ORDINANCE NO. 6487

AN ORDINANCE TO AMEND CHAPTER 17.01 "HOUSING DEFINITIONS" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 17.01.010 "DEFINITIONS-HOUSING" TO INCLUDE TEMPORARY HOUSING.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 17.01 "Housing Definitions" of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 17.01.010 "Definitions-Housing" to include Temporary housing as follows:

17.01.010 Definitions - Housing

For the purposes of the interpretation and enforcement of this title, the following definitions apply:

Approved: Approved or set forth by state statute or local ordinance.

Basement: That portion of a building that is partly or completely below grade (see "story above grade").

Bath: A bathtub or shower stall.

Bathroom: That room that contains the toilet, lavatory, and bath.

Bedroom: A habitable room within a dwelling or dwelling unit that is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen, dining room, or living room in which cots, rollaway beds, or davenports may be used for sleeping purposes.

Building official: The chief building official or his or her designee of the building inspection division or any successor division or department.

Cellar: A portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dining room: A habitable room used or intended to be used for the purpose of eating, but not for the cooking or preparation of food.

Dwelling: Any building or structure, except temporary housing, that is wholly or partly used or intended to be used for living or sleeping by human occupants, but shall not include dormitories, hotels, or motels. Whenever the word "dwelling" is used in this title, it shall be construed as though it were followed by the words "or any part thereof."

Dwelling unit: Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking, or eating. Whenever the term "dwelling unit" is used in this title, it shall be construed as though it were followed by the words "or any part thereof."

Exit: A continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, walkways, sidewalks, and yards.

Extermination: The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or, by poisoning, spraying, fumigating, trapping, or any other pest elimination methods approved by appropriate state or federal agencies.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, marketing, or processing of food, or the non-consumed waste resulting from animals or humans consuming food.

Habitable room: A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet compartments, laundries, pantries, foyers, communicating corridors, halls, closets, utility or storage spaces, stairways, and similar areas.

Historic building: Any building or structure that is listed in the National Register of Historic Places, designated as a historic property or local landmark under local or state designation law or survey, certified as individually eligible or a contributing resource within a National Register-listed or locally designated historic district, or with an opinion or certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing building to an historic district by the State Historic Preservation Officer, the Keeper of the National Register of Historic Places, or the building official.

Infestation: The significant presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.

Kitchen: A habitable room used or intended to be used for the cooking or preparation of food.

Lavatory: That fixture that is commonly referred to as a "bathroom sink."

Living room: A habitable room that is used or intended to be used primarily for general living purposes, but not for sleeping or cooking.

Minimum quality standards: Those standards that address basic equipment and facilities for light, ventilation, and thermal conditions; safety from fire or accident; an adequate level of maintenance; and, the use, location and, amount of space for human occupancy;

Non-dwelling structure: Any structure, except a dwelling or rooming house, used or intended to be used for the shelter or enclosure of any person, animal, or property of any kind.

Occupancy: The act or acts of living, sleeping, or cooking in, or having actual possession of, a dwelling, dwelling unit, or rooming unit.

Occupant: Any person over one year of age, including an owner or operator, living, sleeping, or cooking in, or having actual possession of, a dwelling, dwelling unit, or rooming unit.

Operator: Any person who has charge, care, or control of a building, or any part thereof, in which any dwelling units or rooming units are let, either as owner or agent of the owner.

Owner: Any person who alone or jointly or severally with others:

A. Has legal title or equitable title to any dwelling, dwelling unit, rooming house, or rooming unit;
B. Has charge, care, or control of any dwelling, dwelling unit, rooming house, or rooming unit as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

Person: Means and includes any individual, firm, corporation, association, partnership, or similar entity.

Plumbing: Means and includes all of the following facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

Premises: A platted lot, or part thereof, or unplatted lot or parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure.

Public or common hall: A hall, corridor, or passageway not within the exclusive control of the occupants of one dwelling unit or rooming unit.

Plumb: The exterior walls or other vertical structural members do not list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle one-third of the base.

Rental property: Any dwelling, dwelling unit, rooming house, or rooming unit that is occupied by a person or persons other than the owner of record, a member of the owner of record's family, or a person or persons either a beneficiary of a trust or a surviving spouse that includes the property in the trust estate. For purposes of this title, a member of a "family" includes the following: the spouse, child(ren), parent(s), grandchild(ren) and grandparent(s), brother(s), sister(s) or dependant(s) of the owner of record.

Roomer: An occupant of a rooming house who is charged rent and is not a member of the rooming house owner's or operator's family.

Rooming house: Any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to one or more roomers.

Rooming unit: Any room or group of rooms forming a single habitable unit in a rooming house, used or intended to be used for living or sleeping, but not for cooking or eating.

Rubbish: Any combustible or non-combustible waste material, except garbage.

Safety: The condition of being reasonably free from danger or hazards that may cause accidents or disease.

Story above grade: Any story having its finished surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement meets any one of the following:

A. Is more than six feet above grade plane;
B. Is more than six feet above the finished ground level for more than fifty (50) percent of the total building perimeter; or
C. Is more than twelve (12) feet above the finished ground level at any point.

Temporary housing: any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, dwelling and/or house or building or another structure, or to any permanent utilities system on the same property. Such temporary housing shall be bound by the following conditions and exceptions:

A. shall not be used or occupied for living, sleeping or housekeeping purposes except that nonpaying guests at a residence may occupy one temporary housing unit, for sleeping purposes only, for a period not exceeding seventy-two (72) consecutive hours and not more than fourteen (14) days in any calendar year.

B. shall not include emergency housing provided for under the laws of the state of Iowa pursuant to a legally declared emergency, a mobile home or recreational vehicle park, or a public/private campground as provided for in the Council Bluffs Municipal Code.

Toilet: A water closet with a bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that fecal matter will not collect on the surface of the bowl, and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.

Violator: Any person who has violated any provision of this title.

(Ord. 5277 § 1, 1996)

(Ord. No. 6047, § 1, 2-22-2010; Ord. No. 6224, § 1, 1-26-2015; Ord. No. 6288, § 1, 4-24-2017)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND March 14, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 2-28-22
Second Consideration: 3-14-22
Public Hearing: n/a
Third Consideration: _____