Code 347.17.5;
- B. Interest shall thereafter accrue on the unpaid balance at the rate of 1.5 percent per month; and,
- C. The City may certify the unpaid balance, interest, and late payment penalty to the County Auditor as a lien upon the rental property for collection in the same manner as a property tax.

4.1713 PENALTIES. In addition to any other penalties provided by this Code, any person violating any provision of this program shall be guilty of a municipal infraction with remedies to the City as provided by this Code.