



Building Trades Board Meeting Agenda

Thursday, February 22, 2024 - 5:00 PM

Newton City Hall - Council Chamber
101 W 4th St S
Newton, IA 50208

- I. Roll Call
- II. Review of Minutes of Previous Meeting: 2-10-2023
- III. Vacant Property Ordinance Amendments
- IV. Selection of Officers
 1. Selection of Chair
 2. Selection of Vice Chair
- V. Adjourn

Chair: Rebecca Decker; **Members:** Carroll Depenning, Antonia Sicilia, Jack Topp, Bill Yeager

Minutes of Meeting
Newton Building Trades Board
City Hall Council Chamber
101 West 4th Street South
Newton, IA 50208

February 10, 2023

ROLL CALL

COMMISSIONERS PRESENT: Yeager, Topp, DePenning, Decker

COMMISSIONERS NOT PRESENT: Sicilia

CITIZENS PRESENT: None

STAFF AND ELECTED OFFICIALS PRESENT: Erin Chambers, Community Development Director
Melvin Duncan, Building Official
Brian Dunkelberger, City Planner
Jarrod Wellik, Fire Chief

The meeting was called to order by Chair Decker. At 12:00 PM

Review of Minutes from Previous Meeting. Decker asked staff for a review of last meeting's proceedings for her benefit, since she was not in attendance. Staff reviewed the actions approved by the board along with the three items which were postponed to the current meeting. Staff also noted that a copy of a sample inspection report was placed at each of the board member's seats. Moving forward, this will be the form of inspection report provided for all rental property inspections as well.

Previous meeting minutes, January 27, 2023, were reviewed and approved unanimously. **Motion** by DePenning, **second** by Topp, Voice Vote: 4-0, Approved.

Rental Housing Inspection Program Policy Review

- 1.) Enforcement of Nuisance Code (Chapter 94) through Rental Inspection. Staff reviewed the prepared report on the matter, which included a recommendation that nuisance code matters outside of the building envelope shall result in a property's rental inspection failure with a requirement for re-inspection. Topp stated that he agreed with staff recommendation. Yeager asked if the recommendation required a code change. Staff replied that it did not because it is a policy matter.

Motion by Topp, **second** by Yeager to recommend that violations of Chapter 94, Nuisance Code, that are exterior to the building envelope, be forwarded to the Newton Police Department and not be a violation of the rental inspection, Voice Vote: Approved, 4-0.

- 2.) Re-Inspection Requirement. Staff reviewed the prepared report on the matter, which provided draft language for the Administrative Policy which would govern when re-inspections can occur by electronic means. Staff stated that the key point of this discussion will be for the board to recommend a maximum number of violations that can be re-inspected by electronic means.

Brian Dunkelberger, City Planner, approached the board, suggesting that as the information was being presented, the board might consider language which indicates the given examples were not all inclusive.

Topp asked what a "light dome" was. Staff responded as a cover for a light fixture. Consensus to change "dome" to "fixture cover."

There was discussion among the board regarding what the maximum number of violations should be for electronic re-inspections. The Board discussed the number five. DePenning stated that his number would be lower- 3. Topp agreed he had a lower number in mind too.

Motion by DePenning, **second** by Topp to recommend approval of the draft language under "Minor Violations" of the Administrative Policy with the following adjustments: insert the number "3" as the maximum number of violations to be handled by electronic means, add "but not limited to" in section (b) after "These issues include", and replace "domes" with "fixture covers" in (b)(1). Voice Vote: Approved, 4-0.

- 3.) Review of Rental Inspection Checklist. Staff reviewed the prepared staff report for the item stating that the checklist is supposed to serve as a helpful tool to property owners regarding the most common issues noted in rental properties. Staff stated that all adopted codes are required of property owners, as has always been the case. The revised checklist enhances what was previously included by adding additional commonly found violations and providing examples for some items already included on the list.

Topp asked if the list is changing the code or including any staff interpretations.

Dunkelberger, City Planner, stated that the checklist does not change any codes and for the most part is copied right from the code. Care was taken to not have the code include any interpretations. The examples are found violations from past inspections in Newton.

Topp thanked staff for the list and noted that the city doesn't haven't provide something like this.

Motion by DePenning to approve the amended rental inspection checklist as included in the packet, **seconded** by Topp. Voice Vote: Approved, 4-0.

Adjournment. Motion by Topp, **second** by Yeager to adjourn the meeting. Voice Vote: Approved 4-0.

Meeting Adjourned at 12:26 pm.



Memorandum

To: Building Trades Board

From: Brian Dunkelberger, Senior City Planner and Erin Chambers, Community Development Director

Date: February 22, 2024

Re: Vacant Building Ordinance Amendments

In late-2023, the Community Development Department was instructed to review and consider updates and/or amendments to the Vacant Building Ordinance. The motivation behind such updates are as follows: maintain the built environment; protect the health, safety, and welfare of the general public; and discourage vacancy in Newton which helps prevent crime, dilapidation, and blight in neighborhoods. Such efforts also promote growth and preserve the tax base in the community, which are identified as key objectives within *Envision Newton 2042*, the City's adopted Comprehensive Plan.

The current ordinance is contained within *Ch. 150: Building Regulations; Construction*, and has been in Newton City Code for more than a decade. When drafting the proposed revisions, Staff referred to other adopted ordinances from various communities around central Iowa including Oskaloosa, Knoxville, etc. The current adopted ordinance already includes much of what is required for a program, so the proposed revisions expand on the "foundation" that is already in place.

When drafting, staff acknowledged a few thoughts and questions that Board members might consider:

1. *150.102-103* - The "blanket" registration approach (requiring all renewals by January 1st of each year) is changed to a "case-by-case" approach.
 - a. This is due to the 6-month grace period and seeing as how an inspection is required at each renewal. It will also help spread the administrative duties across an entire year.
2. *150.103 (E)* - Should real estate transfers reset the 6-month grace period?

- a. This draft reflects that approach, and Staff suggests yes to this question considering how it might be perceived as unfair to a new owner to expect immediate compliance and possibly a registration fee.
3. *150.104* – Exemptions: are there any other unique circumstances could further delay or prevent an owner from being required to register a vacant building?

In order to assist the board with their review process, staff has included additional information as part of the agenda packet. Attached to this memorandum, you will find a copy of the following:

- Current Vacant Building Ordinance (Ch. 150.085)
- Proposed revisions from staff

After a recommendation and/or amendments from the Building Trades Board, then Staff will submit the proposed revisions to the City Council for a final review and decision.

VACANT BUILDINGS

§ 150.100 *Purpose and Intent.*

The purpose and intent of this subchapter is to establish a vacant building registration and abatement program to serve as a mechanism for protecting the public's health, safety, and welfare; to enhance communications between the City and private property owners; to prevent public and private nuisances and potential fire hazards; and to provide for the administration and procedures required to carry out the provisions of this subchapter.

§ 150.101 *Definition.*

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VACANT BUILDING. Any type of building used for residential, commercial, or industrial purposes, defined as a single structure or portion thereof which is individually owned on a property, including a single horizontal property regime (condominium) as outlined in Iowa Code Chapter 499B, which has been unoccupied for a continuous period of time of 6 months, or meeting one or more of the following criteria:

- (A) Abandoned, as defined by meeting the criteria established in Iowa Code § 657A;
- (B) Unsecured or secured by means other than those used in the design of the building, or in a manner that is unsafe or ineffective in keeping unauthorized persons from gaining entry;
- (C) Declared a “dangerous building” under the Uniform Code for the Abatement of Dangerous Buildings and/or a Notice and Order has been issued by the Building Official;
- (D) Unfit for occupancy or the intended purpose of the building, as determined by the Building Official;
- (E) Noncompliant with current Building Regulations or Codes adopted by the City;
- (F) Not receiving service from public utilities.

§ 150.102 *Registration.*

No person or business shall own or maintain a vacant building in the City unless such person or business holds a current, unrevoked vacant building registration certificate, issued by the Newton Community Development Department for the specific named building. The owner and/or responsible party shall register the vacant building with the City no later than 30 calendar days after the building becomes vacant as defined in this subchapter. Vacant building registration shall include the following information:

- (A) Address of the vacant building, legal description of the property, parcel number, and/or description of the premises or the vacant portion;
- (B) Names, addresses, and contact information for all owners of the vacant building;

(C) Names and addresses of all known lienholders and all other parties with an ownership interest in the building; and

(D) Name, address, and contact information for any agent designated to act on behalf of the property owner(s) in accepting legal processes and notices and in authorizing maintenance as required; and

(E) The period of time in which the building is expected to remain vacant and/or a plan and timeframe to comply with applicable city codes.

§ 150.103 *Terms of Registration.*

(A) *Initial Registration Term.* In accordance with the purpose and intent of this subchapter, there shall be no fee required for the initial registration of a vacant building. If the building remains vacant 6 months after the initial registration date, an inspection of the building shall be completed by the Building Official and a fee will be charged.

(B) *Recurring Registration Term.* Except for the initial registration, every recurring vacant building registration term shall expire on the one-year anniversary of the most recent certificate issuance date unless revoked at any time by the Building Official for noncompliance with any applicable city code.

(C) *Application for Renewal.* Before any vacant building registration certificate expires, an application for renewal shall be submitted by the owner or responsible party and an inspection completed thereafter.

(D) *Registration Fee.* The owner of a vacant building or the responsible party thereof shall pay a vacant building registration fee and associated administrative fees according to the sequence defined herein. Such fees shall be established by resolution of the Newton City Council and shall be required with each application for renewal.

(E) *Transfers.* Registrations may be transferred from one owner to another, provided a written notice of the transfer is given to the City within 30 working days of said transfer. If the transfer involves an initial term, the 6-month timeline will reset and a new certificate shall be issued. Registrations shall not be transferable from one building to another. No refund(s) shall be given to property owner(s) for a partial year of registration after a transfer or disposal of a vacant building.

(F) *Inspections.* The owner or owner's authorized agent shall allow inspection of the building upon request and shall allow annual inspection of the interior and exterior of the premises for the purpose of enforcing and assuring compliance with the provisions of this chapter and all other applicable city codes. Right of entry is authorized by the International Building Code, 2015 Edition, [A] 104.6 and the International Fire Code, 2015 Edition, [A] 104.3.

§ 150.104 *Exemptions.*

The following buildings are hereby exempted from the requirements of this subchapter until a time at which the applied qualifying element(s) described below are no longer valid:

(A) *Building Under Construction.* A vacant building that is actively under construction, repair, or remodel with a valid building permit issued by the City of Newton.

(B) *Temporary Vacancy of Owner-Occupied Dwellings.* An owner-occupied residential dwelling, but the owner resides elsewhere for less than six months per calendar year.

(C) *Property Subject to Immediate Change in Status.* A vacant building with an approved purchase agreement or an immediate pending sale or lease agreement. If such documentation can be provided, the building shall be exempted from the requirements of this subchapter for a period of 6 months. However, if after 6 months the status does not change, registration shall be required at that time.

§ 150.105 *Relationship of Registration to Other Codes.*

The issuance of a vacant building registration certificate shall not in any way signify or imply that the building conforms with any other applicable State of Iowa or City of Newton codes and ordinances nor shall it relieve the owner or responsible party of their obligations to ensure compliance with said codes and ordinances.

§ 150.106 *Penalty for Failure to Comply.*

(A) *Failure to Register.* Staff shall first send written notice to the recorded or registered property owner to submit a registration form for a known vacant building by a specified deadline. Failure to register or providing false information to the City shall constitute a violation of this chapter.

(B) *Failure to Renew.* An application for renewal of a vacant building registration may be submitted within 30 calendar days of an existing and current registration. If an application for renewal is not submitted to the City within 30 calendar days after the registration certificate expires, the owner(s) and responsible party may be subject to penalty.

(C) *Penalty.* Legal action may be pursued for owners failing to comply with the provisions of this chapter and for properties not brought into compliance with the adopted codes after a specific order from the Building Official. Such violations may result in a fine established by resolution of the City Council and/or a municipal infraction citation may be issued to the property owner. Each day that the owner fails to register or renew a vacant building as required by this subchapter shall constitute a separate violation for which a municipal infraction citation may be issued.



Community Development
303 W 4th St N, Suite 501
Newton, IA 50208-1926
(641) 792-6622
bethanyh@newtongov.org

Vacant Building Registration

OWNERS MUST REGISTER A VACANT BUILDING WITH THE CITY OF NEWTON NO LATER THAN 30 CALENDAR DAYS AFTER THE BUILDING BECOMES VACANT. NO FEE IS REQUIRED FOR THE INITIAL REGISTRATION OF A VACANT BUILDING. IF THE BUILDING REMAINS VACANT AFTER A CONTINUOUS PERIOD OF 6 MONTHS, THEN AN INSPECTION AND FEE WILL BE REQUIRED AT THAT TIME.

Building Address: Parcel #:
Date: Class:

City, State, Zip:

Phone: Email:

In applying for this Vacant Building Registration, I hereby agree to ensure compliance with all applicable city codes. I understand it is my responsibility to maintain and secure the structure and property to prevent potential negative impacts to the neighborhood and community such as public nuisances, fire hazards, or dangerous building conditions.

I further agree to hold the City harmless from any and all claims for damages of any kind or character, defend any action that may be brought against the City, and pay all damages that may be assessed, including costs, should any damage occur through either the demolition, use or maintenance of said building or property.

I hereby certify that I have the authority to make the foregoing application and that the application, to the best of my knowledge, is complete and correct:

Applicant's Signature (if e-mailing, print authorized name) Date

FOR OFFICE USE ONLY

Zoning Type: Zoning District: Permit No. S License SL

Approved []
Denied []

Special Terms or Conditions:

Reason Denied:

Staff Signature

Date

EXISTING VACANT BUILDINGS CODE

§ 150.085 VACANT BUILDING.

(A) *Definition.* For the purpose of this definition, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VACANT BUILDING. Any building, defined as a single structure or portion thereof which is individually owned on a property, such as a single horizontal property regime as outlined in Iowa Code Chapter 499B, which is:

- (a) Unoccupied and unsecured;
- (b) Unoccupied and secured by means other than those used in the design of the building;
- (c) Declared a dangerous building under the Uniform Code for the Abatement of Dangerous Buildings or a Notice and Order has been issued by the Newton Building Official;
- (d) Unoccupied and unfit for occupancy or the intended purpose of the building, as determined by a government agency;
- (e) Unoccupied and has Housing and Building Code violations;
- (f) Unoccupied for a continuous period of time over 180 days.

(B) *General.* The responsible party shall register the address of a vacant or abandoned building with the city after the building becomes vacant as defined in this chapter. Registration of a vacant building shall be renewed every calendar year that the building remains vacant. If a building remains unregistered after 180 days, staff shall first sent written notice to the recorded property owner to register a known vacant building by a specified deadline. Failure to register a vacant building or providing false information to the city shall be a violation of this chapter and shall result in a fine established by resolution of the City Council and/or issue a municipal infraction citation to the property owner.

(C) *Registration.* Vacant building registration shall include the following information:

- (1) Address of the vacant building site and/or description of vacant portion;
- (2) Legal description of the property on which the vacant building is located;
- (3) Name(s) and address(es) of vacant building owner(s);
- (4) Names and addresses of all known lienholders and all other parties with an ownership interest in the building; and

(5) Name, address and phone number of the agent designated to act on the behalf of a property owner in accepting legal processes and notices and in authorizing maintenance as required.

(D) *Inspections.* The owner shall allow inspections upon request of the interior and exterior of the premises for the purposes of enforcing and assuring compliance with the provisions of this chapter and all other city codes. Right of entry is authorized by the International Building Code, 2015 Edition, [A] 104.6 and the International Fire Code, 2015 Edition, [A] 104.3.

(E) *Registration fee.*

(1) A vacant building registration fee shall be required at the time of building registration or renewal.

(2) The fee shall be established by resolution of the City Council.