

CITY COUNCIL MEETING

CITY OF DAVENPORT, IOWA

Wednesday, October 9, 2024; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting minutes for September 25, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for October 2, 2024.

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Design Review Board
-Toby Paone (new appointment)

IX. Public Hearings

1. Public Hearing on the proposed amendments to various sections of Title 8 "Health and Safety" and Title 15 "Buildings and Construction" of the Municipal Code of Davenport, Iowa. [All Wards]

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

****NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered

separately.

1. Second Consideration: Ordinance for Case ROW24-04 being the request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley. [Ward 3]
2. First Consideration: Ordinance amending various sections of Title 8 entitled "Health and Safety" and Title 15 entitled "Buildings and Construction" of the Municipal Code of Davenport, Iowa to adopt the 2021 International Building Code, the 2021 International Residential Code, and the 2021 International Property Maintenance Code, and to incorporate recommendations from the Code evaluation performed by The White Birch Group and SOCOTEC. [All Wards]
3. First Consideration: Ordinance amending Chapter 8.15 entitled "Neighborhood Enhancement - Property Maintenance" of the Municipal Code of Davenport, Iowa to add requirements for rent abatement. [All Wards]
4. First Consideration: Ordinance to repeal and replace Chapter 15.32 entitled "International Fire Code" of the Municipal Code of Davenport, Iowa to allow for comprehensive formatting changes and adopt the 2021 International Fire Code. [All Wards]
5. Resolution approving Case F24-07 being the request of Entertainment Tonite LC for a final plat of Truckland Industrial Park 2nd Addition, a 2-lot subdivision on 2.81 acres located at 3680 West 83rd Street. [Ward 2]
6. Resolution approving Case F24-11 being the request of Sodarock Properties, LLC for a final plat of Phase 3 Eagle's Crest Second Addition, a 2-lot subdivision on 14.8 acres located at 1702 Eagle's Crest Avenue. [Ward 1]
7. Resolution setting a Public Hearing on amending and expanding the North Urban Renewal Area plan to include the Fair Oaks Foods project. [Wards 2, 6, 7, & 8]
8. Resolution setting a Public Hearing on approving an Economic Development Agreement with Fair Oaks Foods. [Ward 8]
9. Resolution setting a Public Hearing on amending the North Urban Renewal Area Plan to include the 2024 Internal TIF. [Wards 2, 6, 7, & 8]
10. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; 2:00 p.m. - 6:00 p.m. Wednesday, October 30, 2024; **Closures**: West 6th Street from Warren Street to Myrtle Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 6, 2024 and Saturday,

December 7, 2024; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

11. Resolution awarding a contract for the Goose Creek Trail Phase III project to KE Flatwork, Inc of Eldridge, Iowa in the amount of \$2,846,809.51, CIP #ARP17. [Ward 7]
12. Resolution awarding a contract for the 2024 Bridge Maintenance Program | East Locust Street Bridge Over the Canadian Pacific Kansas City Railway Rehabilitation project to Cramer and Associates, Inc of Grimes, Iowa in the amount of \$931,550.60, CIP #21009. [Ward 5]
13. Resolution approving the plans, specifications, form of contract, and estimate cost for the Fire Station 7 Concrete Replacement project. [Ward 8]
14. Resolution accepting the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2024-2025 in the amount of \$77,765. [All Wards]
15. Motion approving beer and liquor license applications.
 - A. Annual license renewals (with outdoor area renewals as noted):

Ward 3

German American Heritage Center (German American Heritage Center) - 712 West 2nd Street - License Type: Special Class C Beer/Wine (On-Premises)

Iowa Mini Mart (Samreet, LLC) - 234 West 3rd Street - License Type: Class E Liquor (Carry-Out)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - License Type: Class C Liquor (On-Premises)

Ward 4

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) - 2606 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

QC Mart (Bethany Enterprises, Inc) - 1556 West Locust Street - License Type: Class B Beer/Wine (Carry-Out)

Rio Grande Mexican Restaurant Y Cantina, LLC (Rio Grande Mexican Restaurant Y Cantina, LLC) - 1414 West Locust Street - License Type: Class C Liquor (On-Premises)

Ward 6

Bad Boy'Z Pizza & Pub (3 Bad GirlZ, LTD) - 4706 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Hy-Vee (Hy-Vee, Inc) - 1823 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc) - 5811 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

16. Motion awarding a contract for the Emeis Golf Course Maintenance Buildings Renovation project to Reed Construction LLC of DeWitt, Iowa in the amount of \$62,069, CIP #64119. [Ward 1]
17. Motion approving a waiver of sidewalk installation for Seefried Properties along North Division Street between the Sterilite Facility and Research Parkway, and that said waiver is valid as long as certain conditions remain in effect. [Ward 8]

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business not appearing on this agenda. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council can not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

Please state your name and ward for the record. There is a three (3) minute time limit. Please end your comments promptly.

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the City Council Meeting minutes for September 25, 2024.

Action / Date
10/9/2024

Attachments:

1. 092524 City Council Meeting Minutes

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, September 25, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, September 25, 2024 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Matson presiding and all Aldermen present (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Gripp

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for September 11, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for September 18, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, September 18, 2024 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman T. Dunn. Upon the roll being called, all Aldermen were present (In person: Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderwoman Newton, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder; Via telephone: Alderman Gripp and Alderwoman Lynch).*

**Arrived at 5:32 p.m. after the roll call*

*The following Public Hearings were held: **Community Development:** 1. for Case ROW24-04 being the request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley; and 2. on the Consolidated Plan Annual Performance Evaluation Report for the year ending June 30, 2024. **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Harrison Street and 15th Street Traffic Signal Replacement project, CIP #38018; 2. on the plans, specifications, form of contract, and estimate of cost for the Adler Theatre HVAC Upgrades project, CIP #69014; and 3. on the specifications, form of contract, and estimate of cost of the FY 2025-2026 Contract Sewer Repair Program, CIP #30064 and #33057.*

*Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Reinartz reviewed the item listed. On motion by Alderwoman Meginnis, second by Alderman Jobgen the item moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderman R. Dunn all items moved to the Consent Agenda except the street closure and noise variance requests for the West High School Homecoming Parade which would appear later on the agenda to be voted on. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed all items listed. On motion by Alderwoman Burkholder, second by Alderwoman Meginnis item #1, Resolution adopting a Code of Conduct for members of*

the Davenport City Council and the Mayor, moved to the Discussion Agenda and all other items moved to the Consent Agenda.

Other Ordinances, Resolutions and Motions: A motion for suspension of the rules to vote on the listed items was moved by Alderman R. Dunn and seconded by Alderwoman Meginnis. Upon the roll being called, all Aldermen present voted aye and the rules were suspended.

On motion by Alderman R. Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Resolution was adopted.

Resolution approving a street closure request on the listed date and time for an outdoor event.

ADOPTED 2024-398

Davenport Community School District; West High School Homecoming Parade; 3505 West Locust Street; 4:30 p.m. - 7:00 p.m. Tuesday, September 24, 2024; **Closures (Police controlled):** North Clark Street from West 15th Street to West 18th Street; West 18th Street from North Clark Street to North Elsie Avenue; North Elsie Avenue from West 18th Street to West Lombard Street; West Lombard Street from North Elsie Avenue to North Nevada Avenue; North Nevada Avenue from West Lombard Street south to West High School. [Wards 1 & 4]

On motion by Alderman R. Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Motion passed.

Motion approving a noise variance request on the listed date and time for an outdoor event.

PASSED 2024-399

Davenport Community Schools; West High School Homecoming Parade; see attached parade route; Tuesday, September 24, 2024 4:30 p.m. - 6:30 p.m.; Outdoor music, over 50 dBA. [Wards 1 & 4]
Council adjourned at **6:19 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-400

1. Civil Service Commission

-Rachel Pitchford (new appointment)

**Paul Sikorski was listed on the agenda to be appointed to the Civil Service Commission. Mayor Matson advised that Mr. Sikorski has decided to pursue another board or commission to serve on.*

B. Proclamations

ISSUED 2024-401

1. Fire Prevention Week | October 6-12, 2024

2. Good Neighbor Day | September 28, 2024

3. Metrocom NAACP Unit #4019 Day | September 28, 2024

IX. Presentations

HELD

1. Police Officer Swearing-In Ceremony

- Misty Murray

- Nathaniel Haire

- Sebastian Villanueva

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. A motion was moved by Alderman Kelly and seconded by Alderwoman Burkholder to table the below Resolution. Upon the roll being called, the following Aldermen voted aye: Alderwoman

Lynch, Alderwoman Burkholder, Alderman Kelly, and Alderwoman Newton; the following Aldermen voted nay: Alderman Jobgen, Alderman Reinartz, Alderman T. Dunn, Alderman R. Dunn, Alderwoman Meginnis, and Alderman Gripp; and the motion to table failed.

On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye except Alderman Kelly, the following Resolution was adopted.

Resolution adopting a Code of Conduct for members of the Davenport City Council and the Mayor.
[All Wards] **ADOPTED 2024-402**

XII. Approval of All Items on the Consent Agenda

On motion by Alderman Reinartz, second by Alderwoman Meginnis and all Aldermen present voting aye, the Consent Agenda was approved as follows.

1. First Consideration: Ordinance for Case ROW24-04 being the request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley. [Ward 3]

MOVED TO SECOND CONSIDERATION

2. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events. **ADOPTED 2024-403**

Scott Searle; Yo-Yo Man Neighborhood Block Party; 519 West 16th Street; 11:00 a.m. - 6:00 p.m. Sunday, September 29, 2024; **Closure**: West 16th Street from Gaines Street to Scott Street. [Ward 4]

Davenport Community Schools; North High School Homecoming Parade; Thursday, October 3, 2024 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled)**: Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]

St. Paul the Apostle; Trunk or Treat; 1007 East Rusholme Street; 3:30 p.m. - 8:00 p.m. Friday, October 25, 2024; **Closure**: East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

Brian Doerrfeld; Village Zombie Run; Village of East Davenport; 6:00 a.m. - 12:00 p.m. Saturday, October 26, 2024; **Closures**: (beginning at 6:00 a.m.) East 11th Street from Jersey Ridge Road to Mound Street; east-west alley between East 11th Street and East 12th Street and Mound Street and Jersey Ridge Road; Mound Street from East 11th Street to East 12th Street; Mound Street from the alley to East 12th Street until 12:30 p.m.; (beginning at 8:30 a.m.) Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street. [Ward 5]

City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 27, 2024; **Closures:** East 3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street; 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street and River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive; (beginning at 2:00 p.m.) Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]

3. Resolution accepting work completed under the Veterans Memorial Park Phase II | Overlook Package 5 - Landscaping project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$334,504, CIP #68016. [Ward 3] **ADOPTED 2024-404**

4. Resolution awarding a contract for the Main Library Renovation | Phase II project to Swanson Construction Co of Bettendorf, Iowa in the amount of \$271,125, CIP #23063. [Ward 3] **ADOPTED 2024-405**

5. Resolution approving the plans, specifications, form of contract, and estimate of cost for Harrison Street and 15th Street Traffic Signal Replacement project, CIP #38018. [Ward 5] **ADOPTED 2024-406**

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Adler Theatre HVAC Upgrades project, CIP #69014. [Ward 3] **ADOPTED 2024-407**

7. Resolution approving the specifications, form of contract, and estimate of cost for the FY 2025-2026 Contract Sewer Repair Program, CIP #30064 and #33057. [All Wards] **ADOPTED 2024-408**

8. Resolution awarding a professional services agreement for engineering services for the design of the Water Pollution Control Plant Digester Improvements project to Stanley Consultants, Inc of Muscatine, Iowa in an amount not to exceed \$1,506,000, CIP #39017. [Ward 1] **ADOPTED 2024-409**

9. Resolution authorizing submission of grant applications to the Iowa Department of Transportation's FY 2026 Iowa Clean Air Attainment Program and State Transit Assistance Special Projects Program for financial assistance to conduct a transit planning study of Scott County. [All Wards] **ADOPTED 2024-410**

10. Resolution appointing Mr. Douglas K. Maxeiner as the City of Davenport's City Administrator and approving a related employment agreement. [All Wards] **ADOPTED 2024-411**

11. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2024-412**

Davenport Community Schools; North High School Homecoming Parade; see attached parade route; Thursday, October 3, 2024 5:30 p.m. - 6:30 p.m.; Outdoor music, over 50 dBA. [Wards 7 & 8]

City of Davenport; Halloween Parade; Downtown (see attached parade route); 2:00 p.m. - 3:30 p.m. Sunday, October 27, 2024; Outdoor music, over 50 dBA. [Ward 3]

12. Motion approving beer and liquor license applications.

PASSED 2024-413

A. New license, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 1

Veterans Of Foreign Wars, F.W. Galbraith Post 828 Canteen (Veterans Of Foreign Wars, F.W. Galbraith Post 828) - 101 South Linwood Avenue - Outdoor Area - New License - License Type: Class F Liquor (On-Premises)

Ward 3

The Wandering Crowd (The Wandering Crowd, LLC) - 101 West River Drive - Temporary Outdoor Event - License Type: Class C Liquor

Ward 4

Wise Guys Pizza and Pub (Christa Rae, LLC) - 2824 West Locust Street #3A – New License/Ownership - License Type Class C Liquor

Ward 6

Dave & Buster's (Dave & Buster's of Iowa, LLC) - 5248 Elmore Avenue - New License - License Type: Class C Liquor

B. Annual license renewals (with outdoor area renewals as noted):

Ward 2

Casey's General Store #2092 (Casey's Marketing Company) - 6278 North Pine Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Raw Bar (RawBar) - 136 East 3rd Street Unit A - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

Texas Roadhouse (Texas Roadhouse Holdings, LLC) - 4005 East 53rd Street - License Type: Class C Liquor (On-Premises)

13. Motion approving Change Order #1 with Jim Schroeder Construction, Inc of Bellevue, Iowa for the Utah Avenue Bridge over Duck Creek Replacement project in the amount of \$62,155.72, CIP #21011. [Wards 1 & 2]

PASSED 2024-414

14. Motion awarding a professional services agreement for engineering services for the 2025 High Volume Roadway Resurfacing project to Willett, Hofmann and Associates, Inc of Moline, Illinois in the amount of \$91,000, CIP #35061. [Wards 1, 2, 3, 5, & 8]

PASSED 2024-415

15. Motion awarding a professional services agreement for engineering services for the Grand Avenue Resurfacing project to Shive-Hattery, Inc of Bettendorf, Iowa in the amount of \$86,700, CIP #35061. [Ward 5] **PASSED 2024-416**

16. Motion awarding a professional services agreement for engineering services for the Main Street Resurfacing project to MSA Professional Services, Inc of Bettendorf, Iowa in the amount of \$84,010, CIP #35061. [Wards 3 & 5] **PASSED 2024-417**

17. Motion approving the City of Davenport's continued participation in the U.S. Bank Iowa Card Consortium. [All Wards] **PASSED 2024-418**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

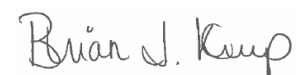
XV. Reports of City Officials

The following is a summary of revenue received for the month of August 2024:

Property Taxes	\$150,715
Other City Taxes	\$3,067,303
Licenses & Permits	\$345,511
Intergovernmental	\$4,375,855
Charges for Services	\$4,833,460
Use of Monies & property	\$126,419
Fines & Forfeits	\$176,939
Bonds/Loan Proceeds	\$29,943
Miscellaneous	\$286,624

XVI. Executive Session

*On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **6:34 p.m.** to discuss a real estate transaction pursuant to Iowa Code 21.5(1)(j). Council reconvened in Executive Session at **6:42 p.m.** with Mayor Matson and all Aldermen present except Alderman Kelly (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderwoman Lynch, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz). Others present included Acting City Administrator Nicole Gleason, Acting Finance Director Jim Odean, and Corporation Counsel Sam Huff. On motion by Alderman R. Dunn, second by Alderman Gripp Council went back into open session at **7:45 p.m.** On motion by Alderwoman Newton, second by Alderwoman Meginnis Council adjourned at **7:45 p.m.***



Brian J. Krup
Deputy City Clerk

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the Report on Committee of the Whole for October 2, 2024.

Action / Date
10/9/2024

Attachments:

1. 100224 Committee of the Whole Report

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, October 2, 2024 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance. Upon the roll being called, all Aldermen were present (*In person*: Alderman R. Dunn, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder; *Via telephone*: Alderman Kelly).

The following Public Hearings were held: **Public Works**: 1. on the plans, specifications, form of contract, and estimate of cost for the Fire Station 7 Concrete Replacement project.

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development**: Alderman Gripp reviewed all items listed. On motion by Alderman Reinartz, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Public Safety**: Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Public Works**: Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Jobgen all items moved to the Consent Agenda. **Finance**: Alderwoman Newton reviewed the one item listed. On motion by Alderwoman Lynch, second by Alderman R. Dunn the item moved to the Consent Agenda.

On motion by Alderman Reinartz, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **6:51 p.m.** to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code 21.5(1)(c). Council reconvened in Executive Session at **6:57 p.m.** with Mayor Matson and all Aldermen present except Alderman Kelly (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderwoman Lynch, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz). Others present included Acting City Administrator Nicole Gleason and Corporation Counsel Sam Huff. On motion by Alderwoman Newton, second by Alderwoman Meginnis Council went back into open session at **7:23 p.m.** On motion by Alderwoman Lynch, second by Alderwoman Meginnis Council adjourned at **7:23 p.m.**

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
10/9/2024

Subject:
Design Review Board
-Toby Paone (new appointment)

Background:

Toby Paone is a new appointment to the Design Review Board, filling a vacancy created by the resignation of Nicholas Cox. Mr. Paone will fill the remainder of the term ending December 31, 2024, as well as the next term January 1, 2025 - December 31, 2027.

Attachments:

None

City of Davenport

Department: Public Works

Contact Info: Rich Oswald | 563-326-6198 |

Action / Date

10/9/2024

Subject:

Public Hearing on the proposed amendments to various sections of Title 8 "Health and Safety" and Title 15 "Buildings and Construction" of the Municipal Code of Davenport, Iowa. [All Wards]

Recommendation:

Hold the Hearing.

Background:

Amendments are being made to multiple sections in Titles 8 and 15 of the Municipal Code of Davenport, Iowa.

- Chapter 8.15 Neighborhood Enhancement – Property Maintenance
- Chapter 8.18 Registration of Vacant or Abandoned Buildings
- Chapter 15.08 Construction Code Enforcement Administrative Regulations
- Chapter 15.12 International Building Code and International Residential Code for One- and Two-Family Dwellings
- Chapter 15.30 Contractor Licenses-Bond-Insurance Required
- Chapter 15.32 International Fire Code

Attachments:

1. Public Hearing Notice

AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Danielle Underwood, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Quad-City Times, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made part of this affidavit, was published in said The Quad-City Times, on the dates listed below.

October. 2 2024

NOTICE ID: aqYp1Php1NExJ7HdYWaf

PUBLISHER ID: COL-IA-200989

NOTICE NAME: NH Ordinance Revisions Titles 8 & 15

Publication Fee: \$33.10

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Danielle Underwood

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 10/02/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

Notice of Hearing

On the Proposed Ordinance Revisions for

Chapter 8.15 Neighborhood Enhancement – Property Maintenance

Chapter 8.18 Registration of Vacant or Abandoned Buildings

Chapter 15.08 Construction Code Enforcement Administrative Regulations

Chapter 15.12 International Building Code and International Residential Code for One- and Two-Family Dwellings

Chapter 15.30 Contractor Licenses-Bond-Insurance Required

Chapter 15.32 International Fire Code

Notice is hereby given that at 5:30 p.m. on Wednesday, October 9, 2024 in the Council Chambers of Davenport City Hall, located at 226 W 4th Street in the City of Davenport, Iowa, there will be conducted a hearing on the proposed ordinance revisions which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and on the necessity of the above ordinances in the City of Davenport, Iowa.

Proposed ordinance revisions can be reviewed at:
<https://bit.ly/CoDCOWAgendas>

At said hearing any interested person may file written objection or comments with respect to the proposed ordinance revisions or necessity for such revisions and may be heard orally with respect thereto.

Brian Krup
Deputy City Clerk
COL-IA-200989

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Action / Date
10/9/2024

Subject:

Second Consideration: Ordinance for Case ROW24-04 being the request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley. [Ward 3]

Recommendation:

Adopt the Ordinance.

Background:

The City received a request to vacate an unimproved portion of public right-of-way within a residential block. The existing north-south alley, extending from West 7th Street to the mid-block alley, was dedicated but never constructed by the City. There is a driveway approach along West 7th Street that serves as a parking space for the single-family home at 1214 West 7th Street. The remainder of the right-of-way is grass, which is being maintained by the petitioner.

The applicant owns three properties abutting the subject right-of-way. The purpose of the request is to provide off-street parking, prevent traffic from driving over the lawn, and to minimize nuisance activity. The area petitioned for vacation is approximately 1,500 square feet (10 feet wide by 150 feet in length). If vacated, the land will be conveyed to abutting property owners.

At its September 3, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ROW24-04 be forwarded to the City Council with a recommendation for approval subject to the following finding: The existing public right-of-way is not required for city purposes.

The staff report from the September 3, 2024 Plan and Zoning Commission meeting is attached.

Attachments:

1. Ordinance
2. Plan & Zoning Commission Staff Report
3. Application
4. Legal Description
5. Maps
6. Photos of Alley
7. Public Hearing Notice-Committee of the Whole
8. Public Hearing Notice-Plan & Zoning Commission

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ROW24-04 BEING THE REQUEST OF JACKS HOME IMPROVEMENTS COMPANY TO VACATE THE UNIMPROVED RIGHT-OF-WAY LOCATED WEST OF MARQUETTE STREET BETWEEN WEST 7TH STREET AND THE MID-BLOCK ALLEY.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

A public alley that is ten (10') feet wide by approximately one hundred fifty (150') feet long located in Davenport, Scott County Iowa, and described as follows: commencing at the northwest corner of a Lot in Mitchells Third Addition to City of Davenport Iowa that is described in a Real Estate Contract dated May 21, 1986, filed with the Scott County Iowa Recorder on May 27, 1986 at document no # 8703-86 (which Lot is described as "The North 40 feet of the East 118 feet of Lots 5 and Lot 6 in Block 16 of Mitchell's Third Addition to the City of Davenport, Scott County Iowa") and continuing in a southerly direction along a line that is one hundred eighteen (118') feet west of and parallel to Marguette St ., Davenport Iowa a distance of approximately one hundred fifty (150') feet south to a point on the north side of a public street, now known as West 7th St, in Davenport Iowa, which point is adjacent to the southwest corner of a Lot described in a Deed dated November 10, 1987 and filed of record with the Scott County Recorder on December 29, 1987 as document no #24198-97, and thence West a distance of ten (10') feet along the north side of West 7th St, and thence in a northerly direction approximately one hundred fifty (150') feet to a point in the south side of public alley, and thence East a distance of ten (10') feet to the point of beginning.

Section 2. At its September 3, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ROW24-04 be forwarded to the City Council with a recommendation for approval subject to the following finding: The existing public right-of-way is not required for city purposes.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable 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.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
9/3/2024

Subject:

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley, in Case ROW24-04 to the City Council with a recommendation for approval, subject to the following finding:

Finding: The existing public right-of-way is not required for city purposes.

Background:

The City received a request to vacate an unimproved portion of public right-of-way within a residential block. The existing north-south alley, extending from West 7th Street to the mid-block alley, was dedicated but never constructed by the City. There is a driveway approach along West 7th Street that serves as a parking space for the single-family home at 1214 West 7th Street. The remainder of the right-of-way is grass, which is being maintained by the petitioner.

The applicant owns three properties abutting the subject right-of-way. The purpose of the request is to provide off-street parking, prevent traffic from driving over the lawn, and to minimize nuisance activity.

The area petitioned for vacation is approximately 1,500 square feet (10 feet wide by 150 feet in length). If vacated, the land will be conveyed to abutting property owners.

The vacation of public right-of-way is a two-step process:

1. Determine if the right-of-way is needed for public purposes.
2. Negotiate and determine terms of conveyance to adjacent property owners. (No Plan and Zoning Commission action is required.)

Comprehensive Plan:

Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes

Future Land Use Designation:

The properties abutting the subject right-of-way are designated as Residential General in the Davenport +2035 Future Land Use Map. The properties with frontage along Marquette Street

are also within an Urban Corridor Overlay.

1. **Residential General:** Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher of intensity may be considered.
2. **Urban Corridor:** Generally established corridors along major streets marked by mixed use development with commercial uses generally clustered at major intersections and/or transit stops. Urban corridors are mostly fully built-out and redevelopment occurs slowly. Commercial uses in UC generally serve adjacent neighborhoods with goods and services. The character and intensity of Urban Corridors can vary due to street and surrounding neighborhood characteristics. Therefore, specific corridor and neighborhood plans, and supporting zoning provisions, should be developed to help guide future development decisions.

Abutting Zoning:

The abutting properties are currently zoned **R-4C Single-Family and Two-Family Central Residential District**. This district is intended to preserve and protect Davenport's dense, centrally located, established urban residential neighborhoods. Standards of the R-4C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4C District.

Technical Review:

The following technical review comments were received from City Departments and Utility Companies:

1. Streets: If vacated, all abutting properties will have frontage along a public street.
2. Solid Waste: The properties at 1214 West 7th Street and 702 Marquette Street currently have trash collected from the alley. Should the right-of-way be vacated, accommodations can be made for properties without direct access to the alley to have trash collected along West 7th Street or Marquette Street.
3. Forestry: The City is in the process of having the large tree located near the midpoint of the right-of-way trimmed.
4. Sanitary Sewer: There is no sewer infrastructure within the subject right-of-way. Sanitary sewer lines are within the West 7th Street and Marquette Street rights-of-way.
5. Other Utilities: All utility services located in the alley shall be granted a blanket utility and access easement for the maintenance of such utilities as conditioned in this report. Overhead utility poles span the length of the east-west alley in the center of the block.
6. Parks/Open Space: The proposed right-of-way vacation does not impact any parks or open space.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 20, 2024 Plan and Zoning Commission Public Hearing.

Staff have had conversations with the property owner at 1218 West 7th Street, whose land abuts the northwest corner of the subject right-of-way. The owner did not object to the vacation or express interest in acquiring the land. However, there was concern raised about the large tree near the midpoint of the right-of-way. It is unclear whether the tree is within the alley or on private property. The owner inquired about the responsibility for having the tree removed.

Staff will apprise the Commission of any additional correspondence at the meeting.

Attachments:

1. Application
2. Legal Description
3. Maps
4. Photos of Alley
5. Public Notice



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

RIGHT-OF-WAY VACATION

(EASEMENT ABANDONMENT)

APPLICANT INFORMATION	
Applicant Name Company Name keith jacks / Jacks Home Improvement	
Address 702 N Marquette street	
City State Zip Davenport, Iowa 52802	
Phone 323-6111	
Secondary Phone 529-1113	
E-Mail Address keithkjacks@mchsi.com	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study. Keith k Jacks Type Applicant's Name Applicant's Signature _____ Date 06/24/2024	
DEVELOPMENT TEAM	
Surveyor Address Phone _____ Secondary Phone _____ E-Mail Address _____	
Attorney/Other Address Phone _____ Secondary Phone _____ E-Mail Address _____	
Submit the first page of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.	

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING	
07/16/2024	07/25/2024	08/20/2024	
PROJECT TITLE Vacate Alley			
GENERAL LOCATION DESCRIPTION Alley North of W 7th St. & West of Marquette St.			
NEIGHBORHOOD MEETING DATE / TIME / LOCATION			
AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA
	R-4C	R-4C	1,500 SF

COMPLETE SUBMITTALS SHALL INCLUDE:	SUBMITTED
Concept/Development Plan, if applicable	☐
Authorization to Act as Applicant	☐
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☐
Legal Description Dimensioned Sketch	☐
Application Fee: (REQUIRED) \$400* * check payable to 'City of Davenport'	☐

PROJECT NARRATIVE: (submit separate sheet if needed)

Request to vacate the north-south alley located north of West 7th Street and west of Marquette Street. The alley is approximately 10 feet wide by 150 feet in length.

Authorization to Act as Applicant

I/We, Keith k Jacks
[as property owner(s)]

authorize Keith k Jacks
[the above person(s)]

to act as applicant, representing me/us before the City Plan & Zoning Commission

for the property located at _____.

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

Date

State of _____,

County of _____,

Sworn and subscribed before me

this _____ day of _____, _____.

[identification type]

Notary Public

My Commission Expires:

CONVEYANCE PROCEDURE:
CITY COUNCIL POLICY ON SALE OF PUBLIC PROPERTY

P&Z STAFF SHALL HOLD A PUBLIC HEARING AND PREPARE A REPORT BEFORE THE PLAN AND ZONING COMMISSION REGARDING REQUESTS FOR R.O.W VACATION; THE COMMISSION SHALL PROVIDE A RECOMMENDATION TO CITY COUNCIL.

SHOULD CITY COUNCIL APPROVE THE R.O.W. VACATION THE FOLLOWING PROCEDURE WILL COMMENCE FOR THE CONVEYANCE (SALE) OF LAND TO ADJACENT PROPERTY OWNERS NEAR THE VACATED R.O.W.

APPLICANTS SHALL WORK WITH THE CITY LEGAL DEPARTMENT AT 563.326.7735 TO COMPLETE THE LAND CONVEYANCE OF VACATED R.O.W. PRIOR TO USE OF THE LAND

WHEREAS, THE Davenport City Council wishes to establish an orderly and efficient process for the conveyance and disposal of real property, including lots and abandoned streets and alleys, the following procedures are hereby established to facilitate the sale of real property:

1. The Petitioner files an application for conveyance and pays a one-time, non-refundable \$400.00 filing fee. The application shall include a statement of intended use, a legal description and location of the property, the square feet of the land, plat drawing of the property and must be signed by the Petitioner.
2. If the petition involves public right-of-way, the matter shall be referred to the City Plan and Zoning Commission.
3. Staff shall review the following factors in determining what constitutes fair market value for the property:
 - a. the location, size, shape, grade and zoning of the land;
 - b. the assessed valuation of adjacent or contiguous property;
 - c. recent sales of land in the same area.
4. In the event staff deems it advisable or necessary, the City shall request the Petitioner, at Petitioner's expense, to provide a fair market value appraisal of the property.
5. Staff shall determine a price per square foot based upon the above stated factors. In any event, the minimal fee on any land conveyed shall be \$400.00.
6. Council may approve, by motion, a request from staff to proceed to dispose of parcels of real property either by offer or at auction. If the property is offered and accepted by the purchaser, the price will be as agreed between City and purchaser. In the event the auction process is used, the sale price of these properties shall be determined solely by the auction's bidding procedures. In either case, there shall also be no application fee assessed to the purchaser.

Keith Jacks Petition to have public alley vacated and described as:

A public alley that is ten (10') feet wide by approximately one hundred fifty (150') feet long located in Davenport, Scott County Iowa, and described as follows: commencing at the northwest corner of a Lot in Mitchells Third Addition to City of Davenport Iowa that is described in a Real Estate Contract dated May 21, 1986, filed with the Scott County Iowa Recorder on May 27, 1986 at document no # 8703-86 (which Lot is described as "The North 40 feet of the East 118 feet of Lots 5 and Lot 6 in Block 16 of Mitchell's Third Addition to the City of Davenport, Scott County Iowa") and continuing in a southerly direction along a line that is one hundred eighteen (118') feet west of and parallel to Marguette St., Davenport Iowa a distance of approximately one hundred fifty (150') feet south to a point on the north side of a public street, now known as West 7th St, in Davenport Iowa, which point is adjacent to the southwest corner of a Lot described in a Deed dated November 10, 1987 and filed of record with the Scott County Recorder on December 29, 1987 as document no #24198-97, and thence West a distance of ten (10') feet along the north side of West 7th St, and thence in a northerly direction approximately one hundred fifty (150') feet to a point in the south side of public alley, and thence East a distance of ten (10') feet to the point of beginning.

8.2.2024



Vicinity Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



ROW Vacation

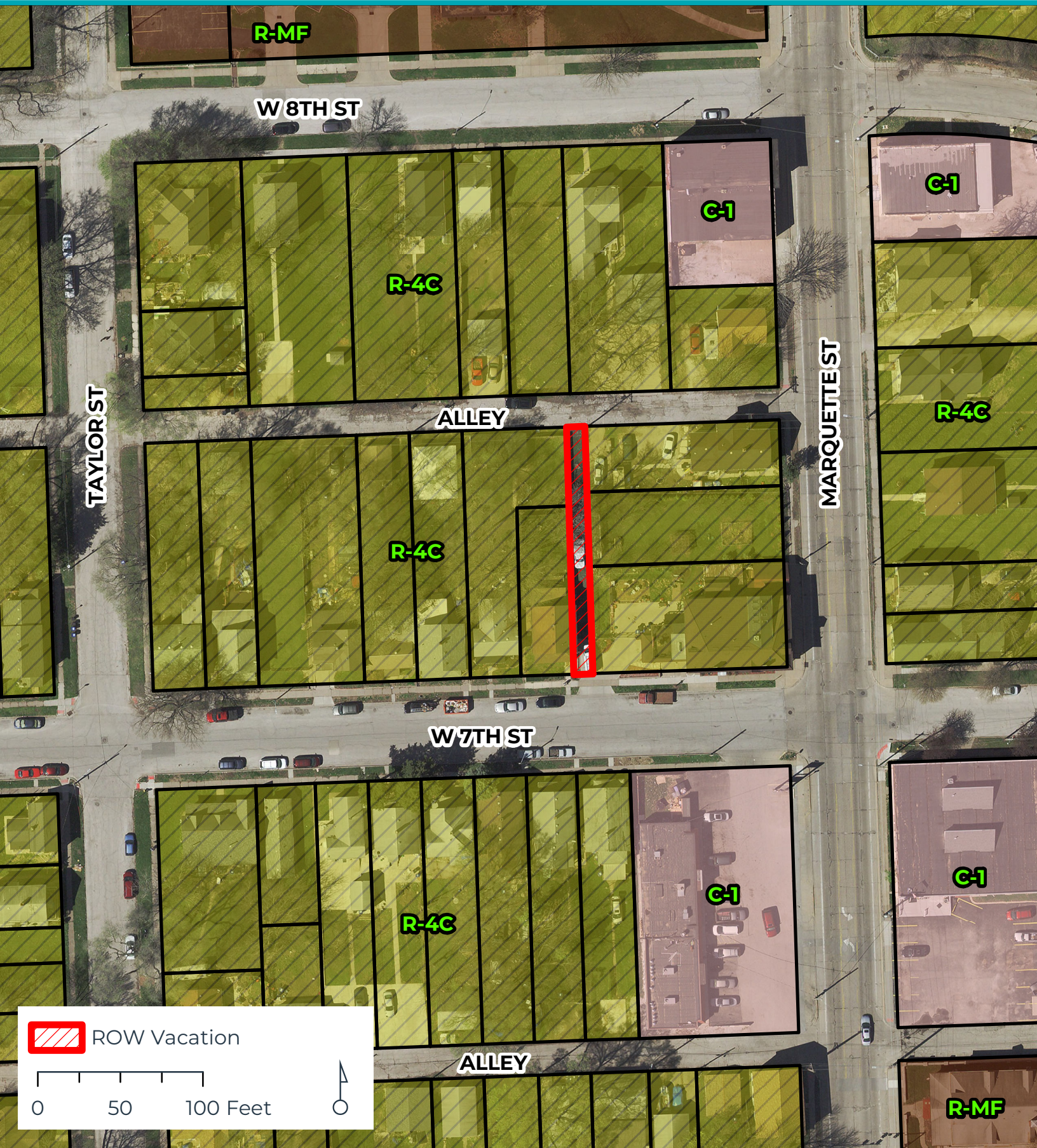
0 50 100 Feet





Zoning Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]





THE CITY OF
DAVENPORT
IOWA | USA

Future Land Use Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



MARQUETTE ST

W 7TH ST

648













PUBLIC HEARING NOTICE | COMMITTEE OF THE WHOLE

To: All property owners within 200 feet of the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley.

Committee of the Whole Public Hearing Meeting

Date: 9/18/2024

Time: 5:30 PM

Location: Council Chambers | City Hall | 226 West 4th St.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate public right-of-way. The existing north-south alley, extending from West 7th Street to the mid-block alley, is unimproved. If vacated, the land will be conveyed to abutting property owners.

Request/Case Description

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

Plan & Zoning Commission Recommendation

At its September 3, 2024 meeting, the Plan and Zoning Commission recommended Case ROW24-04 be forwarded to the City Council with a recommendation for approval subject to the following finding: The existing public right-of-way is not required for city purposes.

What are the Next Steps?

The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, September 18, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

Would You Like to Submit an Official Comment?

You may submit written comments on the above item or attend the public hearing to express your views, or both. Written comments may be sent via email to mayor.info@davenportiowa.com or mailed to the Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the day of the public hearing.

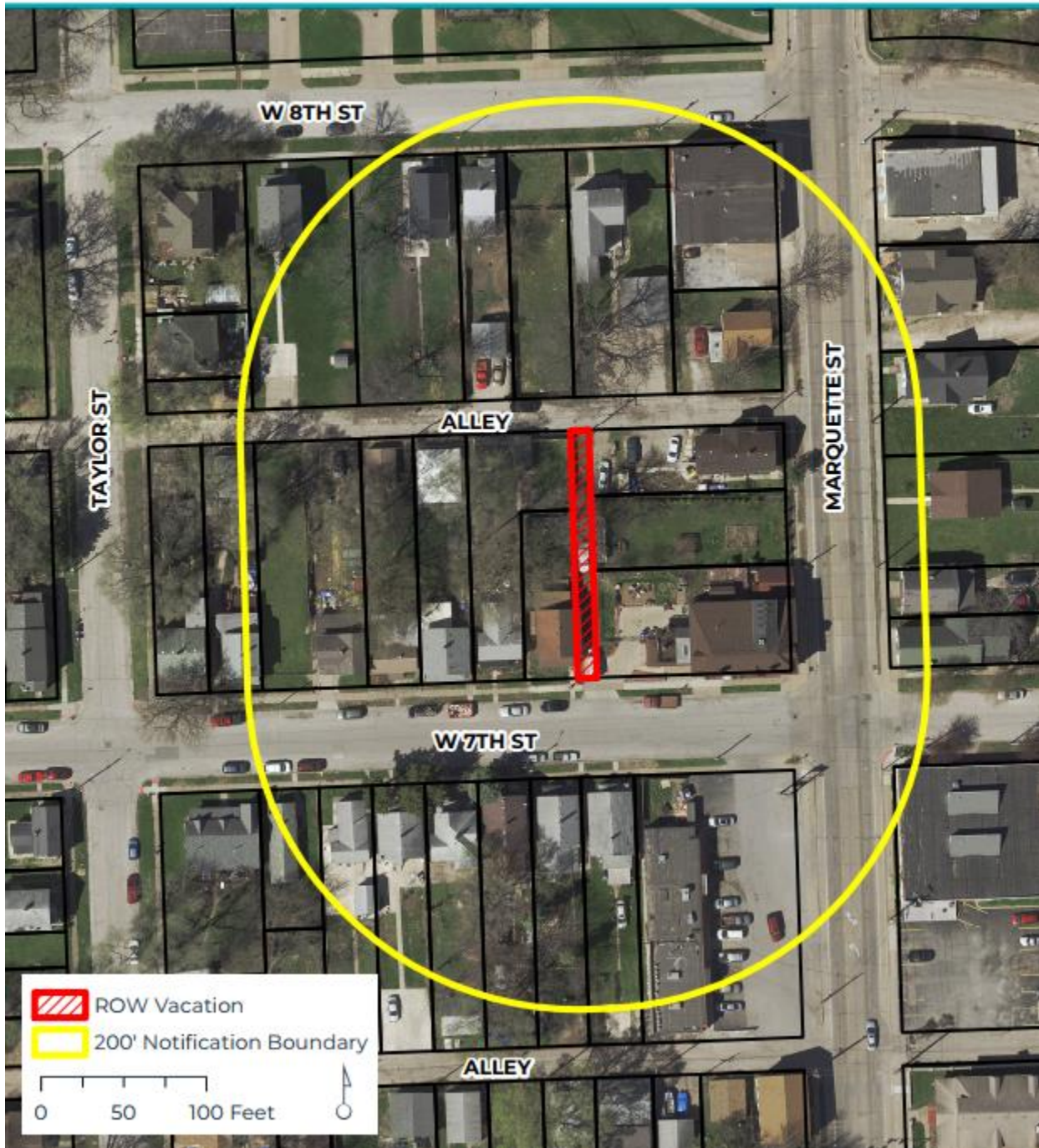
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145



Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]





PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley.

Plan & Zoning Commission Public Hearing Meeting

Date: 8/20/2024

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th St.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate public right-of-way. The existing north-south alley, extending from West 7th Street to the mid-block alley, is unimproved. If vacated, the land will be conveyed to abutting property owners.

Request/Case Description

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

What are the Next Steps after the Neighborhood Meeting and Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on August 20, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 3, 2024. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

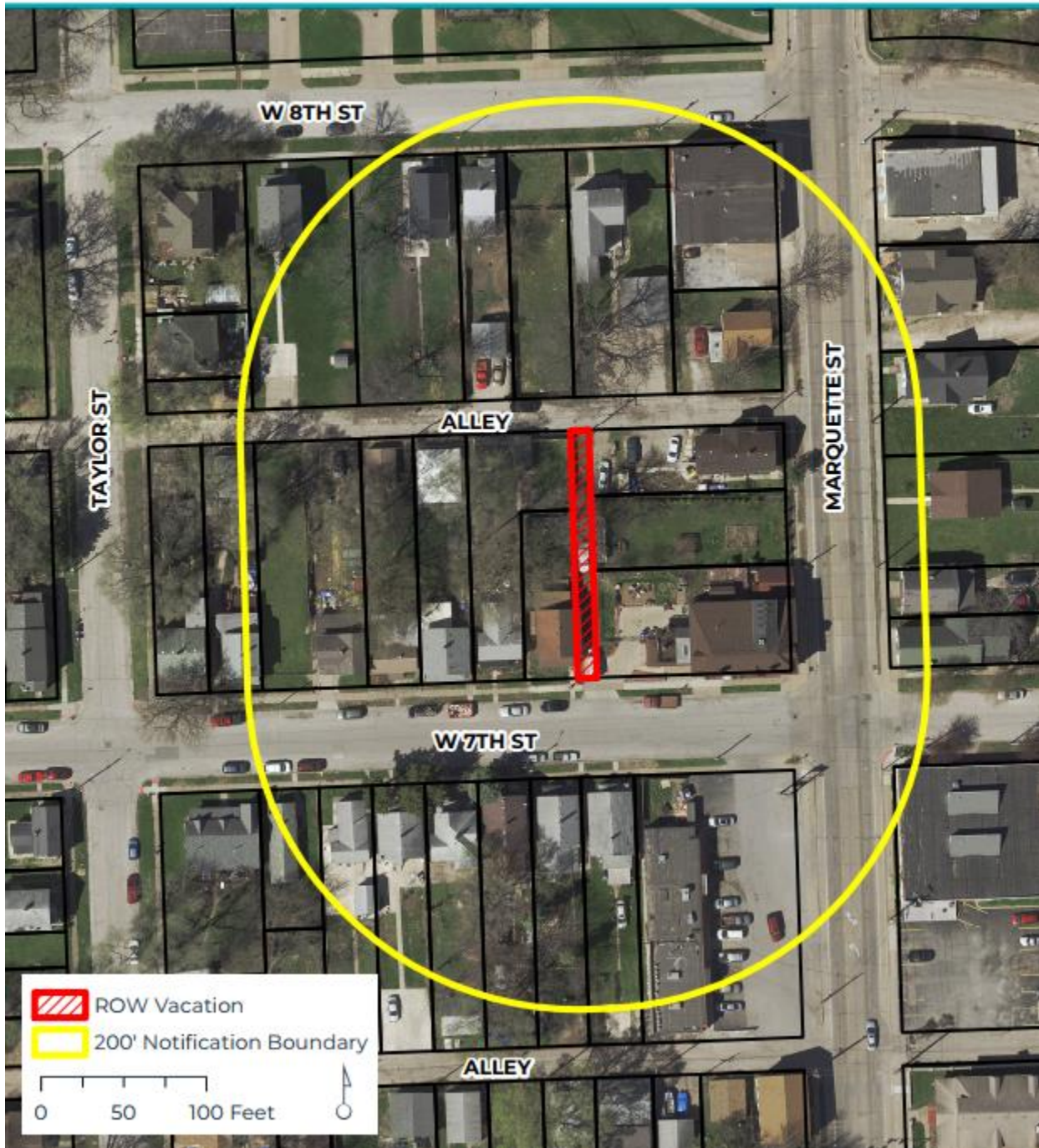
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.



Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



City of Davenport

Department: Public Works

Contact Info: Rich Oswald | 563-326-6115 |

Action / Date

10/9/2024

Subject:

First Consideration: Ordinance amending various sections of Title 8 entitled "Health and Safety" and Title 15 entitled "Buildings and Construction" of the Municipal Code of Davenport, Iowa to adopt the 2021 International Building Code, the 2021 International Residential Code, and the 2021 International Property Maintenance Code, and to incorporate recommendations from the Code evaluation performed by The White Birch Group and SOCOTEC. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

This Ordinance will amend sections in Title 8 "Health and Safety" and Title 15 "Buildings and Construction" by the adoption of the 2021 International Building Code (IBC), 2021 International Residential Code (IRC), and 2021 International Property Maintenance Code (IPMC). The Municipal Code of Davenport, Iowa currently references the 2015 versions of these codes. Updates to the IBC, IRC, and IPMC are published every three years.

The Ordinance also reflects recommendations from the Municipal Code evaluation performed by the White Birch Group and SOCOTEC.

Attachments:

1. PW_ORD_Titles 8 and 15
2. Title 8 Health and Safety - Changes
3. Title 15 Buildings and Construction - Changes

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 8 ENTITLED "HEALTH AND SAFETY" AND CHAPTER 15 ENTITLED "BUILDINGS AND CONSTRUCTION" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADOPT THE 2021 INTERNATIONAL BUILDING CODE, THE 2021 INTERNATIONAL RESIDENTIAL CODE, AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO INCORPORATE RECOMMENDATIONS FROM THE CODE EVALUATION PERFORMED BY THE WHITE BIRCH GROUP AND SOCOTEC.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Subsection 8.15.100 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.100 Title.

The regulations in this chapter shall be known as the Davenport Property Maintenance Code, may be cited as such, and will be referred to herein as "this code." Any reference to the International Building Code, the International Fire Code, or any other codes mentioned herein, shall be to such codes as adopted by the City of Davenport.

Section 2. That Subsection 8.15.105 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.105 Intent.

The intent of this code is to provide minimum standards to safeguard life or limb, health, property, property values and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings, nonresidential buildings, and structures in this jurisdiction.

The intent of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

The intent of this code is to provide for the administration and enforcement of this code and certain technical codes adopted by the Davenport Municipal Code.

Administration and enforcement is a function of the neighborhood services department and any other designee of the City Administrator.

This code has been adopted and is used in conjunction with other City of Davenport codes and should not be construed to include all regulations pertaining to buildings and development. This code shall be applied in conjunction with other codes of the City and nothing in this code shall be interpreted as prohibiting or limiting enforcement by the code official or any other agencies of the following codes and ordinances as adopted and amended included but not limited to:

The Zoning Ordinance of the City of Davenport
International Building Code
International Fire Code
International Mechanical Code
Uniform Plumbing Code
National Electric Code
Iowa State Building Code as specifically referenced by the Davenport Municipal Code.

Compliance with regulations of other agencies shall be required, including, but not limited to, the Scott County Board of Health and the Iowa State Fire Marshal.

Section 3. That Subsection 8.15.145 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.145 Licensing, permits and inspections for rental property.

- A. General. It shall be a violation of this code for any owner or owner's representative to allow an individual to rent and/or occupy any dwelling, dwelling unit, duplex, multiple dwelling, sleeping room, single-family dwelling or condominium unless all of the following criteria are met:
1. The owner or agent holds a valid certificate of structure compliance, issued by the City applicable to those portions of the specific structure used for residential rental purposes or affecting any areas used for residential rental purposes.
 2. The owner or agent holds a valid rental license issued by the City, in the name of the owner or agent, applicable to those portions of the specific structure used for residential rental purposes.
 3. The owner or agent, if they have not done so previously, must attend the City's landlord education classes within six months of obtaining an initial rental license issued by the City.
 4. The owner or owner's representative provides the name(s) of a twenty-four-hour emergency contact(s), to the neighborhood services department, who can provide the names of the tenants of the rental unit(s) and has authority to make decisions with respect to the property. This requirement also applies to properties under the control of a foreclosing lender. The emergency contact must be able to be on site within eight hours.
 5. The owner has in place, at a minimum, the standard screening and background check process acceptable to the neighborhood services department.

- B. Certificate of Structure Compliance. The certificate of structure compliance, when issued, shall certify that the requirements of this code are met. The certificate shall NOT be transferable at the time of a change in ownership. Transfer of ownership shall require a new certification to be maintained as a public record of the City. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental license. The certificate of structure compliance shall state the date of issuance and the address of the structure to which it is applicable. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid certificate of structure compliance may be ordered vacated.
- E. Rental License. A rental license shall be a document issued to each individual property that is properly registered with the City and shall be valid for one year. The document shall be transferable from one owner or agent to another at any time prior to its expiration, termination or revocation. The owner or agent shall notify the City of any change of interest or ownership in the property within 30 days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event the City has not been notified of such conveyance or transfer within the designated period of time, the rental license may be transferred from the owner or agent to another upon payment of a fee, the amount of which shall be established by resolution of the City Council. The fee shall be assessed to the new owner or agent. The rental license shall state the date of issuance, the address of the structure to which it is applicable and its expiration date. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid rental license with the City and fees paid may be ordered rent abated, vacated and/or the owner may be subject to a municipal infraction prosecution.
- I. Revocation of a Rental License. The code official or designee shall have the authority to revoke a rental license on any property when: 1) it is in violation of the City code on a frequent and recurrent basis; 2) has a serious life safety violation and is ordered vacated; 3) has a serious structural deficiency and/or violation that is hazardous to life, and is ordered vacated; 4) fails to correct a founded complaint violation by the time that the third reinspection for the same concludes; 5) the owner or owner's representative fails to appear for three two inspections/reinspections in a row; or 6) the owner or owner's representative provides false information to the City. The owner or owner's representative of the affected property shall be notified in writing by certified mail of the license revocation.

Section 4. That Subsection 8.15.155(F)(2) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- 2. If the building or structure as determined by the code official or designee is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated and/or demolished.

Section 5. That Subsection 8.15.185 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.185 Adoption of 2021 International Property Maintenance Code.

The City hereby adopts and incorporates the provisions of the International Code

Council's 2021 International Property Maintenance Code with commentary except as noted:

- A. From Chapter 1 ("Scope and Administration") only Subsection 102.7, Subsection 105.2, Subsection 105.3, Section 106, Subsection 110 (Subsection 110.4 amended to read as follows: "No person shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions."), Section 111 (to the extent that it does not conflict with other City code sections), and Subsection 111.5 are adopted.

Section 6. That Subsection 8.16.020(A) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- A. **UNSAFE BUILDING OR STRUCTURE** – Is any building or structure abandoned, boarded, or otherwise deemed to be unsafe as defined in section 203 of the International Building Code.

Section 7. That Subsection 8.16.070 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

If the notified property owner neglects or fails to commence the necessary work to secure the building or structure by the date set forth in the notice and order, the City may perform the required action and bill the property owner pursuant to Chapter 8.12. The building official or designee shall keep an accurate account to reflect the material and labor utilized, at a reasonable market rate to be determined by the building official or designee. Action taken pursuant to this chapter does not preclude the City from seeking alternative relief under the International Property Maintenance Code. Such alternative relief may include, but is not limited to, repair or demolition of the building and removal of any debris on the property.

Section 8. That Subsection 8.17.030(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

B. Specific:

1. **BUILDING CODE** - Shall mean the International Building Code and International Residential Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.
2. **DANGEROUS BUILDING** - Shall mean any building or structure deemed to be dangerous under the provisions of Section 8.17.120.
3. **DESIGNATED OFFICIAL** - Shall mean the designated or authorized personnel described in Section 8.17.040 and their authorized inspection personnel.
4. **HEALTH OFFICIAL** - Shall mean the designated or authorized personnel of the chief health officer of the Scott County Health Department.
5. **HOUSING CODE** - Shall mean the International Property Maintenance Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Section 9. That Subsection 8.18.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.18.060 Inspections.

The owner shall allow inspection of the building by City representatives 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 the Housing, Building and Fire Codes. The reoccurrence of inspections shall occur until a safe to occupy condition has been met. The building official or designee shall determine the frequency of the inspections on a case-by-case basis.

Section 10. That Subsection 15.08.215(A) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- A. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the technical codes, there shall be, and is created, a combined construction code board of appeals and review, consisting of seven members. The Mayor shall strive to appoint one member who is a: State of Iowa electrical contractor or journeyman, State of Iowa licensed plumbing contractor or journeyman, State of Iowa licensed mechanical (HARV) contractor or journeyman, City of Davenport licensed Class A commercial building contractor, City of Davenport licensed Class B residential new construction contractor, architect, and professional engineer, at least one of whom is a resident of Davenport. The board shall be appointed to staggered three-year terms by the Mayor with the concurrence of the City Council. The board may adopt reasonable rules and regulations for conducting their meetings, investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. A simple majority of the board shall constitute a quorum to transact the business of the board. A simple majority of the members present by voice vote shall be required on action by the board.

Section 11. That Subsection 15.08.300 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.08.300 Permits.

B.1 Building Permits. A building permit will not be required for the following:

- a. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet and is located on the property in compliance with zoning regulations, building code setback requirements and/or trailer court regulations;
- b. Fences on residential property not over six feet high;
- c. Oil derricks;
- d. Movable cases, counters and partitions not over five feet nine inches high;
- e. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids; any wood or landscape timber walls;

- f. 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 two to one;
 - g. Platforms, decks, walks and driveways on private property not more than 30 inches above grade and not over any basement or story below and not attached to any structure;
 - h. Painting, papering, carpet, resilient flooring and similar finish work;
 - i. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches;
 - j. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches in depth and not over 5,000 gallons, provided such swimming pools shall meet the fencing and enclosure requirements contained elsewhere in the technical codes.
- C. Separate Permits. Separate permits are required for each of the classes of work (new construction and remodeling or repair) as follows:

Type of Work	Permit Required
General construction new or repair	Building permit
Electrical construction	Electrical permit
Heating construction, air conditioning, fireplaces, heating stoves, boiler process piping, other mechanical installation	Mechanical permit
Plumbing, drainage, piping construction	Plumbing permit
Sprinkler and fire alarms	Building permit

- D. Special Permits. Special permits are required for miscellaneous items as follows:

Type of Work	Permit Required
Moving building	Moving permit
Signs (see sign ordinance)	Sign permit
Temporary structures	Temporary permit
Demolition or wrecking	Wrecking permit
Temporary motion picture, television and theater stage sets and scenery	Temporary permit

Section 12. That Subsection 15.08.305(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.08.305(B) Plans and Specifications.

- B. Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. Plans and other data, when so designed, shall bear the seal of the licensed architect or engineer at the direction of the building official.

Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the building official. The engineer or architect responsible for the structural design work shall include in the construction documents any special inspections and other structural inspections required by the engineer or architect. In addition, the design professional listed on the permit application shall define the expected frequency of site visits for the evaluation of construction progress and compliance with design intent. No permit for Construction shall be issued in the City of Davenport without a defined schedule of site observations by the Architect of Record and/or Engineer of Record. If the Architect of Record or Engineer of Record delegates this duty to another Iowa-licensed design professional, the Architect of Record or Engineer of Record shall ensure that the delegate has an adequate understanding of the design intent. Note, although the duty of an on-site evaluation can be delegated, the responsibility thereof remains with the Architect of Record and/or Engineer of Record.

EXCEPTION: The building official may waive the submission of plans, calculations, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with the administrative code and the technical codes.

Section 13. That Subsection 15.08.320(E) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- E. The building official shall make the required inspections, or the building official shall have the authority to accept reports of the required inspections by their designee. Upon notification from the permit holder or his or her agent, the building official shall make or cause to be made any necessary inspections and shall either approve the portion of the construction as completed, or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.
 - 1. Footing and Foundation Inspection: To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
 - 2. Concrete Slab or Under-Floor Inspection: To be made after all in-slab or under-floor building service equipment conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or floor sheathing installed, including the subfloor.
 - 3. Frame Inspection: To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating, wires, pipes and ducts are approved.
 - 4. Lath and/or Wallboard Inspection: To be made after all lathing and wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished. (Fireproofing inspection may be made at the time of final inspection at the discretion of the

building official.)

5. Final Inspection: To be made after finish grading and the building is completed and ready for occupancy. It shall be the duty of the contractor to notify the building official for final inspection within 10 days of the completion of the work.

Section 14. That Subsection 15.08.340(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- B. Any person, firm, or corporation violating any of the provisions of the administrative code shall be deemed guilty of a municipal infraction; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the administrative code is committed, continued, or permitted; and upon conviction of any such violation such person shall be fined an amount to be established by resolution by the City Council.

Section 15. That Subsection 15.08.350 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.08.350 Stop Work Order.

- A. Authority. Where the building official finds work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.
- B. Issuance. The stop work order shall be in writing and shall be given to the owner, owner's agent or person performing the work or posted on the property in absence of any person(s). Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions which the cited work will be permitted to resume.
- C. Unlawful Continuance. Any person who shall continue any work after being served, or removing, a stop work order except such work as that person is directed to remove a violation or unsafe condition, shall be subject to fines established by resolution of the City Council.

Section 16. That Section 15.12.020 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.020 The International Building Code.

The International Building Code, 2021 edition as published by the International Code Council is hereby adopted by reference as the building code for the City of Davenport.

Section 17. That Section 15.12.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.030 The International Residential Code.

The International Residential Code 2021 edition as published by the International Code Council is hereby adopted by reference as the residential building code for the City of

Davenport.

Section 18. That Section 15.12.032 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.032 The International Existing Building Code.

The International Existing Building Code 2021 edition as published by the International Code Council and as adopted and amended by the State of Iowa LAC 661-301.7(103A) is hereby adopted by as the existing building code for the City of Davenport.

Section 19. That Section 15.12.040 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.040 Additions, deletions and amendments to the International Building Code.

- A. Chapters 1, 12, 13, 27, 28, 29, 30, 32, and 33 of the International Building Code, 2021 edition are deleted in their entirety and replaced by the codes and rules referenced by this Chapter and the Administrative Code contained in this Title as Chapter 15.08 and the Iowa Administrative Code.
- B. Appendix chapters C, I, of the International Building Code, 2021 edition are hereby adopted as part of this Chapter. All other appendix chapters are deleted.

Section 20. That Subsection 15.12.042 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.042 Chapter 18 International Building Code Modified.

- A. Add a new paragraph to Section 1809 as follows:

All buildings or portions of buildings containing mechanical installations and connected to underground utilities shall be supported on a continuous, frost-free foundation capable of resisting the movement of the slab-on-grade.

Section 21. That Subsection 15.12.050 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.050 Additions, deletions and amendments to the International Residential Code.

- A. Chapter 1 of the International Residential Code 2021 edition is deleted and replaced by the codes and rules referenced by this Chapter and the Administrative Code contained in this Title as Chapter 15.08 and the Iowa Administrative Code.
- B. Part IV, Part V, Part VI, (fuel gas code) Part VII, Part VIII, of the 2021 International Residential are deleted in their entirety and replaced by applicable Chapters of this Title.
- C. Appendix Chapter H, of the 2021 International Residential Code is hereby adopted as part of this Chapter all other appendix chapters are deleted.

Section 22. That Subsection 15.12.052 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.12.052 Chapter 3 International Residential Code modified

- A. Table R301.2 is amended by adding the following information:

Table R301.2 Climatic and Geographic Criteria								
Ground Snow Load	Wind Design				Subject to Damage From			Termite ^c
	Speed ^d (mph)	Topographic Effects ^k	Special Wind Region ^l	Wind-borne Debris Zone ^m	Seismic Design Category ^f	Weathering ^a	Frost line Depth ^b	
Ps = 30 psf, except that calculations for additional drift loads shall use a ground snow load p9 = 25 psf	115	YES	YES	NO	A	SEVERE	42 inches	Moderate to Heavy

- D. R311.7.8.2 Continuity. Add "Exception 3. Handrails within a dwelling unit or serving an individual dwelling unit may have one (1) offset or interruption per flight of stairs, not both, of six inches in total length and shall be considered, for the purpose of this code, to be continuous."
- E. Amend Paragraph R313.1 "Townhouse automatic fire sprinkler systems. An automatic sprinkler system shall be installed in townhouses consisting of five or more townhouse units."
- F. Delete Paragraph R313.2 "One- and two-family dwellings automatic fire systems" in its entirety.
- G. Delete Section R322, "Flood Resistant Construction," in its entirety.
- H. Delete Section R323 in its entirety. (FEMA regulations apply for storm shelter)
- I. Delete Section R327 in its entirety and insert in lieu thereof the following new section:
- R327 "Swimming Pools, Spas and Hot Tubs." The design and construction of pools and spas shall comply with the International Swimming Pool and Spa Code Chapter 305 entitled "Barrier Requirements."
- I.1. Section 305.4 Modified. Delete all reference to windows.

Section 23. That Subsection 15.12.054(B) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- B. Delete Paragraph R403.1 "General" in its entirety and replace in lieu thereof the following:
- All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings which shall be of sufficient design to accommodate all loads according to Section R301 of the 2021 International Residential Code. Footings shall be supported on undisturbed natural soil or engineered fill.

Section 24. That Subsection 15.30.020 of the Municipal Code of Davenport, Iowa be and the same

is hereby amended to read as follows:

15.30.020 Building contractor licensing and regulation thereof.

- A.5 c. A specialty contractor shall obtain a Class C license. A "specialty contractor" is a contractor performing work regulated by the building code whose scope of work is limited to a specialty but does not include construction or installation of a building or addition thereto. Such work shall include the performance or installation of the following items: metal awnings and canopies, decks, concrete, roofing, signs, siding, steel erection and fabricating, swim pools, sprinkler systems, fire alarm systems, tuck pointing, water proofing.

EXCEPTION: 1. No Building Contractor License is required for a person having legal title and ownership for a building or structure classified as a Single-Family Dwelling. The scope of work allowed under this exception shall be limited to work pertaining to new construction, remodeling or renovation. Unless otherwise provided by Iowa State Code, this exception shall not apply to work pertaining to mechanical, electrical or plumbing installations nor shall this exception pertain to the licensing requirements for mechanical, plumbing and electrical contractors.

Owners of other buildings not classified as a Single-Family Dwelling may perform non-structural/cosmetic work only as determined by the Chief Building Official or designee.

- B. All Candidates for Building Contractor licensing must demonstrate 3 years of experience in building construction or design to be eligible for the exam per Chapter 15.30 of this Code. Work experience need not be continuous but must be full-time (40 hours per week) within the past ten years.

Exceptions:

- a. Successful completion of a three- or four-year vocational high school or other vocational school program in the field of building construction shall be deemed as satisfying one year of work experience.
- b. Completion of a bachelor's degree from an accredited college or university shall be deemed as satisfying one year of work experience.
- c. Successful completion of a bachelor's degree from an accredited college or university in architecture, engineering, or technology in a related field shall be deemed as satisfying two years of work experience.
- d. Active construction-related military experience may be considered full time experience.
- e. Note: Education cannot account for more than two years of experience, and union affiliation only is not acceptable as work experience.

Section 25. That Subsection 15.30.070 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

15.30.070 Application for licenses.

- B. All applicants for a Building Contractor license (Class A, B, and C) may be required to identify all other business enterprises where applicant currently has an equity interest, or has had an equity interest in the last ten (10) years.
- C. All applicants for a Building Contractor license (A, B, and C) may be required to provide a statement of financial solvency.

Section 26. That Subsection 15.30.180(D) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- D. All applicants for a Building Contractor license (Class A, B, and C) shall maintain insurance required as by the above-listed sections is rated B+ or better. The City reserves the right to request Certified proof of insurance from the Building Contractor.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable 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.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Chapter 8.15
NEIGHBORHOOD ENHANCEMENT — PROPERTY MAINTENANCE

[Prior Ordinance History: Ord. Nos. 2002-31, 2005-273, 2005-596, 2006-264, 2007-81, 2007-231, 2007-329, 2007-453, 2007-529, 2009-49, 2010-355, 2015-118. Chapter 8.15 Amended In Entirety By Ord. No. 2018-442]

DIVISION 1.
Administration

8.15.100. Title. [Ord. 2018-442]

The regulations in this chapter shall be known as the Davenport Property Maintenance Code, may be cited as such, and will be referred to herein as "this code." Any reference to the ~~Uniform-International~~ Building Code, the ~~Uniform-International~~ Fire Code, or any other codes mentioned herein, shall be to such codes as adopted by the City of Davenport.

8.15.105. Intent. [Ord. 2018-442]

The intent of this code is to provide minimum standards to safeguard life or limb, health, property, property values and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings, nonresidential buildings, and structures in this jurisdiction.

The intent of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

The intent of this code is to provide for the administration and enforcement of this code and certain technical codes adopted by the Davenport Municipal Code.

Administration and enforcement is a function of the neighborhood services department and any other designee of the City Administrator.

This code has been adopted and is used in conjunction with other City of Davenport codes and should not be construed to include all regulations pertaining to buildings and development. This code shall be applied in conjunction with other codes of the City and nothing in this code shall be interpreted as prohibiting or limiting enforcement by the code official or any other agencies of the following codes and ordinances as adopted and amended included but not limited to:

The Zoning Ordinance of the City of Davenport

~~Uniform-International~~ Building Code

~~Uniform-International~~ Fire Code

~~Uniform-International~~ Mechanical Code

Uniform Plumbing Code

National Electric Code

Iowa State Building Code as specifically referenced by the Davenport Municipal Code.

Compliance with regulations of other agencies shall be required, including, but not limited to, the Scott County Board of Health and the Iowa State Fire Marshal.

8.15.110. Scope. [Ord. 2018-442]

8.15.110

HEALTH AND SAFETY

8.15.130

The provisions of this code shall apply to all buildings or portions thereof, whether residential or nonresidential, whether vacant or occupied, and whether owner occupied or rental dwellings. This code shall further apply to all accessory structures and any nuisance as defined by this code that may exist in a building or the building's yard.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. EXCEPTIONS: dormitories, fraternities, sororities, assisted living and transient housing.

8.15.115. Workmanship. [Ord. 2018-442]

Construction, repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed, and installed in a workmanlike manner in accordance with the Davenport property maintenance code.

8.15.120. Existing installations. [12-4-2019 by Ord. No. 2019-530; Ord. 2018-442]

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs, the work must meet existing code. Substantial alteration occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities, such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind, are not considered to constitute a substantial repair/rehabilitation unless the cost exceeds 50% of the assessed or appraised building value. Notwithstanding the foregoing, any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code. This section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, stormwater, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

8.15.125. (Reserved) [Ord. 2018-442]

8.15.130. Responsibilities defined. [Ord. 2018-442]

- A. Every owner remains liable for violations of duties imposed upon him/her by this code even though an obligation is also imposed on the occupants of his/her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.
- B. All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. The owner or his/her designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.
- C. Every owner or his/her agent, in addition to being responsible for maintaining his/her building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he/she occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.
- D. Every owner shall, where required by this code, the health ordinance or the code enforcement officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

- E. Every occupant of a dwelling unit in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he/she occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by ordinance and approved by the code official.
- F. Every occupant shall, where required by this code, the health ordinance or code official, furnish and maintain approved devices, equipment or facilities necessary to keep his/her premises safe and sanitary.
- G. With respect to rental residential units, the code official shall send letters of violation to both the occupant (addressed as "occupant") and owner of record containing the applicable portions of the text below:
 - 1. Smoke Detector Operation. It is the occupant's responsibility to periodically test smoke detectors within the unit to see if they are functioning properly. State law requires the occupant to be responsible for changing the battery.
 - 2. Unsanitary Conditions Within a Dwelling Unit. It is the occupant's responsibility to properly dispose of rubbish, garbage, organic waste, any excessive accumulation of debris within their dwelling unit.
 - 3. Improper Storage Within a Dwelling. Occupants are responsible for any improperly stored flammable liquid or combustible material within a utility compartment/room accessible from their dwelling unit.
 - 4. Items Hanging from Electrical Conduits, Plumbing or Gas Piping. Occupants are responsible to remove and cease the practice of using electrical conduits, plumbing or gas piping in this manner.
 - 5. Use of Unvented Portable Fuel, Oil-Burning Devices. Occupants are responsible to cease the use of any unvented portable fuel, oil-burning devices.
 - 6. Excess Accumulation of Debris (Exterior). Occupants are responsible for all debris outside of the dwelling unit where it is possible for the code official to determine which tenant is responsible for the specific items.
 - 7. Illegal Sleeping Rooms (Attic or Cellar). Occupants are responsible to cease the use of these areas for sleeping purposes.

8.15.135. Appeals. [Ord. 2018-442]

An order, decision or determination by an inspector regarding the application or interpretation of Chapter 8.15 may be appealed as provided in Section 2.86.020. If an appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the City code. If timely appeal is not filed the order, decision or determination made by the inspector shall be conclusively presumed as being true and the recipient of the order, decision or determination shall have waived all rights to challenge said order, decision or determination.

8.15.140. Violations. [Ord. 2018-442]

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

8.15.145. Licensing, permits and inspections for rental property. [Ord. 2018-442]

- A. General. It shall be a violation of this code for any ~~person to let to another for rent and/or occupancy~~ owner or owner's representative to allow an individual to rent and/or occupy any dwelling, dwelling unit, duplex, multiple dwelling, sleeping room, single-family dwelling or condominium unless all of the following criteria are met:
1. The owner or agent holds a valid certificate of structure compliance, issued by the City applicable to those portions of the specific structure used for residential rental purposes or affecting any areas used for residential rental purposes.
 2. The owner or agent holds a valid rental license issued by the City, in the name of the owner or agent, applicable to those portions of the specific structure used for residential rental purposes.
 3. The owner or agent, if they have not done so previously, must attend the City's landlord education classes within six months of obtaining an initial rental license issued by the City.
 4. The owner or owner's representative provides the name(s) of a twenty-four-hour emergency contact(s), to the neighborhood services department, who can provide the names of the ~~residents~~ tenants of the rental unit(s) and has authority to make decisions with respect to the property. This requirement also applies to ~~group homes and~~ properties under the control of a foreclosing lender. The emergency contact must be able to be on site within eight hours.
 5. The owner has in place, at a minimum, the standard screening and background check process acceptable to the neighborhood services department.
- B. Certificate of Structure Compliance. The certificate of structure compliance, when issued, shall certify that the requirements of this code are met. The certificate shall NOT be transferable at the time of a change in ownership. Transfer of ownership shall require a new certification to ~~and shall~~ be maintained as a public record of the City. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental license. The certificate of structure compliance shall state the date of issuance and the address of the structure to which it is applicable. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid certificate of structure compliance may be ordered vacated.
- C. Issuance of Certificate of Structure Compliance. When the owner or operator has complied with the provisions of this code, along with payment of the required fees, the City shall issue a certificate of structure compliance. The certificate of structure compliance shall expire in accordance with the inspection cycle established pursuant to subsection G.
- D. Revocation of Certificate of Structure Compliance. When there exists a material and substantial noncompliance with this chapter which directly affects the health, life, safety or property of the occupants or the public, the City may revoke the certificate of structure compliance in whole, or modify the certificate to reflect the compliance of each dwelling unit or sleeping room within a structure.
- E. Rental License. A rental license shall be a document issued to each individual property that is properly registered with the City and shall be valid for one year. The document shall be transferable from one owner or agent to another at any time prior to its expiration, termination or revocation. The owner or agent shall notify the City of any change of interest or ownership in the property within 30 days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event the City has not been notified of such conveyance or transfer within the designated period of time, the rental license may be transferred

from the owner or agent to another upon payment of a fee, the amount of which shall be established by resolution of the City Council. The fee shall be assessed to the new owner or agent. The rental license shall state the date of issuance, the address of the structure to which it is applicable and its expiration date. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid rental license with the City and fees paid may be ordered rent abated, vacated and/or the owner may be subject to a municipal infraction prosecution.

- F. **Registration of Rental Property.** It is the responsibility of the owner and/or agent of any building used for rental purposes as defined by this code to register said building with the City for the purpose of rental licensing within 30 days after title transfer or occupancy of the building.
- G. **Dwelling Inspection Schedule.** All rental dwellings as described in this chapter regardless of the number of rental units contained in each property would be placed on a two year inspection cycle. If properties have been inspected after July 1, 2016 and prior to November 1, 2018, they would remain on the current cycle for which they are certified. The inspection cycle will begin on rental inspection certification date. Inspection cycles may be extended based on performance standards set forth below. Newly constructed buildings (registered within two years of final occupancy certificate will automatically be assigned a four-year cycle.

Properties receiving a score of 200 points or more would be placed on a two year cycle.

Properties receiving a score of 101-199 would be placed on a three year cycle.

Properties receiving a score of 0-100 would be placed on a four year cycle.

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Ceiling -Deteriorated/missing ceiling plaster/drywall/sheetrock				X
Ceiling-Deteriorated/missing tile(s)/panel(s)				X
Ceiling-Improper ceiling covering				X
Ceiling-Interior missing/deteriorated/peeling paint				X
Cellar Hatch-Deteriorated cellar hatch walls			X	
Cellar Hatch-Deteriorated/missing cellar hatch step(s)			X	
Cellar Hatch-Deteriorated/missing/improper cover			X	
Chimney-Deteriorated			X	
Chimney-Deteriorated/missing clean-out cover			X	
Chimney-Deteriorated/missing mortar			X	
Chimney-Improperly installed		X		

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Chimney-Missing/defective cap				X
Doors - frame(s) deteriorated				
Doors - not weather-tight			X	
Doors-window pane(s) broken/missing		X		
Doors-Broken/missing storm door glass/ pane(s)			X	
Doors - Deteriorated storm door(s)				X
Doors-Deteriorated/missing hinge(s)			X	
Doors-Deteriorated/missing knob/latch			X	
Doors-Deteriorated/missing lock(s)			X	
Doors-Deteriorated/missing storm door/ patio door screen				X
Doors-Entry door(s) not smoke/draft tight				X
Doors-Improper lock/latch		X		
Doors-Lack of a tight-fitting/latch-able bathroom door				X
Doors-Missing/deteriorated			X	
Electrical-Antiquated electrical system		X		
Electrical-Condition of the electrical system is questionable		X		
Electrical-Deteriorated electrical system component(s)				
Electrical-Deteriorated/improper outdoor electrical device(s)		X		
Electrical-Deteriorated/improperly used extension cord(s)		X		
Electrical-Deteriorated/inoperable electrical receptacle(s)		X		
Electrical-Deteriorated/inoperable fixture(s)		X		
Electrical-Deteriorated/inoperable/ improperly installed switch(s)		X		
Electrical-Deteriorated/loose electric service entrance mast	X			

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Electrical-Deteriorated/missing electric service entrance wire(s) protective covering	X			
Electrical-Exposed electrical wiring	X			
Electrical-Hazardous electrical fixture(s)-Metal pull chain			X	
Electrical-Improper/deteriorated meter socket/enclosure	X			
Electrical-Improper/missing electrical service grounding	X			
Electrical-Improperly installed wiring	X			
Electrical-Improperly installed electrical receptacle(s)		X		
Electrical-Improperly installed fixture(s)		X		
Electrical-Improperly installed/unapproved wiring	X			
Electrical-Improperly located electrical service/entrance	X			
Electrical-Inadequate number of receptacle(s)/fixture(s)			X	
Electrical-Lack of electric service	X			
Electrical-Lack of water meter jump wire		X		
Electrical-Lack of/improper hallway illumination				X
Electrical-Missing/deteriorated coverplate(s)			X	
Electrical-Missing/deteriorated/improper service panel cover		X		
Electrical-Missing/improper service panel knockout plug(s)			X	
Electrical-Missing/improper/deteriorated electrical junction box cover(s)		X		
Electrical-Missing/improper/deteriorated electrical service entrance wiring	X			
Electrical-Over-fused electrical system	X			
Electrical-Tree(s)/vegetation interfering/encroaching upon electric service entrance			X	

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Exterior Walls-not weather-tight			X	
Exterior Walls-Deteriorated/missing exterior block/brick/stucco/stone		X		
Exterior Walls-Deteriorated/missing exterior wall covering			X	
Exterior Walls-inadequate weather protection		X		
Exterior Walls-structural deterioration		X		
Exterior Walls-Structurally unsound block/brick/stone/poured concrete wall		X		
Exterior Walls-Window/building trim-inadequate weather protection			X	
Fire Code-Bars/grates/locks on an emergency escape			X	
Fire Code-Deteriorated/improperly maintained fire escape(s)			X	
Fire Code-Deteriorated/inoperable alarm system		X		
Fire Code-Fire door(s) missing/deteriorated/inoperable/blocked open		X		
Fire Code-Fire escape obstructed/blocked		X		
Fire Code-Fire exit(s)/stairway(s) obstructed		X		
Fire Code-Improper storage of combustible material(s)		X		
Fire Code-Improper storage of flammable liquid(s)		X		
Fire Code-Improper use of portable unvented heating device/appliance		X		
Fire Code-Improper utility room(s)/area(s) storage			X	
Fire Code-Improperly located fire extinguisher(s)			X	
Fire Code-Inadequate exiting above 2nd floor				
Fire Code-Lack of 1-hour fire resistive door(s)				

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Fire Code-Lack of 1-hour fire resistive separation				
Fire Code-Lack of heavy smoke detection in a mixed-use occupancy				
Fire Code-Lack of required fire alarm system	X			
Fire Code-Lack of/improper emergency egress window	X			
Fire Code-Lack of/improper illumination of exit signage			X	
Fire Code-Lack of/improper/inoperable door closer			X	
Fire Code-Lack of/inoperable backup exit lighting		X		
Fire Code-Missing/improper building identification			X	
Fire Code-Missing/improper separation between dwelling/garage				
Fire Code-Missing/improper/unapproved fire extinguisher(s)				
Fire Code-Missing/inoperable smoke detector(s)	X			
Fire Code-Outdated fire extinguisher(s)				
Fire Code-Unprotected dwelling/sleeping room exit				
Fire Code-Unprotected shared exit below 3rd floor				
Floors-Deteriorated foundation/floor-Engineer required		X		
Floors-Deteriorated/defective subfloor			X	
Floors-Deteriorated/improperly sized floor joist(s)				
Floors-Deteriorated/missing floor covering(s)				X
Floors-Deteriorated/missing/inadequate floor support(s)		X		
Floors-Improperly installed floor covering(s)-Trip hazard				

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Foundation-mortar cracked/missing				X
Foundation-Deteriorated building/structure foundation			X	
Foundation-Structural failure of the building/structure foundation	X			
General/Health-Deteriorated accessory structure(s)	X			
General/Health-Deteriorated fence(s)				X
General/Health-Deteriorated flatwork/concrete/slab(s)				X
General/Health-Deteriorated private sidewalk(s)				X
General/Health-Deteriorated/leaning/failing retaining structure (s)/wall(s)			X	
General/Health-Deteriorated/missing cabinet drawer(s)				X
General/Health-Deteriorated/missing cabinet(s)				X
General/Health-Deteriorated/missing countertop material				X
General/Health-Evidence of wood boring insects			X	
General/Health-Excessive accumulation of trash/debris			X	
General/Health-Illegal increase of occupancy				
General/Health-Illegally occupying a tagged building(s)/unit(s)	X			
General/Health-Improper construction/repair(s)				
General/Health-Improper garbage storage/removal			X	
General/Health-Improper grading/drainage				
General/Health-Improper maintenance				
General/Health-Inoperable/unsanitary/hazardous swimming pool(s)		X		

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
General/Health-Insect/vermin/rodent infestation			X	
General/Health-Interior moisture problem				X
General/Health-Lack of required light and ventilation			X	
General/Health-Lack of required room/space			X	
General/Health-Mold/mildew in a dwelling(s) unit(s)				X
General/Health-Raw sewage/waste water-cellar floor(s)		X		
General/Health-Scrub trees/vegetation at the building				X
General/Health-Sleeping room(s) in the attic				
General/Health-Sleeping room(s) in the cellar/basement				
General/Health-Standing water in the building			X	
General/Health-Substandard apartment unit			X	
General/Health-Unacceptable repair(s)			X	
General/Health-Unsanitary conditions in a dwelling/unit			X	
General/Health-Unsanitary conditions-animal feces			X	
General/Health-Work being performed without required permit(s)				X
Gutters-Deteriorated gutters/downspouts				X
Gutters-Incomplete gutter system				X
Gutters-Inoperable gutter(s)/gutter system				X
Gutters-Lack of downspouts				X
Gutters-Lack of gutter(s)/gutter system				X
Interior Walls-Deteriorated/improper/missing wall covering(s)				X
Interior Walls -Deteriorated/missing wall plaster/drywall/sheetrock				X

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Interior Walls-Deteriorated/peeling interior paint				X
Mechanical-Condition of gas-fired appliance(s) is questionable			X	
Mechanical-Deteriorated masonry fireplace	X			
Mechanical-Deteriorated/missing gas-fired appliance inspection cover/panel				
Mechanical-Deteriorated/missing gas-fired appliance vent pipe(s)	X			
Mechanical-Deteriorated/missing heat duct(s)/register(s)			X	
Mechanical-Failure to provide an inspection report			X	
Mechanical-Gas-fired appliance vent piping improperly connected to the chimney	X			
Mechanical-Gas-fired appliance(s) in a bathroom(s)	X			
Mechanical-Gas-fired appliance(s) in a sleeping room(s)	X			
Mechanical-Gas-fired heating appliance failed inspection	X			
Mechanical-Gas/fuel fired appliance/device no longer in use			X	
Mechanical-Improper gas supply line material	X			
Mechanical-Improper gas-fired appliance vent pipe rise	X			
Mechanical-Improper maintenance of a gas-fired appliance	X			
Mechanical-Improper use of flexible gas line/appliance connector	X			
Mechanical-Improper venting of a gas-fired appliance(s)	X			
Mechanical-Improper/missing gas shut-off valve(s)	X			

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Mechanical-Improperly installed gas supply line(s)	X			
Mechanical-Improperly supported gas/ water piping	X			
Mechanical-Lack of combustion air supplied to a gas-fired appliance	X			
Mechanical-Lack of gas service to dwelling(s)/unit(s)	X			
Mechanical-Lack of/improper relief valve drip leg			X	
Mechanical-Lack of/inadequate heat supplied to a habitable space			X	
Mechanical-Leaking/deteriorated radiator(s) and/or radiator supply line(s)			X	
Mechanical-Leaking/inoperable boiler(s)		X		
Mechanical-Leaking/inoperable water heater(s)		X		
Mechanical-Missing gas supply line drip leg	X			
Mechanical-Missing gas supply line(s) cap/plug	X			
Mechanical-Missing/improper fireplace/ appliance hearth		X		
Mechanical-Missing/improper temperature/pressure relief valve(s)	X			
Mechanical-Missing/inoperable carbon monoxide (CO) detector(s)	X			
Mechanical-Missing/inoperable thermostat		X		
Plumbing-system is questionable			X	
Plumbing-Deteriorated bathtub/shower stall			X	
Plumbing-Deteriorated/inoperable lavatory(s)/sink(s)			X	
Plumbing-Deteriorated/inoperable/leaking toilet(s)			X	
Plumbing-Deteriorated/leaking faucet(s)			X	

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Plumbing-Deteriorated/leaking waste line(s)		X		
Plumbing-Deteriorated/leaking/improper potable water pipe(s)	X			
Plumbing-Deteriorated/missing plumbing fixture component(s)		X		
Plumbing-Deteriorated/missing plumbing fixture trap(s)		X		
Plumbing-Directing/discharging sump pit water/ground w			X	
Plumbing-Discharging sump pit water/ground water into the public sanitary sewer	X			
Plumbing-Dry plumbing fixture(s) and/or trap(s)			X	
Plumbing-Flexible potable water line(s)/piping				
Plumbing-Improper termination of the plumbing system vent pipino/stack				
Plumbing-Improperly anchored lavatory(s)/sink(s)				X
Plumbing-Improperly installed fixture(s)/piping			X	
Plumbing-Items hanging from/attached to water/gas piping and/or electrical conduit		X		
Plumbing-Lack of a 3-fixture bathroom		X		
Plumbing-Lack of a kitchen sink		X		
Plumbing-Lack of connection to a sanitary sewage system	X			
Plumbing-Lack of hot/cold water supplied to a fixture(s)			X	
Plumbing-Lack of water service to a dwelling(s)/unit(s)	X			
Plumbing-Lack of/improper slope of drain piping/waste line(s)		X		
Plumbing-Lack of/inoperable bathroom vent fan				X

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Plumbing-Loose/improperly anchored toilet			X	
Plumbing-Obstructed waste line(s)		X		
Plumbing-Open waste line(s)	X			
Plumbing-Open/uncovered sump pit	X			
Porch-Deteriorated ceiling(s)				X
Porch-Deteriorated deck			X	
Porch-Deteriorated floor joist(s)		X		
Porch-Deteriorated porch(s)			X	
Porch-Deteriorated/missing/improper porch/deck support(s)	X			
Railing-Deteriorated guardrail(s)/guardrail balusters		X		
Railing-Deteriorated/missing/improper handrail(s) for steps	X			
Railing-Improper guardrail height		X		
Railing-Improper handrail height			X	
Railing-Improper separation of guardrail baluster(s)			X	
Railing-Lack of handrail(s)-yard steps		X		
Railing-Missing guardrail(s) and/or baluster(s)	X			
Roof-Deteriorated/missing fascia board(s)			X	
Roof-Deteriorated/missing roof sheathing		X		
Roof-Deteriorated/missing soffit/roof overhang		X		
Roof-Deteriorated/missing/improper roof covering		X		
Roof-Deteriorated/missing/improper roof flashing		X		
Roof-Deteriorated/missing/improper roof structural components			X	
Roof-Evidence of roof leakage(s)		X		
Stairways-Deteriorated stair system landing/deck joist(s)			X	

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Stairways-Deteriorated yardstep(s)				X
Stairways-Deteriorated/improperly installed stair system stringer(s)	X			
Stairways-Deteriorated/missing stair system decking and/or landing decking	X			
Stairways-Deteriorated/missing stair system riser(s)	X			
Stairways-Deteriorated/missing stair system tread(s)	X			
Stairways-Deteriorated/missing stair system(s)	X			
Stairways-Deteriorated/missing/improper stair system support/support post(s)	X			
Stairways-Improper construction of a stair system(s)	X			
Stairways-Improper rise height within a stair system(s)		X		
Stairways-Inadequate stairway headroom clearance				X
Substandard-Deteriorated/missing doors/windows		X		
Substandard-Failure to hold a valid Certificate of Compliance	X			
Substandard-Failure to hold a valid Rental License	X			
Substandard-Failure to provide access to a building(s)/unit(s)	X			
Substandard-Fire damaged structure(s)	X			
Substandard-Fire damaged structure(s) beyond feasible repair	X			
Substandard-Substandard/tagged building(s)/unit(s)	X			
Substandard-Vacant building(s)/unit(s)-inspection required	X			
Substandard-Vacant/Unfinished/Nuisance building(s)	X			
Tenant-Excessive accumulation of debris				X

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Tenant-Improper storage in a utility room(s)/area(s)			X	
Tenant-Improper storage of combustible material(s)		X		
Tenant-Improper storage of flammable liquid(s)		X		
Tenant-Improper use of portable unvented gas/oil-fired heating device(s)		X		
Tenant-Inoperable smoke/Carbon monoxide detector(s)		X		
Tenant-Obstructed stair(s)/Exit(s)/Fire escape(s)		X		
Tenant-Sleeping room(s) in the attic and/or cellar		X		
Tenant-Unsanitary conditions within a dwelling(s)/unit(s)				X
Windows-not weather-tight			X	
Windows-Broken/missing pane(s)		X		
Windows-Deteriorated window(s)			X	
Windows-Deteriorated/missing screens				X
Windows-Deteriorated/missing window frame/sill			X	
Windows-Exterior window paint deteriorated/peeling/missing			X	
Windows-Improper screen(s)				X

- H. Issuance of a Rental License. The City shall issue a rental license upon the applicants meeting of all standards and the payment of all fees and other debt owed to the City.
- I. Revocation of a Rental License. The code official or designee shall have the authority to revoke a rental license on any property when: 1) it is in violation of the City code on a frequent and recurrent basis; 2) has a serious life safety violation and is ordered vacated; 3) has a serious structural deficiency and/or violation that is hazardous to life, and is ordered vacated; 4) fails to correct a founded complaint violation by the time that the third reinspection for the same concludes; 45) the owner or ~~manager~~ owner's representative fails to appear for three-two inspections/reinspections in a row; or 56) the owner or ~~agent-owner's representative~~ provides false information to the City-. The owner or agent-owner's representative of the affected property shall be notified in writing by certified mail of the license revocation.
- J. Appointments for Inspections. Appointments for inspections with the owner/agent of the building shall be scheduled by the City. The owner/agent may request the appointment to be rescheduled. However, the inspection shall be performed within 30 days of the original date unless modified by the administrative hearing officer or the code official. An owner/agent shall be required to arrange for

access to all portions of the building. Failure to provide access to all portions of the building shall prevent the issuance of a certificate of structure compliance, and thus compliance with the law. The owner/agent shall notify all tenants of the inspection in accordance with Iowa law.

K. Inspections shall not be:

1. Conducted with a minor as the sole representative of the owner.
2. Conducted against the will of the tenant without the building's owner/agent present.
3. Conducted without prior notice to the tenant, as required by state law.
4. Conducted in an occupied dwelling without the owner/agent or tenant of the dwelling or designated agent being present.

Should the person in control of the unit refuse admittance to the code enforcement officer or designee and refuse to reschedule the inspection or reinspection, a request to the court to issue a search warrant may be prepared, subject to approval by the legal department.

All areas of each dwelling governed by this code shall be inspected. Should access not be obtained to all areas, a reinspection must be scheduled and an additional fee may be charged for each subsequent reinspection of accordance with the established fee schedule.

L. Provision of False Information Prohibited. No person shall provide false information to the City in connection with the licensing, permitting, or inspection of a property whether owner occupied or not.

8.15.150. Fee schedule. [Ord. 2018-442]

Fees shall be charged for services rendered in relation to this code. These services include but are not limited to the following: licenses, inspections, and failure to appear for any scheduled inspections, late cancellations, and appeals. The amount shall be established by resolution of the City Council.

As a nuisance abatement remedial measure the fee schedule shall include a per tax parcel per response surcharge for police and fire department responses, excluding emergency medical responses, in an amount equal to the approximate cost of the response, plus a processing fee, for all responses above the excessive response threshold set forth immediately below within a calendar year. This section shall be construed consistently with Iowa Code §§ 562A.27B and 562B.25A.

Dwelling Units per Tax Parcel	Excessive Response Threshold
1-3	10
4-8	25
9-24	50
25 or more	75

In the case of police responses the number shall be based upon founded calls. Within 10 days of the date of a surcharge invoice, the owner may request the neighborhood services director or his designee review the call log to verify the number of responses and provide the owner with the dates and nature of the responses included in the bill.

8.15.155. Notice and order of code official. [Ord. 2018-442]

- A. Commencement of Proceedings. Whenever the code official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation or demolition of the building.
- B. Notice and Order. The code official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
 2. A statement that the code official has found the building to be substandard with a brief and concise description of the conditions found to render the building substandard under the provisions of this code.
 3. A statement of the action required as determined by the code official.
 - a. If the code official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 30 days from the date of the order except for weather related repairs as determined by the code official and completed within such times as the code official shall determine is reasonable under all of the circumstances).
 - b. If the code official has determined that the building or structure must be vacated, the order shall require that the building or structure be vacated, within a certain time from the date of the order as determined by the code official to be reasonable.
 - c. If the code official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the code official shall determine reasonable (not to exceed 30 days from the date of the order); that all required permits be secured therefor within 30 days from the date of the order, and that the demolition be completed within such time as the code official shall determine is reasonable (not to exceed 60 days from the date of the order).
 4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the code enforcement officer:
 - a. Will order rent abatement enforcement pursuant to 8.15.155 H, or
 - a.b. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
 - b.c. May proceed to cause the work to be none and charge the costs thereof against the property or its owner.
 5. Statements advising:

Any person having any record title or legal interest in the building may appeal from the notice and order or any action of the code official as provided in Chapter 2.86.

Failure to appeal from a notice and order or action of the code official will constitute waiver of all rights to an administrative hearing and determination of the matter as provided in the notice and order or action of the code official shall be the final determination.
- C. Service of Notice and Order. The notice and order, or any amended or supplemental notice and order, shall be served upon the record owner/agent. The failure of the code official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person

duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

- D. **Method of Service.** Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by regular mail, to each such person at his address as it appears on the last assessment roll of the county or as known to the code official. If no address of any such person so appears or is known to the code official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notices shall not affect the validity of any proceedings taken under this section. Service by regular mail in the manner herein provided shall be effective on the date of mailing.
- E. **Recordation of Substandard Conditions.** If compliance is not had with the notice and order within the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the office of the county recorder a certificate describing the property and certifying:
1. The building is a substandard building, and
 2. The owner has been so notified. If a certificate of substandard conditions has been filed and whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the code official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.
- F. **Repair, Vacation and Demolition.** The code official shall follow the standards set forth hereinafter when ordering the repair, vacation or demolition of any substandard building or structure:
1. Any building declared a substandard building under this code shall be made to comply with one of the following:
 - a. The building shall be repaired in accordance with the current property maintenance code or other current code applicable to the type of substandard conditions requiring repair; or
 - b. The building shall be demolished at the option of the building owner; or
 - c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated and to be secured in accordance with the Davenport Municipal Code.
 2. If the building or structure as determined by the code official or designee is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated and/or demolished.
- G. **Notice to Vacate.**
1. **Notice of Intent to Post.** The code official shall send notice to the record owner or her agent that the property will be posted with a notice to vacate.
 2. **Posting.** Every notice to vacate shall, in addition to being served, be posted at each building.
 3. **Compliance with Notice to Vacate.** Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued by him reciting the violation and specifying the conditions necessitating the posting. No person shall remain in or enter any

building having been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and approved by the code official pursuant to the provisions of this code.

H. Rent Abatement.

1. Rent abatement enforcement may be authorized by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire Marshal

when it has been determined that the owner or lessor has, after issuance of a notice of violation of this chapter:

- a. Failed to provide an essential service (water, sewer, electricity, heat; except tenant-paid utilities);
 - b. Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant; or
 - c. Rented a dwelling unit without a rental license, including renting under suspension or revocation.
2. Rent shall be abated until the condition(s) for which rent abatement was ordered has been remedied and the property or unit(s) meets the minimum standards as deemed by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire Marshal. The owner or lessor may not collect or recover rent due from the tenant for the period when the rent abatement order is in effect. The lessor or owner may not seek to recover abated rent payments after the order is lifted. Rent shall be prorated if the abatement order period covers a partial rental payment period.
 3. Lessors or owners are prohibited from retaliating against tenants who seek rent abatement. Lessees or tenants shall not be evicted for non-payment of rent during a rent abatement period.
 4. Notice.
 - a. A copy of the rent abatement order shall be provided to the owner or lessor at the address on the rental permit and to the tenant by U.S. mail and by posting the entrance door to the dwelling unit.
 - b. Notice of termination of the rent abatement order will be given in the same manner.
 5. All rental dwellings where rent has been ordered abated, regardless of the number of rental units contained in each property or current inspection cycle, may be placed on an accelerated inspection cycle.

8.15.160. Appeal. [Ord. 2018-442]

Any person who receives notice under this chapter may appeal said notice and order pursuant to the procedures set forth in Section 2.86.020. If a timely request for appeal is not filed the order, decision or determination shall be conclusively presumed as being true and the recipient of the order, decision or

determination the responsible party. If an appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the City code.

8.15.165. Enforcement of the order of the code official or administrative hearing officer. [Ord. 2018-442]

- A. Compliance. After any order of the code official or administrative hearing officer shall have become final, no person to whom such order is directed shall fail, neglect or refuse to obey said order. Any person who fails to comply with or obey said order shall be guilty of a municipal infraction.
- B. Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days or any time period established after any final notice and order issued under this code becomes effective:
 - 1. The code official shall cause the building described in such notice and order to be vacated by posting a notice at each entrance thereto.
 - 2. No person shall occupy any building having been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the code official have been completed and a certificate of compliance issued pursuant to the provisions of this code.
 - 3. The code official may, in addition to any other remedy provided herein, cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or if the notice and order required demolition, to cause the building to be sold and demolished, or to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.
- C. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the code official may, in his sole discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the code official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The code official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.
- D. Interference with Repair or Demolition Work Prohibited. The final order of the code official or

administrative hearing officer shall be enforced as written. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative or agent of the City engaged in the work of repairing, vacating and repairing, demolishing or any act necessary or incidental to enforcement of the final order.

- E. Violations - Penalties. Any person or entity who violates any of the provisions of this chapter shall be guilty of a municipal infraction; and shall be fined \$100 for a first offense, \$200 for a second offense, and \$500 of every offense thereafter for the same violation. However, in addition to all other remedies and sanctions available, violations of Subsection 8.15.145A3 and Section 8.15.145L shall be punished by a fine of \$200 for the first offense and \$500 for each violation thereafter. Additionally, violations of 8.15.155G(3) may be charged and punished as a simple misdemeanor. The code official is authorized to enforce this chapter pursuant to procedures and remedies set forth in this chapter as well as Chapter 1.30.

8.15.170. Performance of work, repair or demolition. [Ord. 2018-442]

- A. Procedure. When any work or repair or demolition is to be done pursuant to this code, the code official shall cause the work to be accomplished by City personnel or by private contract under the direction of the code official. The code official may prepare plans and specifications, or he may employ such architectural and engineering assistance on a contract basis, as he may deem reasonably necessary.
- B. Costs. The cost of such work shall be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.
- C. Personal Obligation or Special Assessment. The City legal department shall determine whether said charge shall be made a personal obligation of the property owner and/or assess said charge against the property involved.
- D. Lien of assessment. All liens of assessment shall be done according to applicable City and state code.

8.15.175. Conflicting provisions. [Ord. 2018-442]

Whenever conflicting provisions or requirements occur between this code, the technical code or any codes or laws, the most restrictive shall govern.

8.15.180. College/university zone requirements. [Ord. 2018-442]

- A. The City Council of the City of Davenport finds that a significant number of landlords rent residential units to unrelated persons who frequently engage in conduct that negatively impact the quality of life of the surrounding neighborhood and tends to depress the value of the nearby properties. This situation is in major part due to the presence of numerous university students living off-campus in rental properties located within established residential neighborhoods; a condition present in an area relatively close in proximity to the college or university campus. The intent of this section is to establish further specific regulations to help protect established neighborhoods from said negative impacts.
- B. The area(s) designated as college/university zones that are subject to these regulations is/are:
1. The area of the City bounded on the north by Columbia Court extended westerly along its center line to Fillmore and easterly to and along the center line of Columbia Avenue, on the east by the

center line of Pershing, on the south by the center line of West 16th Street and the center line of Kirkwood Boulevard, and on the west by the center line of Fillmore.

- C. In addition to those requirements set forth in Section 8.15.145, upon written notice of a determination by the neighborhood services director that reasonable suspicion of over-occupancy exists or upon a "founded call" (Defined in Chapter 8.12) at the address, the tenants of a single-family rental property, defined the same as "dwelling, single-family detached," "dwelling, single-family attached," or "dwelling single-family semi-detached," or "dwelling, single-family townhouse," as the case may be, in Title 17, located within a college/university zone shall:
1. Register the property by property address;
 2. Provide information regarding number of bedrooms, number of bathrooms, and number of off-street parking spaces available (counting only enclosed garage spaces and driveway spaces behind the front of the residential structure and connecting the entrance of a private garage with a public right-of-way so as to permit ingress and egress - one off street parking space for each eight feet by 20 feet area of paved driveway);
 3. Provide information regarding the lease and tenant(s): term of the lease and initial of first name and surname of all tenant(s), each tenant registered shall be required to report license plate information (state and number) for each vehicle he or she has at the property within seven days' time of the onset of their tenancy and failure to comply with this requirement constitutes a violation of this chapter;
 4. The tenants shall amend the information required to be on file by this subsection within seven days of an occurrence affecting the required information, such as change in tenancy;
 5. Said information shall be kept current for a period of two years from the date of the notice unless the property owner has received notice from the City that the university zone registration requirements no longer apply;
 6. All of the tenants of a single-family rental property for which notice in this subsection has been given are jointly and severally responsible for making such that the required information has been filed.
- D. The maximum number of persons who may occupy a dwelling shall be reduced on a one-to-one ratio based upon the number of off-street parking spaces available on the single-family rental property so that there is one off-street parking space for each person living within a single-family rental property within a college university zone and shall be further reduced, if necessary, so that the total square footage of the building provides at least 200 square feet of enclosed living space per occupant. Off-street parking space is defined the same as "parking space" in Title 17 and, if unenclosed must be durably surfaced (paved or bricked) and connect the entrance of the private garage with a public right-of-way so as to permit ingress and egress with no such space being allowed in the front yard. No additional off-street parking space shall be constructed as a parking pad, but any off-street parking pad in existence as shown on the GIS aerial photograph taken in 2009 may be considered in the number of available off-street parking spaces (parking pad being a durably surfaced area for vehicle storage that does not serve as ingress/egress to a garage). If, because of the age and character of a single-family property located within a designated college/university zone there are no off-street parking spaces, the maximum number of unrelated persons who may occupy the single-family rental property is two persons. For purposes of this subsection, the square footage and bedroom numbers on file with the City assessor are presumed to be accurate and it is the property owner's or tenant's duty to rebut their presumed accuracy. This subsection applies to any single-family rental property located

within a designated university zone that is occupied by unrelated persons regardless of whether the property has been notified to register tenant information or not. If illegal over occupancy is established a property owner shall take immediate steps to comply with the provisions of this section.

- E. This section shall not apply to a multi-family rental property located within a college/university zone. A multi-family rental property being defined the same as a "dwelling, multiple" in Title 17. This section shall also not apply to the rental of a single-family rental property to a family or related persons, as defined in Title 17, or to a group of persons with verifiable disabilities, as defined by the fair housing act, as amended, of 1988, who occupy a single-family rental property as a single housekeeping unit.
- F. It shall be a violation of this section for a tenant to occupy a single-family rental property without said tenant's name and other specified information having been provided to the City or its designee as required.
- G. It is a violation of the section for an owner to permit occupancy contrary to the provisions of this section.
- H. Each day a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section. Any person who is found to have violated this section after having been previously convicted of violating this section shall be subject to the applicable penalty for the subsequent offense.
 - 1. For a first offense the fine for a tenant shall be \$100. For a first offense for an owner the fine shall be \$300.
 - 2. For a second offense the fine for a tenant shall be \$200. For a second offense for an owner the fine shall be \$500.
 - 3. For a third or subsequent offense the fine for a tenant shall be \$500. For a third or subsequent offense the fine for an owner shall be \$1,000.

In addition, the code official or designee shall have the authority to suspend or revoke a rental license on any single-family rental property that has been the subject of three or more violations of this section.

DIVISION 2.
Specifications and Standards

8.15.185. Adoption of ~~2015~~ 2021 International Property Maintenance Code. [Ord. 2018-442 § 28]

The City hereby adopts and incorporates the provisions of the International Code Council's ~~2015~~ 2021 International Property Maintenance Code with commentary except as noted:

- A. From Chapter 1 ("Scope and Administration") only Subsection ~~102.6~~102.7, Subsection ~~104.3~~105.2, Subsection ~~104.4~~105.3, Section ~~105~~106, Subsection 110 (Subsection 110.4 amended to read as follows: "No person shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions."), Subsection ~~107.4~~111.5, Section ~~108~~111 (to the extent that it does not conflict with other City code sections), and Section 112 (Subsection 112.4 amended to read as follows: "No person shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.") are adopted.
- B. Chapters 2 through 8 are adopted with the modifications noted below:

Section 202. Definitions. Amended to add a definition for "building official" and modify the definition of "code official" and "habitable space":

Building Official. See "Code Official".

Code Official. The officer, officers, or other designated authorities charged with the administration and enforcement of this code, or a duly authorized representative.

Any reference to "building official" in this code refers to "code official".

Habitable Space. Space in a structure for living, sleeping, or eating. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Section 302.3. Sidewalks And Driveways. Amended to read:

302.3. Sidewalks And Driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained in accordance with chapter 12 of the City of Davenport code of ordinances and the City of Davenports standards for defective sidewalks.

Section 302.4. Weeds. Amended to read:

302.4. Weeds. Premises and exterior property shall be maintained in accordance with section 8.14.015 of the City of Davenport code of ordinances.

Section 304.2. Protective Treatment. Amended to read:

304.2. Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains and rust shall be removed from exterior surfaces when oxidation stains or rust compromises the function of the building component to perform as designed. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.14. Insect Screens. Insert: May 1 to November 1.

Section 304.18.1. Doors. Amended to read:

304.18.1. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order.

Section 305.3. Interior Surfaces. Amended to read:

305.3. Interior Surfaces.

A. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, loose, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

B. All residential properties receiving federal assistance must be in compliance with the lead safe housing rule at 24 CFR 35 and the lead based paint poisoning prevention act at 42 U.S.C. § 4822. The owner of federally assisted units must provide certification that the dwelling is in accordance with said regulations. If the federally assisted unit was constructed prior to 1978, upon occupancy a notice must be provided which outlines the lead based paint regulations, the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning, and the precautions to be taken against lead poisoning.

C. All residential property must comply with the residential lead-based paint hazard reduction act of 1992, requiring the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of certain housing built before 1978

Section 404.4.2. Deleted.

Section 404.4.3. Water Closet Accessibility. Amended to read as follows:

404.4.3. Water Closet Accessibility. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Section 602.3. Heat Supply. Insert: September 15 to May 15.

Section 602.4. Occupiable Work Spaces. Insert: September 15 to May 15. Section 602.5. Room Temperature Measurement. Amended to read:

602.5. Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor, at the inside wall.

Section 605.2. Receptacles. Amended to add:

Exception: In lieu of every habitable space in a dwelling containing two separate and remote receptacle outlets, one receptacle and a separate permanently installed light fixture is allowable.

Chapter 8.16
SECURING OF ABANDONED BUILDINGS

8.16.010. Authority. [Ord. 2018-442; Ord. 2002-31 § 32 (part); Ord. 89-371 § 2]

The building official, the neighborhood services director or their respective reports or designees are hereby authorized and directed to enforce all the provisions of this chapter.

8.16.020. Definitions. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 3]

- A. UNSAFE BUILDING OR STRUCTURE - Is any building or structure abandoned, boarded or otherwise deemed to be unsafe as defined in Section 203 of the ~~Uniform~~ International Building Code.
- B. BOARDED BUILDING - Is any vacant or abandoned building on which any of the doors, windows, or other opening into such building are boarded up or otherwise closed by any means other than conventional methods used in the design of the building.
- C. ABANDONED BUILDING - Is any structure or part of a structure which is unoccupied and is deemed hazardous due to the fact that the building is unsecured and open to trespass.
- D. VACANT BUILDING - Is any building or structure which is unoccupied and remains secure by conventional methods used in the design of the building.
- E. SECURE BUILDING - May be a vacant or boarded structure which is not open to trespass.
- F. PROPERTY OWNER - Means the contract purchaser, if there is one of record; otherwise, the record holder of legal title.

8.16.030. Unoccupied buildings to remain secure. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 4]

Any building or structure that is unoccupied and has any doors, windows or other openings into such building which allow the buildings to be subject to trespass and the elements shall be deemed a public safety hazard and a public nuisance. The property owner of the unoccupied building shall secure the building by boarding or through the replacement of the conventional barriers used in the design of the building.

8.16.040. Violations. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 5]

- A. No unauthorized person shall remove, tamper with or otherwise alter any conventional or unconventional barriers which are used to secure a building from trespass and damage from the elements.
- B. No person shall occupy or permit to be occupied by another person any boarded or abandoned dwelling, building or structure unless the building is in reasonable compliance with the provisions of the City housing code and has been issued a certificate of structure compliance pursuant to Section 8.15.145.
- C. No person shall enter any unoccupied dwelling, building or structure without permission in writing from the building officials or designee. Provided, however, entry may be made by the owner or the owner's authorized representative and entry may be made by the building officials or designee with the consent of the owner or through any remedy provided by law to secure entry.

8.16.050. Rights of access of premises. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 6]

- A. The building official or designee is authorized to enter and remain on private property for the purposes of determining whether an unoccupied dwelling, building or structure is secure, abandoned, vacant or boarded.
- B. The building official or designee may enter and remain upon the premises to complete work required by this chapter after the identified responsible persons have been notified of existing violations pursuant to 8.16.060 and the order to correct the violation has become final without compliance.
- C. Any person possessing a valid permit may enter and remain on the property to make repairs, demolish or remove such building or structure.
- D. Employees or agents of the City may enter and remain on the property for the purposes of removing debris, trash, brush and weeds pursuant to the applicable ordinances.

8.16.060. Notices and compliance orders. [Ord. 2015-118 § 18; Ord. 2002-31 § 32 (part); Ord. 89-371 § 7]

- A. Commencement of Proceedings. Whenever the building official or designee has inspected or caused to be inspected any building or structure or premises upon which same is located and has found and determined that the building is abandoned, the building official shall commence proceedings to cause the building to be secured.
- B. Notice and Order. The building official or designee shall, by certified mail or personal service, issue a notice and order directed to the property owner of the building. The notice and order shall contain:
 - 1. The street address and legal description sufficient for identification of the premises upon which the building is located.
 - 2. A statement that the building official or designee has found the building to be unsecured.
 - 3. A statement of the action required to be taken as determined by the building official or designee.
 - (a) If the building official or designee has determined that the building or structure must be secured, the order shall require that the work be commenced immediately and completed within such time not to exceed seven days from the date of the notice and order.
 - (b) If the building official or designee has determined that an interior inspection must be conducted in the building or structure, the order shall require such inspection and state a date and time for said inspection to take place.
 - 4. A statement advising that the building or structure, whether abandoned or boarded, must remain unoccupied and shall be posted until such time as inspections are completed and reasonable compliance with the housing codes substantiated and a certificate of structure compliance issued.
 - 5. Statements advising that the building or structure, if vacant and unsecure, shall have no active utilities and that those utilities shall be discontinued as soon as practical after the order has become final and that the responsibility to protect the plumbing from freezing shall be the owner's.
 - 6. A statement notifying the property owner of his or her rights to a hearing before the administrative hearing officer pursuant to the provisions of Chapter 2.86 of the City code.

7. A statement that if the order is not complied with and request for hearing is not made within the designated period, the City may perform the required action and assess the costs against such person pursuant to Chapter 8.12.

8.16.070. Failure to commence work. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 8]

If the notified property owner neglects or fails to commence the necessary work to secure the building or structure by the date set forth in the notice and order, the City may perform the required action and bill the property owner pursuant to Chapter 8.12. The building official or designee shall keep an accurate account to reflect the material and labor utilized, at a reasonable market rate to be determined by the building official or designee. Action taken pursuant to this chapter does not preclude the City from seeking alternative relief under the Uniform Housing International Property Maintenance Code. Such alternative relief may include, but is not limited to, repair or demolition of the building and removal of any debris on the property.

8.16.080. Methods of securing. [Ord. 2018-442; Ord. 2005-98 § 1; Ord. 2002-31 § 32 (part); Ord. 89-371 § 9]

- A. Boarding. All windows and doors which are accessible to trespass from the grade or those openings which allow the elements to enter shall be secured by boarding which is a minimum of three-eighths inch thickness plywood of exterior quality; chipboard or waferboard is prohibited. The plywood shall be fitted tightly to the frame of the window or door or other opening using ring-shank, galvanized or sinker nails not less than eight penny or screws not less than 1 1/2 inches in length. Boards must be fixed in such a way as to substantially prevent their easy removal and must be nailed every six inches around the perimeter. The entire opening must be boarded. The boards used shall be of a solid, muted color that blends with prevailing color of the structure. Other alternate connectors or methods shall be subject to the building official or designee's approval. At the option of the owner, an abandoned building or structure may be secured by the owner through repair and/or replacement of the conventional equipment used for such purposes in the design of the building. Once secured by repair or replacement of conventional equipment following a notice and order directing such action, the building or structure must remain secure. The failure to maintain security by the replacement of conventional equipment will require that all doors and windows be secured by boarding. If boarded by the City, and keys or working locks cannot be located, the building shall be secured at one door only with padlock and hasp. The owner may obtain a key upon presentation of proper identification to the building official or designee during normal office hours. Costs incurred for lock and hasp shall be recovered according to Section 8.12.100.
- B. If painting of boards is required to comply with subsection A of this section, it shall be subject to the following additional rules: 1) from March 15 to November 14 painting of boards shall be performed upon installation or by the deadline specified in the notice and order to secure, if a notice and order was issued, however from March 15 to April 30 a written waiver may be obtained from the neighborhood services department if in the enforcement authority's opinion insufficient days of good weather occurred during the timeframe; 2) no notice and order shall set a deadline for the painting of boards during the four-month timeframe beginning November 15 and ending March 14 ("winter timeframe"); 3) if an owner secures his building during the winter timeframe said building will be treated for painting purposes as having been boarded on the next subsequent March 15; 4) in making its determination of "good weather" the enforcement authority shall consider that painting is generally not advisable below 55° F.; 5) if the City performs the board up between November 15 to March 14, the bill for such work shall include the fee for painting despite the fact the painting may not occur until the weather permits.

8.16.090. Refusal of application for building permits. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 10]

The City building department may refuse an application for building permits for the repair or demolition of a building or structure if any liens for unpaid charges for work performed by the City or its agents according to notice and order of this chapter remain unpaid. A building permit may be issued when all requirements for said permit are met and proof of payment of liens filed pursuant to this chapter is presented.

8.16.100. Penalties. [Ord. 2018-442; Ord. 2002-31 § 32 (part); Ord. 89-371 § 11]

Anyone violating the provisions of this chapter is guilty of a municipal infraction and shall, upon conviction, be fined \$100 for a first offense, \$200 for a second offense, and \$500 for every offense thereafter for the same violation. Each day a violation is permitted to exist is considered a separate offense. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent such unlawful act or to restrain, correct or abate such violation.

Chapter 8.17
ABATEMENT OF DANGEROUS BUILDINGS

8.17.010. Title. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

These regulations shall be known as the abatement of dangerous buildings code, may be cited as such, and will be referred to herein as "this code."

8.17.020. Purpose and scope. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the building code, housing code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.
- B. Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.
- C. Conflicting Provisions. Whenever conflicting provisions or requirements occur between this code, the technical code or any codes or laws, the most restrictive shall govern.

8.17.030. Definitions. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. General. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the building code or the housing code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.
- B. Specific:
 - 1. BUILDING CODE - Shall mean the ~~Uniform-International~~ Building Code ~~and International Residential Code~~ promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.
 - 2. DANGEROUS BUILDING - Shall mean any building or structure deemed to be dangerous under the provisions of Section 8.17.120.
 - 3. DESIGNATED OFFICIAL - Shall mean the designated or authorized personnel described in Section 8.17.040 and their authorized inspection personnel.
 - 4. HEALTH OFFICIAL - Shall mean the designated or authorized personnel of the chief health officer of the Scott County Health Department.
 - 5. HOUSING CODE - Shall mean the ~~Uniform Housing~~ ~~International Property Maintenance~~ Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

8.17.040. Administration. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Any City official may be designated by the City Administrator to enforce the provisions of this code. The

designated officials shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

8.17.050. Cooperation of other officials and officers. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

The designated official may request, and shall receive so far as is required in the discharge of his/her duties, the assistance and cooperation of other officials of this jurisdiction including but not limited to the Scott County Board of Health, Scott County Sheriff's Department and the Davenport police and fire departments.

8.17.060. Inspections. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. The designated officials are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.
- B. All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the designated official in accordance with and in the manner provided by this code, the housing code, and the building code as adopted by the City.

8.17.070. Right of entry. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

When it is necessary to make an inspection to enforce the provisions of this code, or when the designated official or their representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the designated official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If entry is refused, the designated official shall have recourse to the remedies provided by law to secure entry.

8.17.080. Abatement of dangerous buildings. [12-4-2019 by Ord. No. 2019-530; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

All buildings or portions thereof which are determined, after inspection by the authorized official, to be dangerous, as defined in this code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code.

8.17.090. Violations. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

8.17.100. Appeals. [Ord. 2015-118 § 19; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Appeals of notices, orders, decisions and determinations made by an authorized official relative to the application and interpretation of this code shall be requested, scheduled and heard pursuant to the provisions in Chapter 2.86 by the administrative hearing officer. In ruling on appealed notices, orders, decisions and determinations the administrative hearing officer does not have the authority to waive requirements of this chapter.

8.17.110. Emergency action. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Demolition. The designated official may order an emergency demolition of a structure or any part thereof when circumstances exist such that the threat to life or health is so imminent and substantial that to order repair would not be prudent. No prior notice to the owner of the demolition is necessary, but notice of the cost of the action shall be given prior to the costs being charged to the owner as provided in this code.
- B. Repair. The designated official may order the emergency repair of a structure or any part thereof in all circumstances — except those described in subsection A — where an immediate threat to life or health exists. No prior notice to the owner of the repair is necessary, but notice of the cost of the action shall be given prior to the costs being charged to the owner as provided in this code.

8.17.120. Dangerous building. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such condition or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

- A. Whenever any portion thereof had been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- B. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- C. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- D. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- E. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- F. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated, or is vacant and is open to unauthorized entry as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- G. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the building code or housing code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
- H. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or is in such a condition that is likely to cause sickness or disease.
- I. Whenever any building or structure, because of dilapidated condition, deterioration, damage,

inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a hazard.

- J. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- K. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- L. Whenever any building or structure regulated by the administrative code, the Davenport housing code, or the technical codes constitutes a hazard to safety, health or public welfare by reason of fatigue, dilapidation, inadequate maintenance, fire damage, disaster, faulty construction or abandonment.
- M. Whenever any building service equipment regulated by such codes, constitutes a fire, electrical or health hazard, or unsanitary condition, or is otherwise dangerous to human life.
- N. Whenever any 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 the technical codes are designated as unsafe building appendages.

8.17.130. Abatement notice and order. [Ord. 2018-442; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Commencement of Proceedings. When the designated official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the designated official shall commence proceedings to cause the repair, vacation or demolition of the building.
- B. Notice and Order. The designated official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
 - 1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
 - 2. A statement that the designated official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 8.17.120.
 - 3. A statement of the action required to be taken as determined by the designated official.
 - a. If the designated official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 30 days from the date of the order) and completed within such time as the designated official shall determine is reasonable (not to exceed 120 days from the date of the order).
 - b. If the designated official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the designated official to be reasonable (not to exceed 30 days from the date of the order).

- c. If the designated official has determined that the building or structure must be demolished, the order shall require: i) the building be vacated within such time as the designated official shall determine is reasonable (not to exceed 30 days from the date of the order); ii) all required permits be secured therefor within 30 days from the date of the order; and iii) the demolition be completed within such time as the designated official shall determine is reasonable (not to exceed 60 days from the date of the order).
- 4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the designated official: i) will order the building vacated and posted to prevent further occupancy until the work is completed; and ii) may proceed to cause the work to be done and charge the costs thereof against the property and/or its owner.
- 5. Statements advising: i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the designated official pursuant to chapter 2.86; and ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

8.17.140. Service of notice and order. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Who Served. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property. The failure of the housing official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.
- B. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears in the records of the county auditor. If no address of any such person so appears or is known to the designated official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- C. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the designated official.

8.17.150. Repair, vacation and demolition. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

The following standards shall be followed by the designated official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

- A. Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - 1. The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

2. The building shall be demolished at the option of the building owner.
- B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

8.17.160. Notice to vacate. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8.17.140, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to deface this notice.

Housing Official
City of Davenport

- B. Compliance. Whenever such notice is posted, the designated official shall include a notification thereof in the notice and order issued under Section 8.17.130B, specifying the conditions which cause it to be a dangerous building. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the building code.

The designated official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

8.17.170. (Reserved)¹¹

8.17.180. Effect of failure to appeal. [Ord. 2018-442; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Failure of any person to file an appeal under chapter 2.86 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

8.17.190. Scope of hearing on appeal. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

8.17.200. Staying of order under appeal. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Except for vacation orders made pursuant to Section 8.17.160, enforcement of any notice and order of the designated official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

8.17.210. Compliance. [Ord. 2015-118 § 21; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. General. After any order of the code enforcement officer or administrative hearing officer shall have become final, no person to whom such order is directed shall fail, neglect or refuse to obey said order. Any person who fails to comply with said order is guilty of a simple misdemeanor.

2. Former Section 8.17.170, Appeal, containing portions of Ordinance Nos. 97-246 and 2002-31, was deleted in its entirety by Ordinance No. 2015-118.

- B. Failure to Obey Order. If, after an order has become final the person to whom such order is directed fails, neglects or refuses to obey said order, the code enforcement officer may cause said person to be prosecuted under the preceding paragraph or institute any appropriate action to abate such building as a public nuisance, or both.
- C. Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:
1. The designated official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto, if not already so posted, a notice reading:

DANGEROUS BUILDING DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Housing Official
City of Davenport

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the designated official have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.
3. The designated official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned and then sold to recover the cost. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building or lot, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

8.17.220. Extension of time to perform work. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the designated official may grant an extension of time, not to exceed an additional 180 days, within which to complete said repair, rehabilitation or demolition, if the designated official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The designated official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order. Any extension of time granted shall be agreed to in writing.

8.17.230. Interference with repair or demolition work prohibited. [Ord. 2018-442; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. General. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction whenever such officer, employee, contractor or authorized representative of this jurisdiction, is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

- B. Violations-Penalties. Any person or entity who violates any of the provisions of this chapter shall be guilty of a municipal infraction; and shall be fined \$100 for a first offense, \$200 for a second offense and \$500 for every offense thereafter for the same violation. Each day that a violation continues is a separate offense. A violation of section 8.17.210 may be pursued as a simple misdemeanor violation subjecting the offender to arrest and a fine of \$200.

8.17.240. Performance of work of repair or demolition. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Procedure. When any work of repair or demolition is to be done pursuant to this code, the designated official shall cause the work to be accomplished by City personnel or by private contract under the direction of the designated official. Plans and specifications therefore may be prepared by the designated official, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary.
- B. Work Performed. Such work shall be carried on under the direction and supervision of the designated official who is authorized on behalf of the City to call for bids for the performance of any repair or demolition necessary to abate said nuisance and to enter into a contract therefor with a responsible bidder making the best bid as determined by the designated official.
- C. Costs. The costs of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved or if ordered by a judge may be made a personal obligation of the property owner.

8.17.250. Repair and demolition fund. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

The City Council may establish a special fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the designated official to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous building.

8.17.260. Recovery of cost of repair or demolition. [Ord. 2015-118 § 21; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Account of Expense, Filing of Report. The designated official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of this code. Upon the completion of the work of repair or demolition, said designated official shall prepare and keep on file a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to this code.
- B. Appeal. Any person personally interested in or affected by the proposed charge may file a request for a hearing pursuant to the provisions of Section 2.86.020 of the City code and if such request is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the City code. If a request is not timely filed the expense incurred by the City shall be conclusively deemed to be fair and reasonable and all personally interested or affect persons shall be deemed to have waived all rights to challenge the amount recoverable.

8.17.270. Special assessment. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Any portion of the costs of repair or demolition remaining unpaid 60 days after billing or after the decision

of the City Clerk if an appeal was filed may be assessed against the property in the manner provided by law.

8.17.280. Personal obligation. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

In addition to the other remedies available, the City shall have a cause of action against the property owner to recover the costs of any repair or demolition performed pursuant to this code.

8.17.290. Repayment of repair and demolition fund. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

All money recovered for work performed under this code shall be paid to the City Treasurer.

Chapter 8.18
REGISTRATION OF VACANT OR ABANDONED BUILDINGS

8.18.010. Definitions. [Ord. 2018-442]

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Property Maintenance Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. Unless otherwise expressly stated or unless the context clearly indicates a different intent, the following terms shall, for the purpose of this chapter, have the following meanings:

ABANDONED BUILDING — Any building or portion thereof which has stood with an incomplete exterior shell for six months or longer (City's board up effort is disregarded when determining "completeness") which meets one or more of the following criteria:

- A. Is unsecured; or
- B. Is unoccupied; or
- C. Is in violation of the International Property Maintenance Code, International Building Code, or International Fire Code adopted by the City of Davenport.

NEIGHBORHOOD SERVICES DIRECTOR — Includes the neighborhood services director's designee.

VACANT BUILDING — Any building or portion thereof which has been unoccupied for a continuous period of time over 12 months and which meets one or more of the following criteria:

- A. Unsecured;
- B. Secured by means other than those used in the design of the building;
- C. Declared a "dangerous building" as defined in Chapter 8.17;
- D. Unfit for occupancy as determined by the neighborhood services director;
- E. Noncompliant with the property maintenance code;
- F. Has housing, building, fire, health or zoning code violations;
- G. Open to vagrants, vandals, children or the unwary; or
- H. Not receiving service by public utilities.

8.18.020. Registration required. [Ord. 2018-442]

No person or business shall maintain a vacant or abandoned building as defined by this chapter, in the City unless such person or business registers the abandoned or vacant building as provided in this chapter.

8.18.030. Registration. [Ord. 2018-442]

- A. The owner shall register a vacant or abandoned building with the City not later than 30 calendar days after any building in the City becomes abandoned or vacant as defined in this chapter. Failure to register an abandoned or vacant building or providing false information to the City shall be a violation of this chapter.

B. The registration shall include the following information:

1. A description of the premises;
2. The names and addresses of the owner or owners;
3. The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
4. The name of the agent designated to act on the behalf of an out of town property owner to accept legal processes and notices, and to authorize repairs as required; and
5. The period of time the building is expected to remain vacant and/or a plan and timetable to comply with applicable City codes.

8.18.040. Fees. [Ord. 2018-442]

The owner of a vacant or abandoned building shall pay an annual fee as established, from time to time, by resolution of the City Council, and said fee shall be paid in full prior to the issuance of any permits or acceptance of the registration form for the subject property.

8.18.050. Terms. [Ord. 2018-442]

- A. Every registration is for the period of one year and shall be effective from July 1 to and through the following June 30.
- B. The registration may be renewed and remain effective for successive periods of one calendar year unless sooner revoked at any time by the neighborhood services director for noncompliance with any applicable provisions of this code. The owner shall keep the required information current and up to date.
- C. Registrations may be transferred from one person or business to another, provided notice of the transfer is given in writing within five working days of the transfer.
- D. Registrations shall not be transferable from one building to another.
- E. Every person or business holding a registration shall give notice in writing to the City within five working days after having transferred or otherwise disposed of the legal control of the registered building. Such notice shall include the name and address of the persons or businesses succeeding to the ownership or control of such building.

8.18.060. Inspections. [Ord. 2018-442]

The owner shall allow inspection of the building by City representatives 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 the Housing, Building and Fire Codes. The reoccurrence of inspections shall occur until a safe to occupy condition has been met. The building official or designee shall determine the frequency of the inspections on a case-by-case basis.

8.18.070. Issuance and renewal criteria. [Ord. 2018-442]

The City is hereby authorized to issue and renew vacant or abandoned building registrations for specific buildings, in the names of the applicant owners, operators or managers, provided the following criteria are met:

- A. The building to be registered is warranted by the owner or operator to substantially comply with applicable provisions of the City code.
- B. The owner or operator legally authorized and responsible for maintenance of the building to be registered shall first make application therefor using the City's application.
- C. All fees required by this code pursuant to the issuance of a vacant or abandoned building license are paid in full to the City.
- D. The applicant shall designate a responsible agent to represent the owner/operator whenever the said applicant is not available for maintenance of the building sought to be registered. Said agent shall have full authority and responsibility, the same as the owner/operator, for maintaining the building.

8.18.080. Renewal and penalty for failure to renew. [Ord. 2018-442]

An application for renewal of a registration for a vacant or abandoned building may be made within 60 days prior to the expiration of an existing registration. Application for renewal shall be due on July 1. Application may be made and registration fees paid until July 31 without penalty. Each day that the owner fails to renew such registration as required by this chapter shall constitute a separate violation for which a municipal infraction citation may be issued.

8.18.090. Revocation, reinstatement. [Ord. 2018-442]

If a vacant or abandoned building registration is revoked by the City for noncompliance with any applicable provisions of the code, the owner/operator of the building shall be given 30 days to comply with the provisions of this code. Extensions of such thirty-day period may be granted at the discretion of the neighborhood services director. Upon expiration of the thirty-day period, or any extension thereof, if the building continues to be noncompliant, the registration is deemed revoked. The revocation may be appealed in accordance with Chapter 2.86.

8.18.100. Relationship of registration to other code provisions. [Ord. 2018-442]

The issuance of any registration for any vacant or abandoned building shall not in any way signify or imply that the building conforms with the Iowa state building code or the housing, building, property maintenance, zoning, fire ordinances or other codes and ordinances adopted by the City. The issuance of a registration shall not relieve the owner or operator of the responsibility for compliance with said codes and ordinances.

Chapter 15.08
CONSTRUCTION CODE ENFORCEMENT ADMINISTRATIVE REGULATIONS¹

SUBCHAPTER I
TITLE, PURPOSE AND SCOPE

15.08.100. Title. [Ord. 2002-180 § 1 (part)]

These regulations shall be known as the Building Code Enforcement Administrative Regulations, may be cited as such and will be referred to herein as "the administrative code."

15.08.110. Purpose. [Ord. 2002-180 § 1 (part)]

The purpose of the administrative code is to provide for the administration and enforcement of certain technical codes adopted by Title 15 of the Davenport Municipal Code. This code replaces the administrative chapters of the technical codes comprising the construction rules and regulations for the City of Davenport and as defined herein.

Administration and enforcement is a function of the building inspection division of the public works department of the City of Davenport.

The Davenport Administrative Code has been adopted and is used in conjunction with other City of Davenport codes and should not be construed to include all regulations pertaining to buildings and development. The administrative code shall be applied to the technical codes of the City and nothing in this chapter shall be interpreted as prohibiting or limiting enforcement by the building official or any other agencies the following codes and ordinances:

The zoning ordinance of the City of Davenport, Iowa.

Subdivisions ordinance.

Uniform Fire Code as adopted and amended.

Flood damage prevention ordinance.

Erosion control ordinance.

Iowa State Building Code as specifically referenced by Chapter 15.12 of the Davenport Municipal Code.

Where no conflicting standards are set out in this code, reference publications providing guidelines for the enforcement of the technical codes, including the Uniform Code For Building Conservation, published by the International Conference of Building Officials and The Fire Code, as adopted by the jurisdiction may be used by the building official to establish the scope and intent of the technical codes.

Compliance with the regulations of other agencies shall be required, including, but not limited to, the Scott County Board of Health and Iowa State Fire Marshal.

15.08.120. Definitions. [Ord. 2002-180 § 1 (part)]

For the purpose of the administrative code, certain terms, phrases, words and their derivatives shall be

1. Editor's Note: Prior Ordinances Codified Herein Include Portions Of Ordinances Nos. 81-A, 82-292, 82-798, 85-390, 90-383, 95-614 And 97-486.

construed as specified in this section. Where such terms are not defined herein, they shall have their meanings derived from the definitions contained in Chapter 2 of the International Building Code and the International Residential Code promulgated by the International Code Council as adopted by the Chapter 15.12 of the Davenport Municipal Code. Where terms are not defined in this section, or by Chapter 2 of the International Building Code, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- A. ALTER or ALTERATION – Is any change or modification in construction or occupancy to any building or structure including, but not limited to, changes in structural and nonstructural building components and systems; changes or modifications to any building or structure consisting of repair or reconstruction for the purposes of renewal or maintenance; changes or modifications or additions to any exterior or interior portion of any building or structure.
- B. BUILDING CODE – Is the International Building Code and International Residential Code and appendices as adopted by the Davenport Municipal Code, Chapter 15.12.
- C. BUILDING OFFICIAL OR CHIEF BUILDING OFFICIAL, OR HIS DULY AUTHORIZED REPRESENTATIVE – Is the officer designated by the appointing authority and charged with the administration and enforcement of the administrative code and the technical codes.
- D. BUILDING SERVICE EQUIPMENT or SERVICE EQUIPMENT – Refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire fighting and transportation facilities for the occupancy of a building or structure for its designated use.
- E. BUILDING INSPECTOR, ELECTRICAL INSPECTOR, MECHANICAL INSPECTOR, PLUMBING INSPECTOR, PLANS REVIEWER – Shall be the person providing expertise for the building official in the designated technical code.
- F. ELECTRICAL CODE or NATIONAL ELECTRICAL CODE – Is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by the Davenport Municipal Code, Chapter 15.16.
- G. JURISDICTION – As used in the administrative code, is the City of Davenport, which administers these regulations within its sphere of authority.
- H. MAY – As used in the administrative code, is permissive for compliance.
- I. MECHANICAL CODE or UNIFORM MECHANICAL CODE – Is the Uniform Mechanical Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the Davenport Municipal Code, Chapter 15.24.
- J. PLUMBING CODE or UNIFORM PLUMBING CODE – Is the plumbing code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the Davenport Municipal Code, Chapter 15.28.
- K. SHALL – As used in the administrative code, is mandatory.
- L. TECHNICAL CODES – Refer to construction rules and regulations adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition,

use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined. Such technical codes consist of the Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, International Residential Code and the International Building Code, defined herein and as adopted and amended by the Davenport Municipal Code, Title 15.

15.08.130. General application. [Ord. 2002-180 § 1 (part)]

The provisions of the administrative code shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate the construction, alteration, moving, demolition, repair, use and occupancy of any building or structure and any building service equipment within this jurisdiction.

EXCEPTION: Work located in a public way, public utility towers and poles providing basic services, flood control structures, docks, marine vessels and marine structures.

15.08.140. (Reserved)

(See Chapter 34 IBC Existing Buildings)

15.08.150. Conflicting provisions. [Ord. 2002-180 § 1 (part)]

Wherever conflicting provisions or requirements occur between the administrative code, the technical code, or any codes or laws, the most restrictive shall govern.

15.08.160. Alternate materials and methods of construction. [Ord. 2002-180 § 1 (part)]

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the technical codes, provided any alternate has been approved and its use authorized by the building official.

The building official may approve any alternate, provided he finds the proposed design is satisfactory and complies with the provisions of the technical codes, and the material, method or work offered is at least the equivalent of that prescribed in the technical codes. The building official shall require that sufficient evidence or proof be submitted to substantiate any claims which may be made regarding the use of an alternate material or method.

15.08.170. Modifications. [Ord. 2002-180 § 1 (part)]

Whenever there are practical difficulties involved in carrying out the provisions of the technical codes or the administrative code, the building official may grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the technical code impractical; the modification is in conformity with the intent and purpose of the technical code; and such modification does not lessen health, life, and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

15.08.180. Tests. [Ord. 2002-180 § 1 (part)]

Whenever there is insufficient evidence of compliance with any of the provisions of the technical codes, or evidence that materials or construction are unsafe or do not conform to the requirements of the technical codes, the building official may require tests or investigations as evidence of compliance and/or structural

stability.

Test and investigation methods shall be as specified by the technical codes or by other recognized test and design standards. In the absence of recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests and investigations shall be made by an approved agency or qualified individual including, but not limited to, an engineer or architect licensed in the state of Iowa. Reports of such tests and investigations shall be submitted to the building official for review.

15.08.190. (Reserved)

SUBCHAPTER II
ORGANIZATION AND ENFORCEMENT

15.08.200. Authority for creation of enforcement agency. [Ord. 2002-180 § 1 (part)]

- A. Authority. There is established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official.
- B. General. Whenever the term or title administrative authority, building official, chief inspector, code enforcement officer, or other similar designation is used herein, or in any of the technical codes, it shall be construed to mean the building official designated by the appointing authority of this jurisdiction.

15.08.205. Powers and duties of building official. [Ord. 2002-180 § 1 (part)]

- A. General. The building official is hereby authorized and directed to enforce all the provisions of the administrative code and the referenced technical codes. For such purposes, he shall have the powers and duties of a law enforcement officer as provided for in the Code of Iowa. See Section 15.08.205, subsection H. regarding liability.
- B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint related technical officers, inspectors and other employees as shall be authorized from time to time. He may deputize such inspectors or employees as may be necessary to carry out code enforcement duties.
- C. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of the administrative code and the technical codes, or whenever the building official or his authorized representative has probable cause to believe there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by such codes; provided, that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of entry. Should entry be refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- D. Stop Orders. Whenever any work is being done contrary to the provisions of the administrative code and the technical codes, the building official may order the work stopped by notice, in writing, served on any persons engaged in the doing, or causing such work to be done, or by posting such notice on the premises, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.
- E. Occupancy Violations. Whenever any building or structure or building service equipment therein regulated by the administrative code and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.
- F. Authority to Disconnect Utilities. The building official, or his authorized representative, shall have the authority to disconnect any utility service or energy supplied to the building, structure, or building

service equipment therein regulated by the administrative code, or the technical codes, where necessary, to eliminate an immediate hazard to life or property and in order to insure satisfactory compliance with the administrative code and the technical codes. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the decision to disconnect. Such notification shall be given 24 hours prior to taking such action.

- G. Connection After Order to Disconnect. No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected, or ordered to be disconnected, by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.
- H. Liability. The building official, or his authorized representative charged with the enforcement of the administrative code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employee because of such act or omission performed by him in the enforcement of any provision of such codes shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings including the provision of surety for any and all damage claims secured in such proceedings.

The administrative code and the technical codes shall not be construed to relieve from, or lessen the responsibility of, any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by such codes or approvals issued under such codes.

- I. Cooperation of Other Officials. The building official may request, and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of this jurisdiction including, but not limited to, the Scott County Board of Health, Scott County Sheriff's Department and the Davenport Police Department.
- J. Miscellaneous Duties. Subject to the policy directives of the City Council and the Mayor, the building official shall:
1. Supervise and direct all employees engaged in the enforcement of the technical codes.
 2. Administer and enforce the building code, mechanical code, plumbing code, electrical code and may enforce all code provisions relating to construction, enumerated in Section 15.08.110 of this code.
 3. Submit a report to the City Council as of July 1st of each year covering the work of the office of construction code enforcement during the preceding fiscal year.
 4. Have and exercise all powers and duties assigned to him by statute or ordinance and such other authority as may be granted by the City Council.

15.08.210. (Reserved)

15.08.215. Combined code board of appeals - Powers and duty. [Ord. 2017-93 § 8²; Ord. 2002-180

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2. Editor's Note: This ordinance also provided for the repeal of former Sections 15.08.220 through 15.08.235, which provided for a

§ 1 (part)]

- A. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the technical codes, there shall be, and is created, a combined construction code board of appeals and review, consisting of seven members. The Mayor shall strive to appoint one member who is a: State of Iowa electrical contractor or journeyman, State of Iowa licensed plumbing contractor or journeyman, State of Iowa licensed mechanical (HARV) contractor or journeyman, City of Davenport licensed Class A commercial building contractor, City of Davenport licensed Class B residential new construction contractor, architect, and [professional engineer, at least one of whom is](#) a resident of Davenport. The board shall be appointed to staggered three-year terms by the Mayor with the concurrence of the City Council. The board may adopt reasonable rules and regulations for conducting their meetings, investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. A simple majority of the board shall constitute a quorum to transact the business of the board. A simple majority of the members present by voice vote shall be required on action by the board. **[12-9-2020 by Ord. No. 2020-495]**

1. The transition rule to start the staggered terms is as follows:

Board Member	Name	Term Expires
1	Horace Peebles	10/31/2021
2	Frank Ehrecke	10/31/2021
3	Steve Duncan	10/31/2022
4	Gary Tomlinson	10/31/2022
5	Darrin Guffy	10/31/2023
6	Andrew Dasso	10/31/2023
7	Tim Koehler	10/31/2023

- B. Any person, firm or corporation, or any officer, department, board or bureau aggrieved by any order, requirement, decision or determination made by the building official on all matters pertaining to buildings or structures or occupancy included in the various technical codes shall have the right to appeal to the board within 10 days of the building official's order, decision or determination.
- C. An appeal is considered filed upon the submittal of a written notice as specified below and payment of a filing fee of \$100 to the finance department of the City within 10 days of the building officials written or verbal order, decision or determination. Such appeal shall set forth the order appealed from and the reason why the appellant believes it to be incorrect. The board shall hear the appeal and render a decision without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- D. The board after hearing the appeal may reverse, affirm, modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner the board may decide is fitting and proper and consistent with the intent and purpose of the applicable code. To that end, the board shall have all the power of the officer from which the appeal is taken. A vote of five members of the board shall be necessary to reverse, modify or amend an order, requirement, decision or

separate board of appeals and review for the mechanical code, plumbing code, electrical code and building code, all adopted by Ord. 2002-180.

determination of the official or to decide any matter wholly or partly, in appellant's, favor.

- E. Nothing in this subchapter shall be presumed to grant authority relative to the interpretation of the administrative code.

15.08.220. through 15.08.295 (Reserved)

SUBCHAPTER III
PERMITS AND INSPECTIONS

15.08.300. Permits. [Ord. 2002-180 § 1 (part)]

- A. Permits Required. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, sign or structure or make any installation, alteration, repair, or replacement to any building service equipment regulated by the administrative code and the technical codes, except as specified in subsection B of this section, or cause the same to be done without first obtaining a separate, appropriate permit for each building, structure, sign or building service equipment from the building official.
- B. Exempted Work. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of the administrative code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.
1. Building Permits. A building permit will not be required for the following:
- a. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet and is located on the property in compliance with zoning regulations, building code setback requirements and/or trailer court regulations;
 - b. Fences on residential property not over six feet high;
 - c. Oil derricks;
 - d. Movable cases, counters and partitions not over five feet nine inches high;
 - e. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids; any wood or landscape timber walls;
 - f. 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 two to one;
 - g. Platforms, decks, walks and driveways on private property not more than 30 inches above grade and not over any basement or story below and not attached to any structure;
 - h. Painting, papering, carpet, resilient flooring and similar finish work;
 - ~~i. Temporary motion picture, television and theater stage sets and scenery;~~
 - ~~j.i.~~ Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches;
 - ~~k.j.~~ Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches in depth and not over 5,000 gallons, provided such swimming pools shall meet the fencing and enclosure requirements contained elsewhere in the technical codes. **[9-9-2020 by Ord. No. 2020-375]**

Unless otherwise exempted by the administrative code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

2. Plumbing Permits. A plumbing permit will not be required for the following:
 - a. The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in the administrative code.
 - b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
 - c. The installation of portable type spa equipment not connected to the building plumbing or drainage system.
 - d. The installation of swimming pools not connected to the building plumbing or drainage system. This permit exemption shall not apply to mechanical equipment normally regulated by the technical codes.
 - e. Lawn sprinkler systems except that the riser connection and backflow device necessary to provide water to such system shall be installed only by permit as required by the administrative code.
3. Electrical Permits. An electrical permit will not be required for the following:
 - a. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the electrical code;
 - b. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location;
 - c. Temporary decorative lighting;
 - d. Repair or replacement of current-carrying parts of any switch, contractor or control device;
 - e. Reinstallation of attachment plug receptacles, but not the outlets thereof;
 - f. Repair or replacement of any overcurrent device of the required capacity in the same location;
 - g. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;
 - h. Taping joints;
 - i. Removal of electrical wiring;
 - j. Temporary wiring for experimental purposes in suitable experimental laboratories;
 - k. The wiring for temporary theater, motion picture or television stage sets;

- l. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy;
 - m. Low-energy power, control and signal circuits of Classes II and III as defined in Article 720, 725 and 800 of the National Electrical Code.
 - n. A permit shall not be required for the installation, alteration or repair of electrical wiring apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by the public or private utility in the exercise of its function as a serving utility.
4. Mechanical Permits. A mechanical permit will not be required for the following:
- a. Any portable heating appliance;
 - b. Any portable ventilating equipment;
 - c. Any portable cooling unit;
 - d. Any portable evaporative cooler;
 - e. Any closed system of steam, hot or chilled water piping within any heating or cooling equipment regulated by the mechanical code;
 - f. Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes;
 - g. Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes;
 - h. Any unit refrigerating system as defined in the mechanical code.
- C. Separate Permits. Separate permits are required for each of the ~~four~~ classes of work (new construction and remodeling or repair) as follows:

Type of Work	Permit Required
General construction new or repair	Building permit
Electrical construction	Electrical permit
Heating construction, air conditioning, fireplaces, heating stoves, boiler process piping, other mechanical installation	Mechanical permit
Plumbing, drainage, piping construction	Plumbing permit
Sprinkler and fire alarms	Building permit

- D. Special Permits. Special permits are required for miscellaneous items as follows:

Type of Work	Permit Required
Moving building	Moving permit
Signs (see sign ordinance)	Sign permit
Temporary structures	Temporary permit
Demolition or wrecking	Wrecking permit
Temporary motion picture, television and	Temporary permit

[theater stage sets and scenery](#)

15.08.305. Application for permit. [Ord. 2002-180 § 1 (part)]

- A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall, if deemed appropriate by the building official:
1. Identify and describe the work to be covered by the permit for which application is made;
 2. Describe the land on which the proposed work is to be done by legal description, land survey and street address or similar description that will readily identify and definitely locate the proposed building or work;
 3. Indicate the use or occupancy for which the proposed work is intended;
 4. Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection B of this section;
 5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;
 6. Be signed by the applicant, or his authorized agent, who may be required to submit evidence to indicate such authority;
 7. Submit a plot plan showing dimensions of property and locations of proposed (and existing) improvements and such other information as may be necessary for checking compliance of proposed improvements with the requirements of the building code and zoning ordinance. Support this with an approved certificate of survey, executed by a land surveyor registered under the laws of the state of Iowa;
 8. A list of all contractors and subcontractors on the form provided for same. The building official may issue a permit subject to submission of this list at some specific later date;
 9. Contain a tentative schedule for required inspections on the form provided. Contractor (applicant) shall advise the building official at least one day in advance of any revisions to the inspection schedule. Contractor (applicant) shall post a copy of the inspection schedule and revisions to it at the job site with the posted building permit;
 10. Give such other data and information as may be required by the building official.
- B. Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. Plans and other data, when so designed, shall bear the seal of the licensed architect or engineer at the direction of the building official.

Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the building official. The engineer or architect responsible for the structural design work shall include in the construction documents any special inspections and other structural inspections required by the engineer or architect. In addition, the design professional listed on the permit application shall define the expected frequency of site visits for the evaluation of construction progress and compliance with design intent. No permit for Construction shall be issued in the City of Davenport without a defined schedule of site observations by the Architect of Record and/or Engineer of Record. If the Architect of Record or Engineer of Record delegates this duty to another Iowa-licensed design professional, the Architect of Record or Engineer of Record shall ensure that the delegate has an adequate understanding of the design intent. Note, although the duty of an on-

site evaluation can be delegated, the responsibility thereof remains with the Architect of Record and/or Engineer of Record.

EXCEPTION: The building official may waive the submission of plans, calculations, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with the administrative code and the technical codes.

- C. Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper, or cloth, and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the technical codes and all relevant laws, ordinances, rules and regulations.
- D. Erosion Control Plans.
 - 1. At the direction of the City engineer, before any person, firm or corporation is issued a building permit they must submit to and have approved by the building official plans to control soil erosion which conform to the regulations pursuant to the Davenport Municipal Code.

15.08.310. Permit issuance. [Ord. 2002-180 § 1 (part)]

- A. Issuance. The application, plans and specifications, and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the administrative code and the technical codes and other pertinent laws and ordinances and that the fees specified in Section 15.08.315 of the administrative code have been paid, he shall issue a permit therefor to the applicant.

When the building official issues the permit where plans are required, such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work shall be done in accordance with the approved plans and the technical codes.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

- B. Retention of Plans. One set of approved plans and specifications shall be kept on the site of the building work at all times during which the work authorized thereby is in progress. One set of approved plans, specifications and computations shall be retained by the building official until final approval of the work.
- C. Validity of Permit. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the administrative code or the technical codes, or of any other ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of these codes shall be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans, specifications and other data, or from halting building operations being carried on when in violation of these codes or of any other ordinances of this jurisdiction.

- D. Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized

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by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes

have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year. Prior to re-issue of the permit, the Building Official or their agent shall have the authority to inspect the work location and may require modifications to the site conditions.

Any permittee may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

- E. Suspension or Revocation. The building official may suspend or revoke a permit if issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of these codes.
- F. Continuance of Work. Subsequent to the issuance of a valid permit, no person, firm or corporation shall cease the activity necessary to bring the construction, repair or alteration of any building or structure or building service equipment to a condition allowing the final approval of the building official. Activity shall continue in a reasonable manner until final completion of such work and in no case shall such activity cease for a period of 180 days from the last recorded activity as contained on the permit issued.

15.08.315. Fees. [Ord. 2003-619 § 1; Ord. 2002-180 § 1 (part)]

- A. Permit Fees. The City Council by resolution shall set the amount of fee for each permit and plan review. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in the administrative code, the fee required shall be in accordance with the schedule established by the legislative body by resolution.

The determination of value or valuation under any of the provisions of this section shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. For the purposes of this section, the value of construction work shall include, but not be limited to, the costs for labor charges, material charges, equipment costs, contractors profit, subcontractors charges, overhead charges, and other costs incurred in the replacement, repair, alteration, construction and installation of buildings and structures and building service equipment.

- B. Plan Review Fees. When a plan or other data are required to be submitted by subsection B of Section 15.08.305, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee for buildings or structures shall be 65% of the building permit fee as established by resolution.

The plan review fee for handicapped access as required by Division Seven of the Iowa State Building Code shall be established by resolution.

The plan review fees for electrical, mechanical and plumbing work shall be equal to 25% of the total permit fee as established by resolution.

Plan review fees shall be waived for those submissions for which a permit is secured and the fees are paid.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate as established by resolution.

- C. Expiration of Plan Review. Application for which no permit is issued within 60 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.
- D. Investigation Fees. Whenever any work for which a permit is required by the administrative code has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be as set forth in Section 15.08.315A. The minimum investigation fee shall be the same as the minimum fee as established by resolution. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either the administrative code or the technical codes nor from any penalty prescribed by law.

- E. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. To obtain a reinspection, the applicant shall file a request thereof in a manner prescribed by the building official, and pay the reinspection fee as established by resolution.
- F. Fee refunds. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize the refunding of not more than 75% of the permit fee paid when no work has been done under a permit issued in accordance with the administrative code.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than five days after the date of fee payment.

No refund shall be made when the permit fee or plan review fee paid is \$10 or less. Qualifying refunds shall be, on a fee of \$40 or less, the amount of the fee in excess of \$10, and on a fee of over \$40, 75% of the fee.

15.08.320. Inspections. [Ord. 2002-180 § 1 (part); Ord. 97-486 (part)]

- A. General. All construction or work for which a permit is required shall be subject to inspection by the building official or his designee and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in this code.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- B. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least 24 hours before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by the administrative code or the technical codes to provide access to and means for proper inspection of such work.

- C. Inspection Record Card. An inspection record card shall be posted by the inspection officer and maintained to allow the convenient entry of inspection work. This card shall be maintained at a convenient place by the permit holder until final approval has been issued by the building official.
- D. Approval Required. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in subsection E of this section.

There shall be a final inspection and approval on all buildings and building service equipment when completed and ready for occupancy or use. It shall be the duty of the person authorized by permit to request final inspection within 10 days of completion of the work.

- E. The building official, ~~upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the administrative code or technical codes~~ shall make the required inspections, or the building official shall have the authority to accept reports of the required inspections by their designee. Upon notification from the permit holder or his or her agent, the building official shall make or cause to be made any necessary inspections and shall either approve the portion of the construction as completed, or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

1. Footing and Foundation Inspection: To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
2. Concrete Slab or Under-Floor Inspection: To be made after all in-slab or under-floor building service equipment conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or floor sheathing installed, including the subfloor.
3. Frame Inspection: To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating, wires, pipes and ducts are approved.
4. Lath and/or Wallboard Inspection: To be made after all lathing and wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished. (Fireproofing inspection may be made at the time of final inspection at the discretion of the building official.)
5. Final Inspection: To be made after finish grading and the building is completed and ready for occupancy. It shall be the duty of the contractor to notify the building official for final inspection within 10 days of the completion of the work.

- F. Required Building Service Equipment Inspections. All building service equipment for which a permit is required by the administrative code shall be inspected. No portion of the building or building service

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equipment shall be concealed until inspected and approved. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.

- G. Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace such equipment in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.
- H. Other Inspections. In addition to the inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of the administrative code or technical codes and other laws which are enforced by the code enforcement agency.
- I. Reinspections. Inspection requests for work that is not complete or inspections that result in corrective action shall require a reinspection. Upon completion or correction of the work the applicant shall file a request for reinspection therefor in a manner prescribed by the building official, and pay the reinspection fee in accordance with Tables 3A through 3D.

15.08.325. (Reserved)

(See Chapter 17 IBC Structural Tests and Special Inspections)

15.08.330. Connection approval. [Ord. 2002-180 § 1 (part)]

- A. Energy Connections. No person shall make a connection from a source of energy, fuel or power to any building service equipment which is regulated by the technical codes and for which a permit is required by the administrative code, until approved by the building official.
- B. Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

15.08.335. Certificate of occupancy. [Ord. 2002-180 § 1 (part)]

- A. Use or Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.
- B. Change in Use. Changes in the character or use of a building shall not be made except as specified in Section 15.08.140F of this code.
- C. Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of the technical codes, the building official shall issue a certificate of occupancy which shall contain the following:
 - 1. The address of the building;
 - 2. The name and address of the owner;
 - 3. A description of that portion of the building for which the certificate is issued;
 - 4. A statement that the described portion of the building complies with the requirements of the administrative code and the technical codes for the group and division of occupancy and the use for which the proposed occupancy is classified;

5. The name of the building official.
- D. Temporary Certificate. If the building official finds that no substantial hazard will result from occupancy of any building or structure prior to the completion of the entire building or structure, he may issue a temporary certificate of occupancy. The permit holder shall call for final reinspection within 60 days or apply for an extension of temporary occupancy. Failure to do so may result in an assessment of fees equal to one-half the original fee as though the work has been suspended or abandoned under Section 15.08.310D.

15.08.340. Violations — Penalty. [Ord. 2002-180 § 1 (part)]

- A. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of the administrative code and the technical codes.
- B. Any person, firm, or corporation violating any of the provisions of the administrative code shall be deemed guilty of a municipal infraction; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the administrative code is committed, continued, or permitted; and upon conviction of any such violation such person shall be fined ~~\$30 for a first offense, \$100 for a second offense and \$200 for every offense thereafter for the same violation~~ an amount to be established by resolution by the City Council.

15.08.350. Stop Work Order

- A. Authority. Where the building official finds work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.
- B. Issuance. The stop work order shall be in writing and shall be given to the owner, owner's agent or person performing the work or posted on the property in absence of any person(s). Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions which the cited work will be permitted to resume.
- C. Unlawful Continuance. Any person who shall continue any work after being served, or removing, a stop work order except such work as that person is directed to remove a violation or unsafe condition, shall be subject to fines established by resolution of the City Council.

Chapter 15.12
INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE FOR
ONE- AND TWO-FAMILY DWELLINGS³

15.12.010. Adoption by reference. [Ord. 2016-551 § 1 (part)]

The specifications and regulations which are mentioned by title and date below are hereby adopted and declared to be a part of this title when not in conflict with a specific statement contained herein.

15.12.020. The International Building Code. [Ord. 2016-551 § 1 (part)]

The International Building Code, ~~2015~~2021 edition as published by the International Code Council is hereby adopted by reference as the building code for the City of Davenport.

15.12.030. The International Residential Code. [Ord. 2016-551 § 1 (part)]

The International Residential Code ~~2015~~2021 edition as published by the International Code Council is hereby adopted by reference as the residential building code for the City of Davenport.

15.12.032. The International Existing Building Code. [Ord. 2016-551 § 1 (part)]

The International Existing Building Code ~~2015~~2021 edition as published by the International Code Council and as adopted and amended by the State of Iowa LAC 661-301.7(103A) is hereby adopted by as the existing building code for the City of Davenport.

15.12.034. (Reserved)

15.12.036. Scope and application. [Ord. 2016-551 § 1 (part)]

The provisions of the International Residential Code for One- and Two- Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, use and occupancy of detached one- and two- family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

The Provisions of the International Building Code and The International Existing Building Code shall apply to all other buildings and structures except as otherwise exempted in this code and as otherwise provided for above under the International Residential Code for One- and Two- Family Dwellings.

15.12.040. Additions, deletions and amendments to the International Building Code. [Ord. 2016-551 § 1 (part)]

- A. Chapters 1, 12, 13, 27, 28, 29, 30, 32, and 33 of the International Building Code, ~~2015~~2021 edition are deleted in their entirety and replaced by the codes and rules referenced by this Chapter and the Administrative Code contained in this Title as Chapter 15.08 and the Iowa Administrative Code.
- B. Appendix chapters C, I, of the International Building Code, ~~2015~~2021 edition are hereby adopted as part

3. Editor's Note: Prior Ordinances Codified Herein Include Portions Of Ordinance Nos. 81-A, 82-228, 83-446, 84-509, 84-600, 90-384, 92-318, 2000-173, 2002-180 And 2004-127. Ordinance 92-603 Abolished The Department Of Construction And Engineering, The Department Of Transportation, The Department Of Public Service And The Department Of Water Pollution Control. All Duties And References To These Departments Found In This Chapter Shall Be Under The Jurisdiction Of The Department Of Public Works, Construction Rules And Regulations For The City Of Davenport

of this Chapter all other appendix chapters are deleted.

- C. Delete all references to the International Plumbing Code and insert in lieu thereof "State Plumbing Code."
- D. Delete all references to the International Mechanical Code and insert in lieu thereof "State Mechanical Code."
- E. Delete all references to the International Fire Code and insert in lieu thereof "Fire Code as adopted by the City of Davenport."
- F. Delete all references to "National Fuel Gas Code" and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105), Fuel gas piping." Fuel gas piping shall comply with the State Plumbing Code. **[Amended 12-4-2019 by Ord. No. 2019-530]**

NOTE:

- 1. All permits and regulations for the construction, encroachment and installation or maintenance within the public right-of-way and upon dedicated storm, sewer and access easements and the installation of public sidewalks, curb cuts, and drives are administered by the Department of Construction and Engineering.
- 2. See the Sign Ordinance of the City of Davenport for limitations on the encroachment of signs onto public property.
- 3. See Chapter 15.44 of the Davenport Municipal Code for development for construction within a flood hazard area.
- 4. See Iowa Administrative Code 641 Chapter 25 for the regulation of plumbing, potable water supply, drain, waste and venting and hydronic systems servicing buildings.
- 5. See Iowa Administrative Code 641 Chapter 61 for the regulation of heating, air-conditioning and mechanical systems for environmental conditions and process within buildings.
- 6. See Iowa Administrative Code 661 Chapter 504 and Chapter 15.16 of the Davenport Municipal Code for standards for electrical work.

15.12.042. Chapter 18 International Building Code Modified. [Ord. 2016-551 § 1 (part)]

- A. Add a new paragraph to Section ~~1807.3~~1809 as follows:

All buildings or portions of buildings containing mechanical installations and connected to underground utilities shall be supported on a continuous, frost-free foundation capable of resisting the movement of the slab-on-grade.

15.12.044. Elevator Hoistway Opening Protection. [4-13-2022 by Ord. No. 2022-183]

Editor's Note: History for the previously "Reserved" section includes Ord. 2016-551 § 1 (part).

Elevator shafts opening directly into a fire resistance rated corridor or stairwell shall be protected by self-closing doors actuated by smoke detection in accordance with International Building Code section 716.5.9.3 (Smoke-activated doors). Hoistway opening protection shall not be required on the level of exit discharge.

15.12.046. Chapter 33 International Building Code Modified. [Ord. 2016-551 § 1 (part)]

- A. Delete Chapter 33 of the 2015 International Building Code in its entirety and replace as follows:

Chapter 33
DEMOLITION PROCEDURES

3314.1 Completion. All demolition work shall be completed within 30 days from the commencing date of demolition. An extension of time may be granted by the building official.

3314.2 Site work. A Construction Site Erosion and Sediment Control (COSESCO) Demolition permit application must be obtained from the Natural Resources Division of Public Works and submitted for review. The fee for a COSESCO demolition permit is \$75 per lot and is valid for one year. By obtaining a COSESCO Demolition permit the contractor agrees to meet the terms and specifications outlined in Section 13.38 of Davenport Municipal Code. And this section as follows:

3314.2.1 Site clearing. The demolition site shall be cleared of all debris associated with the structures being removed. All mechanical groundwork shall be removed from the site of demolition. Foundation walls may be used as solid fill and in all cases shall be removed or collapsed so as to allow burial below grade. Basement and on grade concrete slabs shall be removed or substantially pulverized to allow adequate drainage.

3314.2.2 Backfill and site finish. Demolition work shall include site work as necessary to fill all excavations and to create a smooth and even finish grade capable of supporting vegetation. Materials and specifications for filling and final site work are as follows: Only material that will not decompose in the ground shall be used for filling all excavations to within one foot of the top of the surrounding grade. The top one foot of fill material shall be tillable soil, of which the formed aggregate does not exceed 1 1/2 inches. An earthen crown shall be provided at the center of the demolition site to allow for proper site drainage. Final site work shall include the spreading of a grass seed blend suitable for the site and able to provide adequate ground cover and protection from erosion of soil.

3314.2.3 Excavations. The top and bottom of cut slopes shall be made no closer than two feet to the site boundaries. All excavated sites with a difference in elevation from the adjoining grade level of 30 inches or more shall be filled and graded to a maximum slope of two horizontal to one vertical. Sloped sites exceeding 12' vertical height shall be graded to a maximum slope of three horizontal to one vertical or shall be held in place by permanent retaining walls equipped with guardrails. The Building Official may require engineered designs for any retaining system.

3314.2.4 Utility abandonment. The demolition shall not commence and no permit shall be granted prior to the abandonment of the gas and electric and water service by the serving utility and abandonment of the sewer service at the street, alley, or other location as approved by the Department of Construction and Engineering. Care must be exercised not to cut off any sewer or water service that may serve another building or installation. A permit secured from the Construction and Engineering Department will be required for the excavation in a public way. The Building Official may waive this requirement.

- B. Add a new section to Chapter 33 as follows:

SECTION 3315
MOVING OF BUILDINGS

3315.1 Permit authorization. No permit for foundation work, excavation, or site development shall be granted by the building official for the relocation of a moved building and no permit for moving of any structure shall be granted without the written approval of the Director of the Transportation Department. Such written approval shall designate the approved route, designate the time and duration of the move along public streets and any other restrictions deemed necessary by the Director of Transportation. Such approvals shall be subject to review by any public utility having property along the proposed route. The Director of Transportation shall also notify the fire chief and police chief of the intended route and shall continue such notification for the duration of the moving, indicating any change in the route and any pause in the moving procedure.

3315.2 Use of public right-of-way. No building or structure shall be allowed to remain over night upon any street or public right-of-way, nor shall any such moving restrict, at any time, access to any fire hydrant or necessary emergency equipment.

3315.3 Notification. Every person receiving a permit to move a building shall, within one day after the building reaches its destination, report that fact to the Director of Transportation. The Director of Transportation shall thereupon inspect the streets, alleys or public ground over which the house or building has been moved and shall ascertain the condition of same. If the moving has caused any damage to said public right-of-way, repairs shall be made and all costs shall be assessed against the party having been granted the permit for the moving of the building or structure.

15.12.050. Additions, deletions and amendments to the International Residential Code. [Ord. 2016-551 § 1 (part)]

- A. Chapter 1 of the International Residential Code ~~2015~~2021 edition is deleted and replaced by the codes and rules referenced by this Chapter and the Administrative Code contained in this Title as Chapter 15.08 and the Iowa Administrative Code.
- B. Part IV, Part V, Part VI, (fuel gas code) Part VII, Part VIII, of the ~~2015~~2021 International Residential are deleted in their entirety and replaced by applicable Chapters of this Title.
- C. Appendix Chapter H, of the ~~2015~~2021 International Residential Code is hereby adopted as part of this Chapter all other appendix chapters are deleted.
- D. Delete all references to the International Plumbing Code and insert in lieu thereof "State Plumbing Code."
- E. Delete all references to the International Mechanical Code and insert in lieu thereof "State Mechanical Code."
- F. Delete all references to the International Fire Code and insert in lieu thereof "Fire Code as adopted by the City of Davenport."
- G. Delete all references to National Fuel Gas Code and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105) Fuel gas piping. Fuel gas piping shall comply with the State Plumbing Code.

15.12.052. Chapter 3 International Residential Code modified. [Ord. 2016-551 § 1 (part)]

- A. Table R301.2(+) is amended by adding the following information:

Table R301.2(4) Climatic and Geographic Criteria								
Ground Snow Load	Wind Design				Subject to Damage From			
	Speed ^d (mph)	Topographic Effects ^k	Special Wind Region ^l	Wind-borne Debris Zone ^m	Seismic Design Category ^f	Weathering ^a	Frost line Depth ^b	Termite ^c
Ps = 30 psf, except that calculations for additional drift loads shall use a ground snow load p ₉ = 25 psf	115	YES	YES	NO	A	SEVERE	42 inches	Moderate to Heavy

Ice Barrier Underlayment				
Winter Design Temp ^e	Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
-4° F	YES	Initial NFIP 4-14-1978 FIRM #170582 4-5-2010	2000	50.5° F.

B. Delete Paragraph R302.13 in its entirety.

C. Delete Paragraph R310.1 and insert in lieu thereof the following new section:

R310.1 "Emergency Escape and Rescue Required." Basements, habitable attics and every sleeping room shall have at least one operable emergency rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement when so provided. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches (1118 mm) above an adjacent permanent interior standing surface. The adjacent permanent interior standing surface shall be no less than 36 inches wide and 18 inches deep and no more than 24 inches high. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with section R310.3. The net clear opening dimension required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

EXCEPTION: Basements used only to house mechanical equipment and not exceeding total floor areas of 200 square feet

D. R311.7.8.2 Continuity. Add "Exception 3. Handrails within a dwelling unit or serving an individual dwelling unit may have one (1) offset or interruption per flight of stairs, not both, of six inches in total length and shall be considered, for the purpose of this code, to be continuous."

~~D-E.~~ Amend Paragraph R313.1 "Townhouse automatic fire sprinkler systems. An automatic sprinkler system shall be installed in townhouses consisting of five or more townhouse units."

~~E.F.~~ Delete Paragraph R313.2 "One and two family dwellings automatic fire systems" in its entirety.

~~F.G.~~ Delete Section R322, "Flood Resistant Construction," in its entirety.

Note: Chapter 15.44 of the Davenport Municipal Code for development or construction within a flood hazard area. [Amended 12-4-2019 by Ord. No. 2019-530]

G.H. Delete Section R323 in its entirety. (FEMA regulations apply for storm shelter)

H.I. Delete Section ~~R326~~R327 in its entirety and insert in lieu thereof the following new section:

R326R327 "Swimming Pools, Spas and Hot Tubs." The design and construction of pools and spas shall comply with the International Swimming Pool and Spa Code Chapter 305 entitled "Barrier Requirements."

H.I.I.1. Section 305.4 Modified. Delete all reference to windows.

15.12.054. Chapter 4 International Residential Code modified. [Ord. 2016-551 § 1 (part)]

A. Delete table R403.1(1) table 403.1(2) and table 403.1(3), and replace with the following table R403.1.

Table R403.1 Concrete, Precast or Masonry Footings and Foundation				
Number of Floors Supported by the Foundation	Thickness of Foundation Walls (inches)	Minimum Width Footing (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade (whichever is lower) (inches)
1	8	16	8	42
2	8	16	8	42
3	10	18	12	42

Note:

- Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting 1 floor.
- Footings shall be continuous and contain a minimum of 2, 1/2 inch reinforcement bars, and shall have a minimum compressive strength of 2,500 pounds per square inch at 28 days.
- A 1 story wood frame building used for private garage, and accessory to a single family residential use and not exceeding 720 square feet in floor area may be constructed on a floating slab-on-grade provided the following conditions are met: A concrete perimeter grade-beam, 12 inches deep and 12 inches wide and reinforced with 2, 1/2 inch reinforcement bars shall be installed to support the exterior walls. A minimum four-inch thick concrete floor slab reinforced with wire mesh or fiber mesh shall be installed within the perimeter beam and shall be formed to allow a continuous pour consisting of the required grade beam and floor.
- Buildings or portions of buildings containing mechanical installations and connected to underground utilities shall be supported on a continuous, frost-free foundation capable of resisting the movement of the slab-on-grade.
- Cast-in-place concrete foundation walls shall be concrete having a minimum compressive strength at 28 days of not less than 3,000 pounds per square inch. The minimum thickness of a wall shall be 7 1/2 inches.

Walls shall be reinforced with no less than 3, 1/2 inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near mid-height of the wall.

B. Delete Paragraph R403.1 "General" in its entirety and replace in lieu thereof the following:

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All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings which shall be of sufficient design to accommodate all loads according to Section R301 of the [2015](#) [2021](#) International Residential Code. Footings shall be supported on undisturbed natural soil or engineered fill.

C. Amend Section R403 by adding the following paragraph(s):

R403.1.1(2) Deck Footings. Deck footings NOT supporting a roof or over head structure may be a minimum 12 inches in diameter and 42 inches below finished grade.

R403.1.1(3) Covered Deck and Room Addition Footings. All covered decks, screened porches; three season rooms, four season rooms, room additions, and similar structures, shall be supported on foundations compliant with Table R403.1 or conforming to one of the following methods:

1. Pier footings designed by a design professional.
2. Twelve inch wide reinforced trench footing 42 inches in depth.
3. Spread footings 42 inches in depth with a minimum eight inch masonry wall or concrete foundation wall as per Figure 404.1.3.1(A).

Chapter 15.30
CONTRACTOR LICENSES — BOND — INSURANCE REQUIRED⁹

SUBCHAPTER I
LICENSING GENERALLY

15.30.010. Licensing generally. [Ord. 2016-554 § 1 (part)]

- A. No person, firm, partnership or corporation shall engage in construction contracting without having a current valid license or certificate issued in accordance with this chapter. The term construction contracting shall mean being engaged in the performance or supervision of work regulated by provisions of any of the technical codes as defined in Chapter 15.8 of the Davenport Municipal Code and shall include persons contracting to perform such work in the conduct of a business.

EXCEPTION: No license is required for the owner of an existing single family dwelling who occupies the dwelling as his own residence. Owner occupants may perform repair or remodel or new construction work regulated by any of the above named codes on said dwelling together with any existing accessory buildings not used for commercial purposes only if:

1. The owner has secured a valid permit prior to commencement of the repair work;
 2. The owner calls for all of the required inspections normally required as a part of performing such work;
 3. The owner has not applied for a dwelling improvement license at more than two dwellings within a period of four years nor is engaged in the business of remodeling dwellings other than his own dwelling.
 4. The owner can demonstrate adequate knowledge and ability in the area of work for which applied.
- B. No person, firm, partnership or corporation shall engage in sign contracting without having a current, valid license issued in accordance with this chapter. The term "sign contracting" shall mean being engaged in the performance or supervision of work regulated by the provisions of Section 17.12.060 of the Davenport Municipal Code, entitled "Sign Permit Required." **[Amended 12-4-2019 by Ord. No. 2019-530]**
- C. Restriction on Transfer. No license may be loaned, rented, assigned or transferred. No holder of a valid license shall obtain a permit under his license and then subcontract, sell or otherwise assign the work covered by the permit to a person or firm who does not have a valid license.

15.30.020. Building contractor licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

- A. Building Contractor Licensing.
1. No person, firm or corporation shall engage in building contracting in the City without having a valid building contractor's license.
 2. The term "building contracting" shall be defined as being engaged in the performance or supervision of work regulated by provisions of the building code and shall include the business

4. Editor's Note: Prior Ordinances Codified Herein Include Portions Of Ordinance 81-A, 90-385, 95-423, 95-510, 97-485, 99-170, 2004-301, 2005-339 And 2008-156.

of contracting such work for hire.

3. A corporation desiring to engage in building contracting shall, by affidavit of the president or secretary of the corporation, appoint one or more of the corporate officers to act for the corporation, to apply for, be examined, and be licensed as an individual under the terms of this chapter. Such officer(s) or director(s) shall be actively engaged in conducting the affairs of the corporation and shall be directly in charge of the planning and supervision of any and all construction work done by that corporation. Such corporation may continue in the business of building contracting only so long as it has at least one officer or director so licensed and engaged. In case of sudden or unexpected severance from employment by the corporation of the licensee, the corporation may continue to operate for 30 days, and within the 30 days shall accomplish appointment, examining and licensing of another director or officer to act as above.
4. A partnership desiring to engage in building contracting shall, by affidavit of all the partners, appoint one or more partners to act for the partnership, to apply for, be examined, and be licensed as an individual under the terms of this chapter. Such partner(s) shall be actively engaged in conducting the affairs of the partnership and shall be directly in charge of the planning and supervision of any and all work done by that partnership. Such partnership may continue in the business of contracting only so long as it has at least one active partner so licensed and engaged. In case of sudden or unexpected severance from the partnership of the licensee, the partnership may continue to operate for 30 days, and within the 30 days shall accomplish appointment, examining and licensing of another partner to act as above.
5. An individual desiring to engage in building contracting shall apply for, be examined, and be licensed as an individual under the terms of this chapter. Such person shall be actively engaged in conducting the affairs of the business and shall be directly in charge of the planning and supervision over any and all work done as a part of that business. If at any time he sells his interest in the business, or ceases to be active in the business, that business may continue no more than 30 days as a contractor, unless another individual who obtains an interest in and is active in that business obtains an individual license as required herein.
 - a. A commercial building contractor shall obtain a Class A license. A commercial building contractor is a contractor engaged in the performance or supervision of work regulated by the building code. Such work is not exclusively limited to work described in this subsection or exclusively limited to a line of work contemplated in subsection B or C hereunder and may include the moving or demolition of buildings.
 - b. A residential building contractor shall obtain a Class B license. A "residential building contractor" is a contractor limited to the construction, remodeling or demolition of one- or two-family residences or of auxiliary facilities including car ports and garages intended for one-family or two-family residential uses.
 - c. A specialty contractor shall obtain a Class C license. A "specialty contractor" is a contractor performing work regulated by the building code whose scope of work is limited to a specialty but does not include construction or installation of a building or addition thereto. Such work shall include the performance or installation of the following items: metal awnings and canopies, decks, concrete, roofing, signs, siding, steel erection and fabricating, swim pools, sprinkler systems, [fire alarm systems](#), tuck pointing, water proofing.

EXCEPTION: 1. No Building Contractor License is required for a person having legal title and ownership for a building or structure [classified as a Single Family Dwelling](#). ~~Owners may perform general contracting work on such properties.~~ The scope of work allowed under this exception shall be limited

to work pertaining to new construction, remodeling or renovation. Unless otherwise provided by Iowa State Code, this exception shall not apply to work pertaining to mechanical, electrical or plumbing installations nor shall this exception pertain to the licensing requirements for mechanical, plumbing and electrical contractors.

Owners of other buildings not classified as a Single Family Dwelling may perform non-structural/cosmetic work only as determined by the Chief Building Official or designee.

B. All Candidates for Building Contractor licensing must demonstrate 3 years of experience in building construction or design to be eligible for the exam per Section 15.30 of this Code. Work experience need not be continuous but must be full-time (40 hours per week) within the past ten years.

Exceptions:

- a. Successful completion of a three- or four-year vocational high school or other vocational school program in the field of building construction shall be deemed as satisfying one year of work experience.
- b. Completion of a bachelor's degree from an accredited college or university shall be deemed as satisfying one year of work experience.
- c. Successful completion of a bachelor's degree from an accredited college or university in architecture, engineering, or technology in a related field shall be deemed as satisfying two years of work experience.
- d. Active construction-related military experience may be considered full time experience.
- e. Note: Education cannot account for more than two years of experience, and union affiliation only is not acceptable as work experience.

15.30.030. Plumbing licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

A. Plumbing Contractor's License.

1. Upon the effective date of enforcement determined by the State of Iowa Plumbing & Mechanical Systems Board, no person, firm or corporation shall engage in plumbing contracting or the installation of plumbing systems within the City of Davenport without the appropriate licensing as issued by the State of Iowa under Iowa Code Chapter 105.

EXCEPTION: 1. A plumbing contractor's license shall not be required for sewer construction work where such sewers are public sewers on public property, or, as in the case of subdivision development work, where such sewers are intended for future acceptance by the City as public sewers on public property. All such work is directly under the jurisdiction of the department of public construction and engineering.

15.30.040. State of Iowa Electrical licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

A. State of Iowa Electrical Contractor License Required.

1. Upon the effective date of enforcement determined by the State of Iowa Electrical Examining Board, no person, firm or corporation shall engage in electrical contracting or the installation of electrical systems within the City of Davenport without the appropriate licensing as issued by the State of Iowa under Iowa Code Chapter 103 or the City Of Davenport.

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2. Class "B" Master Electrician and Class "B" Journeyman Electrician licenses shall not be recognized as valid to perform work as Master Electricians or Journeyman Electricians, respectively, within the City of Davenport.
3. Class "B" license holders would have rights and privileges equal to those of a licensed "Unclassified" person.
4. Persons holding a Special Electrician license with a "Residential Electrician" endorsement shall be supervised by a Class "A" Master Electrician per 2007 Iowa Acts, Chapter 197, Section 21; or an electrical contractor licensed by the City of Davenport.

15.30.050. Mechanical licensing and regulation thereof. [Ord. 2016-554 § 1 (part)]

A. Mechanical Contractor's License.

1. Upon the effective date of enforcement determined by the State of Iowa Plumbing & Mechanical Systems Board, no person, firm or corporation shall engage in mechanical contracting or the installation of mechanical systems within the City of Davenport without the appropriate licensing as issued by the State of Iowa under Iowa Code 105.

15.30.060. (Reserved) [Ord. 2016-554 § 1 (part)]

SUBCHAPTER II
APPLICATION FOR LICENSE

15.30.070. Application for licenses. [Ord. 2016-554 § 1 (part)]

- A. Any person who desires to be licensed as a building contractor as defined in this chapter shall make application to the building official. The building official shall provide application forms for this purpose. The completed forms shall include the name of the applicant and the applicant's employer, if any, applicant's home and business addresses, employer's address and a brief resume of his training and experience. The completed forms must be accompanied by any affidavits and documentation required by other provisions of this chapter.

B. All applicants for a Building Contractor license (Class A, B, and C) may be required to identify all other business enterprises where applicant currently has an equity interest, or has had an equity interest in the last ten (10) years.

C. All applicants for a Building Contractor license (A, B, and C) may be required to provide a statement of financial solvency.

15.30.080. Examination for license. [Ord. No. 2016-554 § 1 (part)]

- A. Any person who desires to be licensed as a building contractor shall be tested by examination. The building official may appoint a person or agency to administer the preparation, conducting and grading of examinations. Examinations shall be of such a nature as to uniformly test the capabilities of all applicants for each specific type of license. The applicant shall score a passing test result of 70% in order to secure a license. All associated fees for examination services, grading and administration shall be paid at the time of application by the individual desiring to be tested.

15.30.090. (Reserved) [Ord. 2016-554 § 1 (part)]

15.30.100. (Reserved) [Ord. 2016-554 § 1 (part)]

15.30.110. Examination waived. [Ord. 2016-554 § 1 (part)]

Any building contractor having been tested elsewhere by an examination of equal standards or who produces proper credentials showing accreditation or affidavit of training and experience may upon review by the building official, be excused from the examination required by this chapter.

15.30.120. Issuance of license, fees and renewals. [Ord. 2016-554 § 1 (part)]

- A. No license shall be issued to a firm, partnership or corporation.
- B. No license shall be issued, and no contractor's license shall remain valid unless a current, approved bond shall be on file in the office of the building official as provided in the code.
- C. Licenses and renewals shall be issued by the building official. All fees shall be paid to the City. Initial licenses shall be issued on approval by the Secretary of the licensing board or the building official. Renewal licenses shall be issued on presentation of a renewal application, a receipt for renewal fee and approval by the building official that the applicant is in full compliance with all applicable provisions of the Davenport Municipal Code and all lawful orders of compliance and notices or citations issued by the City of Davenport.
- D. All licenses shall expire on March 31st of each year. Renewals may be secured in the 30 days preceding the expiration date. Expired licenses may be renewed at any time within the license year upon payment of the required fee and penalty, if any. After one license year has elapsed without

15.30.120

DAVENPORT CODE

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license renewal, a new application must be submitted with examination fee, and the applicant must be reexamined. The term "license year" means the twelve-month period, commencing April 1st of any year.

- E. Application, license and registration fees shall be charged according to the following schedule:

TABLE E.1 Annual Fee	
Building Contractor licenses:	
Commercial Building Contractor	
Class "A"	\$300
Residential Building Contractor	
Class "B"	\$200
Specialty Contractor	
Class "C"	\$100

- F. In all cases where licenses and registrations are not renewed on or before April 30th of each year and the licensee has performed work regulated by this chapter, a penalty of one-half the annual fee may be added to the annual fee.

15.30.130. License revocation or suspension. [Ord. 2016-554 § 1 (part)]

In addition to penalties otherwise provided, violations of Title 15 of the City of Davenport Municipal Code shall authorize the building official, to order, in accordance with the provisions of Section 15.30.140, revocation or suspension of any license issued under this chapter.

15.30.140. Revocation and suspension procedures. [Ord. 2016-554 § 1 (part)]

Under certain conditions or by actions of the license holder for failure to comply with the requirements of Title 15 of the Davenport Municipal Code any contractor license issued in and for the City of Davenport may be revoked by order of the building official. No order of license revocation or suspension shall be lawful unless the following requirements have been satisfied:

- A. The licensee shall be served with written notice issued by the building official containing assertions of fact or conduct which warrant the intended action and reference the provisions of law violated and causing the revocation order and the effective date of the revocation of license.
- B. The licensee has the right of appeal of license revocation to the City Council.

15.30.150. (Reserved) [Ord. 2016-554 § 1 (part)]

15.30.160. (Reserved) [Ord. 2016-554 § 1 (part)]

**SUBCHAPTER III
BOND AND INSURANCE REQUIRED**

15.30.170. Bond required. [Ord. 2016-554 § 1 (part)]

- A. Contractor Bonds. Any person, firm or corporation desiring to engage in the business of contracting, of the several types as set forth in Table III-A of this subchapter, conditioned on the faithful performance of all the provisions of the Administrative Code, shall post a bond which is guaranteed by a surety. The term "business of contracting" as contained in this section shall mean being engaged in the business of doing work regulated by provisions of the technical codes and the Administrative Code. Such surety to be a company authorized to transact business in the State of Iowa.

TABLE III-A	
Type of Contracting	Sum of Bond
General contracting	\$25,000
Mechanical contracting	\$5,000
Electrical contracting	\$5,000
Plumbing contracting	\$5,000
Refrigeration and/or air-conditioning contracting	\$5,000
Sign contracting	\$5,000
Excavation contracting	\$5,000
Moving buildings	\$25,000
Blasting	See Uniform Fire Code
Demolition and wrecking	\$25,000

15.30.180. Liability insurance required. [Ord. 2018-327; Ord. 2016-554 § 1 (part)]

- A. Contractors Insurance. Any person, firm or corporation desiring to engage in the moving or demolition of buildings shall file with the building official a duplicate copy of a liability insurance policy covering such operations. The licensee must obtain and have in place liability insurance of the type and amount specified by the City risk division. The City of Davenport shall be named in the policy as additionally insured. Said policy shall be issued by a legally authorized surety transacting business in the State of Iowa. Required property damage limits may be increased by the building official.
- B. Sign Liability Insurance. Liability insurance is required covering all billboards, wherever located and all signs on or over public property, and all signs over walkways, parking lots and all road ways on private commercial property where such areas are in use by the public. Liability insurance shall provide for the principal sum of not less than \$50,000 liability to any one person or \$300,000 liability on account of any one accident. Such policy shall be written in accordance with standard form now in general use. Said policy shall further carry an endorsement protecting the City of Davenport as its interest may appear as the result of any accident or injury for which it might become in any manner liable. Should such insurance be terminated for any reason or owner of the sign fail to keep such insurance in force at any time, the permit for the maintenance of any such sign shall automatically terminate and such sign be forthwith removed by the owner or his agent.

- C. Marquee and Other Projections, Liability Insurance. Every person, firm or corporation desiring to erect or maintain a marquee shall first procure public liability insurance thereon in a company authorized to transact business in the State of Iowa, for the principal sum of not less than \$50,000 liability to any one person or \$300,000 liability on account of any one accident. Such policy shall be written in accordance with standard form now in general use. Said policy shall further carry an endorsement protecting the City of Davenport as its interest may appear as the result of any accident or injury for which it might become in any manner liable. Should such insurance be terminated for any reason or should the holder of the permit fail to keep such insurance in force at any time, the permit for the maintenance of any such canopy or marquee shall automatically terminate and such canopy or marquee shall be forthwith removed by the owner or his agent. If not removed by the owner or his agent, then the marquee may be removed by the building official and the expense thereof shall be recovered from said owner or owner's agent.

EXCEPTION: 1. Canvas type awnings shall be exempt from this insurance requirement.

- D. [All applicants for a Building Contractor license \(Class A, B, and C\) shall maintain insurance required as by the above-listed sections is rated B+ or better. The City reserves the right to request Certified proof of insurance from the Building Contractor.](#)

City of Davenport

Department: Public Works
Contact Info: Rich Oswald | 563-326-6115 |

Action / Date
10/9/2024

Subject:

First Consideration: Ordinance amending Chapter 8.15 entitled "Neighborhood Enhancement - Property Maintenance" of the Municipal Code of Davenport, Iowa to add requirements for rent abatement. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

City Council was approached by the Quad Cities Tenant Alliance with a proposal for rent abatement to reduce involuntary displacement of tenants. Staff from Administration, Development & Neighborhood Services, and Legal have contacted other Iowa communities to understand their inspection processes, rent abatement ordinances, and tools being used to help improve compliance with building codes.

A rent abatement ordinance generally states if a tenant is forced to vacate their residence under certain conditions, then their responsibility to pay rent is temporarily relieved until repairs are made. Rent abatement ordinances can serve as a tool to incentivize code compliance from landlords, prevent involuntary displacement, and/or support tenants forced to vacate by relieving the financial burden of rent.

Rent abatement is not a first-order enforcement option; it is meant to be used when other compliance efforts have failed. The proposed ordinance adds to the protections provided in other communities by requiring the sign-off of at least two officials and prohibits owners from retaliating or evicting tenants because of rent abatement.

Representatives from the Quad Cities Tenant Alliance have been consulted on the proposal at a high level. The group gave their general support and believes these measures will provide the tenant protections they are seeking.

Attachments:

1. Ordinance
2. Title 8 Health and Safety - Changes

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8.15 ENTITLED "NEIGHBORHOOD ENHANCEMENT – PROPERTY MAINTENANCE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADD REQUIREMENTS FOR RENT ABATEMENT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Subsection 8.15.155 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

8.15.155 Notice and order of code official.

B.4 Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the code enforcement officer:

- a. Will order rent abatement enforcement pursuant to 8.15.155 H, or
- b. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
- c. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

H. Rent Abatement.

1. Rent abatement enforcement may be authorized by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire Marshal when it has been determined that the owner or lessor has, after issuance of a notice of violation of this chapter:
 - a. Failed to provide an essential service (water, sewer, electricity, heat; except tenant-paid utilities);
 - b. Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant; or
 - c. Rented a dwelling unit without a rental license, including renting under suspension or revocation.
2. Rent shall be abated until the condition(s) for which rent abatement was ordered has been remedied and the property or unit(s) meets the minimum standards as deemed by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire

Marshal. The owner or lessor may not collect or recover rent due from the tenant for the period when the rent abatement order is in effect. The lessor or owner may not seek to recover abated rent payments after the order is lifted. Rent shall be prorated if the abatement order period covers a partial rental payment period.

3. Lessors or owners are prohibited from retaliating against tenants who seek rent abatement. Lessees or tenants shall not be evicted for non-payment of rent during a rent abatement period.
4. Notice.
 - d. A copy of the rent abatement order shall be provided to the owner or lessor at the address on the rental permit and to the tenant by U.S. mail and by posting the entrance door to the dwelling unit.
 - e. Notice of termination of the rent abatement order will be given in the same manner.
5. All rental dwellings where rent has been ordered abated, regardless of the number of rental units contained in each property or current inspection cycle, may be placed on an accelerated inspection cycle.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable 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.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Chapter 8.15
NEIGHBORHOOD ENHANCEMENT — PROPERTY MAINTENANCE

[Prior Ordinance History: Ord. Nos. 2002-31, 2005-273, 2005-596, 2006-264, 2007-81, 2007-231, 2007-329, 2007-453, 2007-529, 2009-49, 2010-355, 2015-118. Chapter 8.15 Amended In Entirety By Ord. No. 2018-442]

DIVISION 1.
Administration

8.15.100. Title. [Ord. 2018-442]

The regulations in this chapter shall be known as the Davenport Property Maintenance Code, may be cited as such, and will be referred to herein as "this code." Any reference to the ~~Uniform-International~~ Building Code, the ~~Uniform-International~~ Fire Code, or any other codes mentioned herein, shall be to such codes as adopted by the City of Davenport.

8.15.105. Intent. [Ord. 2018-442]

The intent of this code is to provide minimum standards to safeguard life or limb, health, property, property values and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings, nonresidential buildings, and structures in this jurisdiction.

The intent of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

The intent of this code is to provide for the administration and enforcement of this code and certain technical codes adopted by the Davenport Municipal Code.

Administration and enforcement is a function of the neighborhood services department and any other designee of the City Administrator.

This code has been adopted and is used in conjunction with other City of Davenport codes and should not be construed to include all regulations pertaining to buildings and development. This code shall be applied in conjunction with other codes of the City and nothing in this code shall be interpreted as prohibiting or limiting enforcement by the code official or any other agencies of the following codes and ordinances as adopted and amended included but not limited to:

The Zoning Ordinance of the City of Davenport

~~Uniform-International~~ Building Code

~~Uniform-International~~ Fire Code

~~Uniform-International~~ Mechanical Code

Uniform Plumbing Code

National Electric Code

Iowa State Building Code as specifically referenced by the Davenport Municipal Code.

Compliance with regulations of other agencies shall be required, including, but not limited to, the Scott County Board of Health and the Iowa State Fire Marshal.

8.15.110. Scope. [Ord. 2018-442]

8.15.110

HEALTH AND SAFETY

8.15.130

The provisions of this code shall apply to all buildings or portions thereof, whether residential or nonresidential, whether vacant or occupied, and whether owner occupied or rental dwellings. This code shall further apply to all accessory structures and any nuisance as defined by this code that may exist in a building or the building's yard.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. EXCEPTIONS: dormitories, fraternities, sororities, assisted living and transient housing.

8.15.115. Workmanship. [Ord. 2018-442]

Construction, repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed, and installed in a workmanlike manner in accordance with the Davenport property maintenance code.

8.15.120. Existing installations. [12-4-2019 by Ord. No. 2019-530; Ord. 2018-442]

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs, the work must meet existing code. Substantial alteration occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities, such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind, are not considered to constitute a substantial repair/rehabilitation unless the cost exceeds 50% of the assessed or appraised building value. Notwithstanding the foregoing, any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code. This section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, stormwater, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

8.15.125. (Reserved) [Ord. 2018-442]

8.15.130. Responsibilities defined. [Ord. 2018-442]

- A. Every owner remains liable for violations of duties imposed upon him/her by this code even though an obligation is also imposed on the occupants of his/her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.
- B. All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. The owner or his/her designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.
- C. Every owner or his/her agent, in addition to being responsible for maintaining his/her building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he/she occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.
- D. Every owner shall, where required by this code, the health ordinance or the code enforcement officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

- E. Every occupant of a dwelling unit in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he/she occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by ordinance and approved by the code official.
- F. Every occupant shall, where required by this code, the health ordinance or code official, furnish and maintain approved devices, equipment or facilities necessary to keep his/her premises safe and sanitary.
- G. With respect to rental residential units, the code official shall send letters of violation to both the occupant (addressed as "occupant") and owner of record containing the applicable portions of the text below:
 - 1. Smoke Detector Operation. It is the occupant's responsibility to periodically test smoke detectors within the unit to see if they are functioning properly. State law requires the occupant to be responsible for changing the battery.
 - 2. Unsanitary Conditions Within a Dwelling Unit. It is the occupant's responsibility to properly dispose of rubbish, garbage, organic waste, any excessive accumulation of debris within their dwelling unit.
 - 3. Improper Storage Within a Dwelling. Occupants are responsible for any improperly stored flammable liquid or combustible material within a utility compartment/room accessible from their dwelling unit.
 - 4. Items Hanging from Electrical Conduits, Plumbing or Gas Piping. Occupants are responsible to remove and cease the practice of using electrical conduits, plumbing or gas piping in this manner.
 - 5. Use of Unvented Portable Fuel, Oil-Burning Devices. Occupants are responsible to cease the use of any unvented portable fuel, oil-burning devices.
 - 6. Excess Accumulation of Debris (Exterior). Occupants are responsible for all debris outside of the dwelling unit where it is possible for the code official to determine which tenant is responsible for the specific items.
 - 7. Illegal Sleeping Rooms (Attic or Cellar). Occupants are responsible to cease the use of these areas for sleeping purposes.

8.15.135. Appeals. [Ord. 2018-442]

An order, decision or determination by an inspector regarding the application or interpretation of Chapter 8.15 may be appealed as provided in Section 2.86.020. If an appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the City code. If timely appeal is not filed the order, decision or determination made by the inspector shall be conclusively presumed as being true and the recipient of the order, decision or determination shall have waived all rights to challenge said order, decision or determination.

8.15.140. Violations. [Ord. 2018-442]

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

8.15.145. Licensing, permits and inspections for rental property. [Ord. 2018-442]

- A. General. It shall be a violation of this code for any ~~person to let to another for rent and/or occupancy~~ owner or owner's representative to allow an individual to rent and/or occupy any dwelling, dwelling unit, duplex, multiple dwelling, sleeping room, single-family dwelling or condominium unless all of the following criteria are met:
1. The owner or agent holds a valid certificate of structure compliance, issued by the City applicable to those portions of the specific structure used for residential rental purposes or affecting any areas used for residential rental purposes.
 2. The owner or agent holds a valid rental license issued by the City, in the name of the owner or agent, applicable to those portions of the specific structure used for residential rental purposes.
 3. The owner or agent, if they have not done so previously, must attend the City's landlord education classes within six months of obtaining an initial rental license issued by the City.
 4. The owner or owner's representative provides the name(s) of a twenty-four-hour emergency contact(s), to the neighborhood services department, who can provide the names of the ~~residents~~ tenants of the rental unit(s) and has authority to make decisions with respect to the property. This requirement also applies to ~~group homes and~~ properties under the control of a foreclosing lender. The emergency contact must be able to be on site within eight hours.
 5. The owner has in place, at a minimum, the standard screening and background check process acceptable to the neighborhood services department.
- B. Certificate of Structure Compliance. The certificate of structure compliance, when issued, shall certify that the requirements of this code are met. The certificate shall NOT be transferable at the time of a change in ownership. Transfer of ownership shall require a new certification to ~~and shall~~ be maintained as a public record of the City. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental license. The certificate of structure compliance shall state the date of issuance and the address of the structure to which it is applicable. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid certificate of structure compliance may be ordered vacated.
- C. Issuance of Certificate of Structure Compliance. When the owner or operator has complied with the provisions of this code, along with payment of the required fees, the City shall issue a certificate of structure compliance. The certificate of structure compliance shall expire in accordance with the inspection cycle established pursuant to subsection G.
- D. Revocation of Certificate of Structure Compliance. When there exists a material and substantial noncompliance with this chapter which directly affects the health, life, safety or property of the occupants or the public, the City may revoke the certificate of structure compliance in whole, or modify the certificate to reflect the compliance of each dwelling unit or sleeping room within a structure.
- E. Rental License. A rental license shall be a document issued to each individual property that is properly registered with the City and shall be valid for one year. The document shall be transferable from one owner or agent to another at any time prior to its expiration, termination or revocation. The owner or agent shall notify the City of any change of interest or ownership in the property within 30 days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event the City has not been notified of such conveyance or transfer within the designated period of time, the rental license may be transferred

from the owner or agent to another upon payment of a fee, the amount of which shall be established by resolution of the City Council. The fee shall be assessed to the new owner or agent. The rental license shall state the date of issuance, the address of the structure to which it is applicable and its expiration date. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid rental license with the City and fees paid may be ordered rent abated, vacated and/or the owner may be subject to a municipal infraction prosecution.

- F. **Registration of Rental Property.** It is the responsibility of the owner and/or agent of any building used for rental purposes as defined by this code to register said building with the City for the purpose of rental licensing within 30 days after title transfer or occupancy of the building.
- G. **Dwelling Inspection Schedule.** All rental dwellings as described in this chapter regardless of the number of rental units contained in each property would be placed on a two year inspection cycle. If properties have been inspected after July 1, 2016 and prior to November 1, 2018, they would remain on the current cycle for which they are certified. The inspection cycle will begin on rental inspection certification date. Inspection cycles may be extended based on performance standards set forth below. Newly constructed buildings (registered within two years of final occupancy certificate will automatically be assigned a four-year cycle.

Properties receiving a score of 200 points or more would be placed on a two year cycle.

Properties receiving a score of 101-199 would be placed on a three year cycle.

Properties receiving a score of 0-100 would be placed on a four year cycle.

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Ceiling -Deteriorated/missing ceiling plaster/drywall/sheetrock				X
Ceiling-Deteriorated/missing tile(s)/panel(s)				X
Ceiling-Improper ceiling covering				X
Ceiling-Interior missing/deteriorated/peeling paint				X
Cellar Hatch-Deteriorated cellar hatch walls			X	
Cellar Hatch-Deteriorated/missing cellar hatch step(s)			X	
Cellar Hatch-Deteriorated/missing/improper cover			X	
Chimney-Deteriorated			X	
Chimney-Deteriorated/missing clean-out cover			X	
Chimney-Deteriorated/missing mortar			X	
Chimney-Improperly installed		X		

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Chimney-Missing/defective cap				X
Doors - frame(s) deteriorated				
Doors - not weather-tight			X	
Doors-window pane(s) broken/missing		X		
Doors-Broken/missing storm door glass/ pane(s)			X	
Doors - Deteriorated storm door(s)				X
Doors-Deteriorated/missing hinge(s)			X	
Doors-Deteriorated/missing knob/latch			X	
Doors-Deteriorated/missing lock(s)			X	
Doors-Deteriorated/missing storm door/ patio door screen				X
Doors-Entry door(s) not smoke/draft tight				X
Doors-Improper lock/latch		X		
Doors-Lack of a tight-fitting/latch-able bathroom door				X
Doors-Missing/deteriorated			X	
Electrical-Antiquated electrical system		X		
Electrical-Condition of the electrical system is questionable		X		
Electrical-Deteriorated electrical system component(s)				
Electrical-Deteriorated/improper outdoor electrical device(s)		X		
Electrical-Deteriorated/improperly used extension cord(s)		X		
Electrical-Deteriorated/inoperable electrical receptacle(s)		X		
Electrical-Deteriorated/inoperable fixture(s)		X		
Electrical-Deteriorated/inoperable/ improperly installed switch(s)		X		
Electrical-Deteriorated/loose electric service entrance mast	X			

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Electrical-Deteriorated/missing electric service entrance wire(s) protective covering	X			
Electrical-Exposed electrical wiring	X			
Electrical-Hazardous electrical fixture(s)-Metal pull chain			X	
Electrical-Improper/deteriorated meter socket/enclosure	X			
Electrical-Improper/missing electrical service grounding	X			
Electrical-Improperly installed wiring	X			
Electrical-Improperly installed electrical receptacle(s)		X		
Electrical-Improperly installed fixture(s)		X		
Electrical-Improperly installed/unapproved wiring	X			
Electrical-Improperly located electrical service/entrance	X			
Electrical-Inadequate number of receptacle(s)/fixture(s)			X	
Electrical-Lack of electric service	X			
Electrical-Lack of water meter jump wire		X		
Electrical-Lack of/improper hallway illumination				X
Electrical-Missing/deteriorated coverplate(s)			X	
Electrical-Missing/deteriorated/improper service panel cover		X		
Electrical-Missing/improper service panel knockout plug(s)			X	
Electrical-Missing/improper/deteriorated electrical junction box cover(s)		X		
Electrical-Missing/improper/deteriorated electrical service entrance wiring	X			
Electrical-Over-fused electrical system	X			
Electrical-Tree(s)/vegetation interfering/encroaching upon electric service entrance			X	

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Exterior Walls-not weather-tight			X	
Exterior Walls-Deteriorated/missing exterior block/brick/stucco/stone		X		
Exterior Walls-Deteriorated/missing exterior wall covering			X	
Exterior Walls-inadequate weather protection		X		
Exterior Walls-structural deterioration		X		
Exterior Walls-Structurally unsound block/brick/stone/poured concrete wall		X		
Exterior Walls-Window/building trim-inadequate weather protection			X	
Fire Code-Bars/grates/locks on an emergency escape			X	
Fire Code-Deteriorated/improperly maintained fire escape(s)			X	
Fire Code-Deteriorated/inoperable alarm system		X		
Fire Code-Fire door(s) missing/deteriorated/inoperable/blocked open		X		
Fire Code-Fire escape obstructed/blocked		X		
Fire Code-Fire exit(s)/stairway(s) obstructed		X		
Fire Code-Improper storage of combustible material(s)		X		
Fire Code-Improper storage of flammable liquid(s)		X		
Fire Code-Improper use of portable unvented heating device/appliance		X		
Fire Code-Improper utility room(s)/area(s) storage			X	
Fire Code-Improperly located fire extinguisher(s)			X	
Fire Code-Inadequate exiting above 2nd floor				
Fire Code-Lack of 1-hour fire resistive door(s)				

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Fire Code-Lack of 1-hour fire resistive separation				
Fire Code-Lack of heavy smoke detection in a mixed-use occupancy				
Fire Code-Lack of required fire alarm system	X			
Fire Code-Lack of/improper emergency egress window	X			
Fire Code-Lack of/improper illumination of exit signage			X	
Fire Code-Lack of/improper/inoperable door closer			X	
Fire Code-Lack of/inoperable backup exit lighting		X		
Fire Code-Missing/improper building identification			X	
Fire Code-Missing/improper separation between dwelling/garage				
Fire Code-Missing/improper/unapproved fire extinguisher(s)				
Fire Code-Missing/inoperable smoke detector(s)	X			
Fire Code-Outdated fire extinguisher(s)				
Fire Code-Unprotected dwelling/sleeping room exit				
Fire Code-Unprotected shared exit below 3rd floor				
Floors-Deteriorated foundation/floor-Engineer required		X		
Floors-Deteriorated/defective subfloor			X	
Floors-Deteriorated/improperly sized floor joist(s)				
Floors-Deteriorated/missing floor covering(s)				X
Floors-Deteriorated/missing/inadequate floor support(s)		X		
Floors-Improperly installed floor covering(s)-Trip hazard				

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Foundation-mortar cracked/missing				X
Foundation-Deteriorated building/structure foundation			X	
Foundation-Structural failure of the building/structure foundation	X			
General/Health-Deteriorated accessory structure(s)	X			
General/Health-Deteriorated fence(s)				X
General/Health-Deteriorated flatwork/concrete/slab(s)				X
General/Health-Deteriorated private sidewalk(s)				X
General/Health-Deteriorated/leaning/failing retaining structure (s)/wall(s)			X	
General/Health-Deteriorated/missing cabinet drawer(s)				X
General/Health-Deteriorated/missing cabinet(s)				X
General/Health-Deteriorated/missing countertop material				X
General/Health-Evidence of wood boring insects			X	
General/Health-Excessive accumulation of trash/debris			X	
General/Health-Illegal increase of occupancy				
General/Health-Illegally occupying a tagged building(s)/unit(s)	X			
General/Health-Improper construction/repair(s)				
General/Health-Improper garbage storage/removal			X	
General/Health-Improper grading/drainage				
General/Health-Improper maintenance				
General/Health-Inoperable/unsanitary/hazardous swimming pool(s)		X		

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
General/Health-Insect/vermin/rodent infestation			X	
General/Health-Interior moisture problem				X
General/Health-Lack of required light and ventilation			X	
General/Health-Lack of required room/space			X	
General/Health-Mold/mildew in a dwelling(s) unit(s)				X
General/Health-Raw sewage/waste water-cellar floor(s)		X		
General/Health-Scrub trees/vegetation at the building				X
General/Health-Sleeping room(s) in the attic				
General/Health-Sleeping room(s) in the cellar/basement				
General/Health-Standing water in the building			X	
General/Health-Substandard apartment unit			X	
General/Health-Unacceptable repair(s)			X	
General/Health-Unsanitary conditions in a dwelling/unit			X	
General/Health-Unsanitary conditions-animal feces			X	
General/Health-Work being performed without required permit(s)				X
Gutters-Deteriorated gutters/downspouts				X
Gutters-Incomplete gutter system				X
Gutters-Inoperable gutter(s)/gutter system				X
Gutters-Lack of downspouts				X
Gutters-Lack of gutter(s)/gutter system				X
Interior Walls-Deteriorated/improper/missing wall covering(s)				X
Interior Walls -Deteriorated/missing wall plaster/drywall/sheetrock				X

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Interior Walls-Deteriorated/peeling interior paint				X
Mechanical-Condition of gas-fired appliance(s) is questionable			X	
Mechanical-Deteriorated masonry fireplace	X			
Mechanical-Deteriorated/missing gas-fired appliance inspection cover/panel				
Mechanical-Deteriorated/missing gas-fired appliance vent pipe(s)	X			
Mechanical-Deteriorated/missing heat duct(s)/register(s)			X	
Mechanical-Failure to provide an inspection report			X	
Mechanical-Gas-fired appliance vent piping improperly connected to the chimney	X			
Mechanical-Gas-fired appliance(s) in a bathroom(s)	X			
Mechanical-Gas-fired appliance(s) in a sleeping room(s)	X			
Mechanical-Gas-fired heating appliance failed inspection	X			
Mechanical-Gas/fuel fired appliance/device no longer in use			X	
Mechanical-Improper gas supply line material	X			
Mechanical-Improper gas-fired appliance vent pipe rise	X			
Mechanical-Improper maintenance of a gas-fired appliance	X			
Mechanical-Improper use of flexible gas line/appliance connector	X			
Mechanical-Improper venting of a gas-fired appliance(s)	X			
Mechanical-Improper/missing gas shut-off valve(s)	X			

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Mechanical-Improperly installed gas supply line(s)	X			
Mechanical-Improperly supported gas/ water piping	X			
Mechanical-Lack of combustion air supplied to a gas-fired appliance	X			
Mechanical-Lack of gas service to dwelling(s)/unit(s)	X			
Mechanical-Lack of/improper relief valve drip leg			X	
Mechanical-Lack of/inadequate heat supplied to a habitable space			X	
Mechanical-Leaking/deteriorated radiator(s) and/or radiator supply line(s)			X	
Mechanical-Leaking/inoperable boiler(s)		X		
Mechanical-Leaking/inoperable water heater(s)		X		
Mechanical-Missing gas supply line drip leg	X			
Mechanical-Missing gas supply line(s) cap/plug	X			
Mechanical-Missing/improper fireplace/ appliance hearth		X		
Mechanical-Missing/improper temperature/pressure relief valve(s)	X			
Mechanical-Missing/inoperable carbon monoxide (CO) detector(s)	X			
Mechanical-Missing/inoperable thermostat		X		
Plumbing-system is questionable			X	
Plumbing-Deteriorated bathtub/shower stall			X	
Plumbing-Deteriorated/inoperable lavatory(s)/sink(s)			X	
Plumbing-Deteriorated/inoperable/leaking toilet(s)			X	
Plumbing-Deteriorated/leaking faucet(s)			X	

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Plumbing-Deteriorated/leaking waste line(s)		X		
Plumbing-Deteriorated/leaking/improper potable water pipe(s)	X			
Plumbing-Deteriorated/missing plumbing fixture component(s)		X		
Plumbing-Deteriorated/missing plumbing fixture trap(s)		X		
Plumbing-Directing/discharging sump pit water/ground w			X	
Plumbing-Discharging sump pit water/ground water into the public sanitary sewer	X			
Plumbing-Dry plumbing fixture(s) and/or trap(s)			X	
Plumbing-Flexible potable water line(s)/piping				
Plumbing-Improper termination of the plumbing system vent pipino/stack				
Plumbing-Improperly anchored lavatory(s)/sink(s)				X
Plumbing-Improperly installed fixture(s)/piping			X	
Plumbing-Items hanging from/attached to water/gas piping and/or electrical conduit		X		
Plumbing-Lack of a 3-fixture bathroom		X		
Plumbing-Lack of a kitchen sink		X		
Plumbing-Lack of connection to a sanitary sewage system	X			
Plumbing-Lack of hot/cold water supplied to a fixture(s)			X	
Plumbing-Lack of water service to a dwelling(s)/unit(s)	X			
Plumbing-Lack of/improper slope of drain piping/waste line(s)		X		
Plumbing-Lack of/inoperable bathroom vent fan				X

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Plumbing-Loose/improperly anchored toilet			X	
Plumbing-Obstructed waste line(s)		X		
Plumbing-Open waste line(s)	X			
Plumbing-Open/uncovered sump pit	X			
Porch-Deteriorated ceiling(s)				X
Porch-Deteriorated deck			X	
Porch-Deteriorated floor joist(s)		X		
Porch-Deteriorated porch(s)			X	
Porch-Deteriorated/missing/improper porch/deck support(s)	X			
Railing-Deteriorated guardrail(s)/guardrail balusters		X		
Railing-Deteriorated/missing/improper handrail(s) for steps	X			
Railing-Improper guardrail height		X		
Railing-Improper handrail height			X	
Railing-Improper separation of guardrail baluster(s)			X	
Railing-Lack of handrail(s)-yard steps		X		
Railing-Missing guardrail(s) and/or baluster(s)	X			
Roof-Deteriorated/missing fascia board(s)			X	
Roof-Deteriorated/missing roof sheathing		X		
Roof-Deteriorated/missing soffit/roof overhang		X		
Roof-Deteriorated/missing/improper roof covering		X		
Roof-Deteriorated/missing/improper roof flashing		X		
Roof-Deteriorated/missing/improper roof structural components			X	
Roof-Evidence of roof leakage(s)		X		
Stairways-Deteriorated stair system landing/deck joist(s)			X	

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Stairways-Deteriorated yardstep(s)				X
Stairways-Deteriorated/improperly installed stair system stringer(s)	X			
Stairways-Deteriorated/missing stair system decking and/or landing decking	X			
Stairways-Deteriorated/missing stair system riser(s)	X			
Stairways-Deteriorated/missing stair system tread(s)	X			
Stairways-Deteriorated/missing stair system(s)	X			
Stairways-Deteriorated/missing/improper stair system support/support post(s)	X			
Stairways-Improper construction of a stair system(s)	X			
Stairways-Improper rise height within a stair system(s)		X		
Stairways-Inadequate stairway headroom clearance				X
Substandard-Deteriorated/missing doors/windows		X		
Substandard-Failure to hold a valid Certificate of Compliance	X			
Substandard-Failure to hold a valid Rental License	X			
Substandard-Failure to provide access to a building(s)/unit(s)	X			
Substandard-Fire damaged structure(s)	X			
Substandard-Fire damaged structure(s) beyond feasible repair	X			
Substandard-Substandard/tagged building(s)/unit(s)	X			
Substandard-Vacant building(s)/unit(s)-inspection required	X			
Substandard-Vacant/Unfinished/Nuisance building(s)	X			
Tenant-Excessive accumulation of debris				X

Title (Points)	Severe (5)	Moderate (2)	Minor (1)	None (0)
Tenant-Improper storage in a utility room(s)/area(s)			X	
Tenant-Improper storage of combustible material(s)		X		
Tenant-Improper storage of flammable liquid(s)		X		
Tenant-Improper use of portable unvented gas/oil-fired heating device(s)		X		
Tenant-Inoperable smoke/Carbon monoxide detector(s)		X		
Tenant-Obstructed stair(s)/Exit(s)/Fire escape(s)		X		
Tenant-Sleeping room(s) in the attic and/or cellar		X		
Tenant-Unsanitary conditions within a dwelling(s)/unit(s)				X
Windows-not weather-tight			X	
Windows-Broken/missing pane(s)		X		
Windows-Deteriorated window(s)			X	
Windows-Deteriorated/missing screens				X
Windows-Deteriorated/missing window frame/sill			X	
Windows-Exterior window paint deteriorated/peeling/missing			X	
Windows-Improper screen(s)				X

- H. Issuance of a Rental License. The City shall issue a rental license upon the applicants meeting of all standards and the payment of all fees and other debt owed to the City.
- I. Revocation of a Rental License. The code official or designee shall have the authority to revoke a rental license on any property when: 1) it is in violation of the City code on a frequent and recurrent basis; 2) has a serious life safety violation and is ordered vacated; 3) has a serious structural deficiency and/or violation that is hazardous to life, and is ordered vacated; 4) fails to correct a founded complaint violation by the time that the third reinspection for the same concludes; 45) the owner or ~~manager~~ owner's representative fails to appear for three-two inspections/reinspections in a row; or 56) the owner or ~~agent-owner's representative~~ provides false information to the City-. The owner or agent-owner's representative of the affected property shall be notified in writing by certified mail of the license revocation.
- J. Appointments for Inspections. Appointments for inspections with the owner/agent of the building shall be scheduled by the City. The owner/agent may request the appointment to be rescheduled. However, the inspection shall be performed within 30 days of the original date unless modified by the administrative hearing officer or the code official. An owner/agent shall be required to arrange for

access to all portions of the building. Failure to provide access to all portions of the building shall prevent the issuance of a certificate of structure compliance, and thus compliance with the law. The owner/agent shall notify all tenants of the inspection in accordance with Iowa law.

K. Inspections shall not be:

1. Conducted with a minor as the sole representative of the owner.
2. Conducted against the will of the tenant without the building's owner/agent present.
3. Conducted without prior notice to the tenant, as required by state law.
4. Conducted in an occupied dwelling without the owner/agent or tenant of the dwelling or designated agent being present.

Should the person in control of the unit refuse admittance to the code enforcement officer or designee and refuse to reschedule the inspection or reinspection, a request to the court to issue a search warrant may be prepared, subject to approval by the legal department.

All areas of each dwelling governed by this code shall be inspected. Should access not be obtained to all areas, a reinspection must be scheduled and an additional fee may be charged for each subsequent reinspection of accordance with the established fee schedule.

L. Provision of False Information Prohibited. No person shall provide false information to the City in connection with the licensing, permitting, or inspection of a property whether owner occupied or not.

8.15.150. Fee schedule. [Ord. 2018-442]

Fees shall be charged for services rendered in relation to this code. These services include but are not limited to the following: licenses, inspections, and failure to appear for any scheduled inspections, late cancellations, and appeals. The amount shall be established by resolution of the City Council.

As a nuisance abatement remedial measure the fee schedule shall include a per tax parcel per response surcharge for police and fire department responses, excluding emergency medical responses, in an amount equal to the approximate cost of the response, plus a processing fee, for all responses above the excessive response threshold set forth immediately below within a calendar year. This section shall be construed consistently with Iowa Code §§ 562A.27B and 562B.25A.

Dwelling Units per Tax Parcel	Excessive Response Threshold
1-3	10
4-8	25
9-24	50
25 or more	75

In the case of police responses the number shall be based upon founded calls. Within 10 days of the date of a surcharge invoice, the owner may request the neighborhood services director or his designee review the call log to verify the number of responses and provide the owner with the dates and nature of the responses included in the bill.

8.15.155. Notice and order of code official. [Ord. 2018-442]

- A. Commencement of Proceedings. Whenever the code official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation or demolition of the building.
- B. Notice and Order. The code official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
 2. A statement that the code official has found the building to be substandard with a brief and concise description of the conditions found to render the building substandard under the provisions of this code.
 3. A statement of the action required as determined by the code official.
 - a. If the code official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 30 days from the date of the order except for weather related repairs as determined by the code official and completed within such times as the code official shall determine is reasonable under all of the circumstances).
 - b. If the code official has determined that the building or structure must be vacated, the order shall require that the building or structure be vacated, within a certain time from the date of the order as determined by the code official to be reasonable.
 - c. If the code official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the code official shall determine reasonable (not to exceed 30 days from the date of the order); that all required permits be secured therefor within 30 days from the date of the order, and that the demolition be completed within such time as the code official shall determine is reasonable (not to exceed 60 days from the date of the order).
 4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the code enforcement officer:
 - a. Will order rent abatement enforcement pursuant to 8.15.155 H, or
 - a.b. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
 - b.c. May proceed to cause the work to be none and charge the costs thereof against the property or its owner.
 5. Statements advising:

Any person having any record title or legal interest in the building may appeal from the notice and order or any action of the code official as provided in Chapter 2.86.

Failure to appeal from a notice and order or action of the code official will constitute waiver of all rights to an administrative hearing and determination of the matter as provided in the notice and order or action of the code official shall be the final determination.
- C. Service of Notice and Order. The notice and order, or any amended or supplemental notice and order, shall be served upon the record owner/agent. The failure of the code official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person

duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

- D. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by regular mail, to each such person at his address as it appears on the last assessment roll of the county or as known to the code official. If no address of any such person so appears or is known to the code official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notices shall not affect the validity of any proceedings taken under this section. Service by regular mail in the manner herein provided shall be effective on the date of mailing.
- E. Recordation of Substandard Conditions. If compliance is not had with the notice and order within the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the office of the county recorder a certificate describing the property and certifying:
1. The building is a substandard building, and
 2. The owner has been so notified. If a certificate of substandard conditions has been filed and whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the code official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.
- F. Repair, Vacation and Demolition. The code official shall follow the standards set forth hereinafter when ordering the repair, vacation or demolition of any substandard building or structure:
1. Any building declared a substandard building under this code shall be made to comply with one of the following:
 - a. The building shall be repaired in accordance with the current property maintenance code or other current code applicable to the type of substandard conditions requiring repair; or
 - b. The building shall be demolished at the option of the building owner; or
 - c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated and to be secured in accordance with the Davenport Municipal Code.
 2. If the building or structure as determined by the code official or designee is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated and/or demolished.
- G. Notice to Vacate.
1. Notice of Intent to Post. The code official shall send notice to the record owner or her agent that the property will be posted with a notice to vacate.
 2. Posting. Every notice to vacate shall, in addition to being served, be posted at each building.
 3. Compliance with Notice to Vacate. Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued by him reciting the violation and specifying the conditions necessitating the posting. No person shall remain in or enter any

building having been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and approved by the code official pursuant to the provisions of this code.

H. Rent Abatement.

1. Rent abatement enforcement may be authorized by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire Marshal

when it has been determined that the owner or lessor has, after issuance of a notice of violation of this chapter:

- a. Failed to provide an essential service (water, sewer, electricity, heat; except tenant-paid utilities);
 - b. Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant; or
 - c. Rented a dwelling unit without a rental license, including renting under suspension or revocation.
2. Rent shall be abated until the condition(s) for which rent abatement was ordered has been remedied and the property or unit(s) meets the minimum standards as deemed by no fewer than two of the following or their designees: 1) Chief Building Official; 2) Director of Development & Neighborhood Services; and/or 3) Fire Marshal. The owner or lessor may not collect or recover rent due from the tenant for the period when the rent abatement order is in effect. The lessor or owner may not seek to recover abated rent payments after the order is lifted. Rent shall be prorated if the abatement order period covers a partial rental payment period.
 3. Lessors or owners are prohibited from retaliating against tenants who seek rent abatement. Lessees or tenants shall not be evicted for non-payment of rent during a rent abatement period.
 4. Notice.
 - a. A copy of the rent abatement order shall be provided to the owner or lessor at the address on the rental permit and to the tenant by U.S. mail and by posting the entrance door to the dwelling unit.
 - b. Notice of termination of the rent abatement order will be given in the same manner.
 5. All rental dwellings where rent has been ordered abated, regardless of the number of rental units contained in each property or current inspection cycle, may be placed on an accelerated inspection cycle.

8.15.160. Appeal. [Ord. 2018-442]

Any person who receives notice under this chapter may appeal said notice and order pursuant to the procedures set forth in Section 2.86.020. If a timely request for appeal is not filed the order, decision or determination shall be conclusively presumed as being true and the recipient of the order, decision or

determination the responsible party. If an appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the City code.

8.15.165. Enforcement of the order of the code official or administrative hearing officer. [Ord. 2018-442]

- A. Compliance. After any order of the code official or administrative hearing officer shall have become final, no person to whom such order is directed shall fail, neglect or refuse to obey said order. Any person who fails to comply with or obey said order shall be guilty of a municipal infraction.
- B. Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days or any time period established after any final notice and order issued under this code becomes effective:
 - 1. The code official shall cause the building described in such notice and order to be vacated by posting a notice at each entrance thereto.
 - 2. No person shall occupy any building having been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the code official have been completed and a certificate of compliance issued pursuant to the provisions of this code.
 - 3. The code official may, in addition to any other remedy provided herein, cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or if the notice and order required demolition, to cause the building to be sold and demolished, or to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.
- C. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the code official may, in his sole discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the code official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The code official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.
- D. Interference with Repair or Demolition Work Prohibited. The final order of the code official or

administrative hearing officer shall be enforced as written. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative or agent of the City engaged in the work of repairing, vacating and repairing, demolishing or any act necessary or incidental to enforcement of the final order.

- E. Violations - Penalties. Any person or entity who violates any of the provisions of this chapter shall be guilty of a municipal infraction; and shall be fined \$100 for a first offense, \$200 for a second offense, and \$500 of every offense thereafter for the same violation. However, in addition to all other remedies and sanctions available, violations of Subsection 8.15.145A3 and Section 8.15.145L shall be punished by a fine of \$200 for the first offense and \$500 for each violation thereafter. Additionally, violations of 8.15.155G(3) may be charged and punished as a simple misdemeanor. The code official is authorized to enforce this chapter pursuant to procedures and remedies set forth in this chapter as well as Chapter 1.30.

8.15.170. Performance of work, repair or demolition. [Ord. 2018-442]

- A. Procedure. When any work or repair or demolition is to be done pursuant to this code, the code official shall cause the work to be accomplished by City personnel or by private contract under the direction of the code official. The code official may prepare plans and specifications, or he may employ such architectural and engineering assistance on a contract basis, as he may deem reasonably necessary.
- B. Costs. The cost of such work shall be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.
- C. Personal Obligation or Special Assessment. The City legal department shall determine whether said charge shall be made a personal obligation of the property owner and/or assess said charge against the property involved.
- D. Lien of assessment. All liens of assessment shall be done according to applicable City and state code.

8.15.175. Conflicting provisions. [Ord. 2018-442]

Whenever conflicting provisions or requirements occur between this code, the technical code or any codes or laws, the most restrictive shall govern.

8.15.180. College/university zone requirements. [Ord. 2018-442]

- A. The City Council of the City of Davenport finds that a significant number of landlords rent residential units to unrelated persons who frequently engage in conduct that negatively impact the quality of life of the surrounding neighborhood and tends to depress the value of the nearby properties. This situation is in major part due to the presence of numerous university students living off-campus in rental properties located within established residential neighborhoods; a condition present in an area relatively close in proximity to the college or university campus. The intent of this section is to establish further specific regulations to help protect established neighborhoods from said negative impacts.
- B. The area(s) designated as college/university zones that are subject to these regulations is/are:
1. The area of the City bounded on the north by Columbia Court extended westerly along its center line to Fillmore and easterly to and along the center line of Columbia Avenue, on the east by the

center line of Pershing, on the south by the center line of West 16th Street and the center line of Kirkwood Boulevard, and on the west by the center line of Fillmore.

- C. In addition to those requirements set forth in Section 8.15.145, upon written notice of a determination by the neighborhood services director that reasonable suspicion of over-occupancy exists or upon a "founded call" (Defined in Chapter 8.12) at the address, the tenants of a single-family rental property, defined the same as "dwelling, single-family detached," "dwelling, single-family attached," or "dwelling single-family semi-detached," or "dwelling, single-family townhouse," as the case may be, in Title 17, located within a college/university zone shall:
1. Register the property by property address;
 2. Provide information regarding number of bedrooms, number of bathrooms, and number of off-street parking spaces available (counting only enclosed garage spaces and driveway spaces behind the front of the residential structure and connecting the entrance of a private garage with a public right-of-way so as to permit ingress and egress - one off street parking space for each eight feet by 20 feet area of paved driveway);
 3. Provide information regarding the lease and tenant(s): term of the lease and initial of first name and surname of all tenant(s), each tenant registered shall be required to report license plate information (state and number) for each vehicle he or she has at the property within seven days' time of the onset of their tenancy and failure to comply with this requirement constitutes a violation of this chapter;
 4. The tenants shall amend the information required to be on file by this subsection within seven days of an occurrence affecting the required information, such as change in tenancy;
 5. Said information shall be kept current for a period of two years from the date of the notice unless the property owner has received notice from the City that the university zone registration requirements no longer apply;
 6. All of the tenants of a single-family rental property for which notice in this subsection has been given are jointly and severally responsible for making such that the required information has been filed.
- D. The maximum number of persons who may occupy a dwelling shall be reduced on a one-to-one ratio based upon the number of off-street parking spaces available on the single-family rental property so that there is one off-street parking space for each person living within a single-family rental property within a college university zone and shall be further reduced, if necessary, so that the total square footage of the building provides at least 200 square feet of enclosed living space per occupant. Off-street parking space is defined the same as "parking space" in Title 17 and, if unenclosed must be durably surfaced (paved or bricked) and connect the entrance of the private garage with a public right-of-way so as to permit ingress and egress with no such space being allowed in the front yard. No additional off-street parking space shall be constructed as a parking pad, but any off-street parking pad in existence as shown on the GIS aerial photograph taken in 2009 may be considered in the number of available off-street parking spaces (parking pad being a durably surfaced area for vehicle storage that does not serve as ingress/egress to a garage). If, because of the age and character of a single-family property located within a designated college/university zone there are no off-street parking spaces, the maximum number of unrelated persons who may occupy the single-family rental property is two persons. For purposes of this subsection, the square footage and bedroom numbers on file with the City assessor are presumed to be accurate and it is the property owner's or tenant's duty to rebut their presumed accuracy. This subsection applies to any single-family rental property located

within a designated university zone that is occupied by unrelated persons regardless of whether the property has been notified to register tenant information or not. If illegal over occupancy is established a property owner shall take immediate steps to comply with the provisions of this section.

- E. This section shall not apply to a multi-family rental property located within a college/university zone. A multi-family rental property being defined the same as a "dwelling, multiple" in Title 17. This section shall also not apply to the rental of a single-family rental property to a family or related persons, as defined in Title 17, or to a group of persons with verifiable disabilities, as defined by the fair housing act, as amended, of 1988, who occupy a single-family rental property as a single housekeeping unit.
- F. It shall be a violation of this section for a tenant to occupy a single-family rental property without said tenant's name and other specified information having been provided to the City or its designee as required.
- G. It is a violation of the section for an owner to permit occupancy contrary to the provisions of this section.
- H. Each day a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section. Any person who is found to have violated this section after having been previously convicted of violating this section shall be subject to the applicable penalty for the subsequent offense.
 - 1. For a first offense the fine for a tenant shall be \$100. For a first offense for an owner the fine shall be \$300.
 - 2. For a second offense the fine for a tenant shall be \$200. For a second offense for an owner the fine shall be \$500.
 - 3. For a third or subsequent offense the fine for a tenant shall be \$500. For a third or subsequent offense the fine for an owner shall be \$1,000.

In addition, the code official or designee shall have the authority to suspend or revoke a rental license on any single-family rental property that has been the subject of three or more violations of this section.

DIVISION 2.
Specifications and Standards

8.15.185. Adoption of ~~2015~~ 2021 International Property Maintenance Code. [Ord. 2018-442 § 28]

The City hereby adopts and incorporates the provisions of the International Code Council's ~~2015~~ 2021 International Property Maintenance Code with commentary except as noted:

- A. From Chapter 1 ("Scope and Administration") only Subsection ~~102.6~~102.7, Subsection ~~104.3~~105.2, Subsection ~~104.4~~105.3, Section ~~105~~106, Subsection 110 (Subsection 110.4 amended to read as follows: "No person shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions."), Subsection ~~107.4~~111.5, Section ~~108~~111 (to the extent that it does not conflict with other City code sections), and Section 112 (Subsection 112.4 amended to read as follows: "No person shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.") are adopted.
- B. Chapters 2 through 8 are adopted with the modifications noted below:

Section 202. Definitions. Amended to add a definition for "building official" and modify the definition of "code official" and "habitable space":

Building Official. See "Code Official".

Code Official. The officer, officers, or other designated authorities charged with the administration and enforcement of this code, or a duly authorized representative.

Any reference to "building official" in this code refers to "code official".

Habitable Space. Space in a structure for living, sleeping, or eating. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Section 302.3. Sidewalks And Driveways. Amended to read:

302.3. Sidewalks And Driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained in accordance with chapter 12 of the City of Davenport code of ordinances and the City of Davenports standards for defective sidewalks.

Section 302.4. Weeds. Amended to read:

302.4. Weeds. Premises and exterior property shall be maintained in accordance with section 8.14.015 of the City of Davenport code of ordinances.

Section 304.2. Protective Treatment. Amended to read:

304.2. Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains and rust shall be removed from exterior surfaces when oxidation stains or rust compromises the function of the building component to perform as designed. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.14. Insect Screens. Insert: May 1 to November 1.

Section 304.18.1. Doors. Amended to read:

304.18.1. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order.

Section 305.3. Interior Surfaces. Amended to read:

305.3. Interior Surfaces.

A. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, loose, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

B. All residential properties receiving federal assistance must be in compliance with the lead safe housing rule at 24 CFR 35 and the lead based paint poisoning prevention act at 42 U.S.C. § 4822. The owner of federally assisted units must provide certification that the dwelling is in accordance with said regulations. If the federally assisted unit was constructed prior to 1978, upon occupancy a notice must be provided which outlines the lead based paint regulations, the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning, and the precautions to be taken against lead poisoning.

C. All residential property must comply with the residential lead-based paint hazard reduction act of 1992, requiring the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of certain housing built before 1978

Section 404.4.2. Deleted.

Section 404.4.3. Water Closet Accessibility. Amended to read as follows:

404.4.3. Water Closet Accessibility. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Section 602.3. Heat Supply. Insert: September 15 to May 15.

Section 602.4. Occupiable Work Spaces. Insert: September 15 to May 15. Section 602.5. Room Temperature Measurement. Amended to read:

602.5. Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor, at the inside wall.

Section 605.2. Receptacles. Amended to add:

Exception: In lieu of every habitable space in a dwelling containing two separate and remote receptacle outlets, one receptacle and a separate permanently installed light fixture is allowable.

Chapter 8.16
SECURING OF ABANDONED BUILDINGS

8.16.010. Authority. [Ord. 2018-442; Ord. 2002-31 § 32 (part); Ord. 89-371 § 2]

The building official, the neighborhood services director or their respective reports or designees are hereby authorized and directed to enforce all the provisions of this chapter.

8.16.020. Definitions. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 3]

- A. UNSAFE BUILDING OR STRUCTURE - Is any building or structure abandoned, boarded or otherwise deemed to be unsafe as defined in Section 203 of the ~~Uniform~~ International Building Code.
- B. BOARDED BUILDING - Is any vacant or abandoned building on which any of the doors, windows, or other opening into such building are boarded up or otherwise closed by any means other than conventional methods used in the design of the building.
- C. ABANDONED BUILDING - Is any structure or part of a structure which is unoccupied and is deemed hazardous due to the fact that the building is unsecured and open to trespass.
- D. VACANT BUILDING - Is any building or structure which is unoccupied and remains secure by conventional methods used in the design of the building.
- E. SECURE BUILDING - May be a vacant or boarded structure which is not open to trespass.
- F. PROPERTY OWNER - Means the contract purchaser, if there is one of record; otherwise, the record holder of legal title.

8.16.030. Unoccupied buildings to remain secure. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 4]

Any building or structure that is unoccupied and has any doors, windows or other openings into such building which allow the buildings to be subject to trespass and the elements shall be deemed a public safety hazard and a public nuisance. The property owner of the unoccupied building shall secure the building by boarding or through the replacement of the conventional barriers used in the design of the building.

8.16.040. Violations. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 5]

- A. No unauthorized person shall remove, tamper with or otherwise alter any conventional or unconventional barriers which are used to secure a building from trespass and damage from the elements.
- B. No person shall occupy or permit to be occupied by another person any boarded or abandoned dwelling, building or structure unless the building is in reasonable compliance with the provisions of the City housing code and has been issued a certificate of structure compliance pursuant to Section 8.15.145.
- C. No person shall enter any unoccupied dwelling, building or structure without permission in writing from the building officials or designee. Provided, however, entry may be made by the owner or the owner's authorized representative and entry may be made by the building officials or designee with the consent of the owner or through any remedy provided by law to secure entry.

8.16.050. Rights of access of premises. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 6]

- A. The building official or designee is authorized to enter and remain on private property for the purposes of determining whether an unoccupied dwelling, building or structure is secure, abandoned, vacant or boarded.
- B. The building official or designee may enter and remain upon the premises to complete work required by this chapter after the identified responsible persons have been notified of existing violations pursuant to 8.16.060 and the order to correct the violation has become final without compliance.
- C. Any person possessing a valid permit may enter and remain on the property to make repairs, demolish or remove such building or structure.
- D. Employees or agents of the City may enter and remain on the property for the purposes of removing debris, trash, brush and weeds pursuant to the applicable ordinances.

8.16.060. Notices and compliance orders. [Ord. 2015-118 § 18; Ord. 2002-31 § 32 (part); Ord. 89-371 § 7]

- A. Commencement of Proceedings. Whenever the building official or designee has inspected or caused to be inspected any building or structure or premises upon which same is located and has found and determined that the building is abandoned, the building official shall commence proceedings to cause the building to be secured.
- B. Notice and Order. The building official or designee shall, by certified mail or personal service, issue a notice and order directed to the property owner of the building. The notice and order shall contain:
 - 1. The street address and legal description sufficient for identification of the premises upon which the building is located.
 - 2. A statement that the building official or designee has found the building to be unsecured.
 - 3. A statement of the action required to be taken as determined by the building official or designee.
 - (a) If the building official or designee has determined that the building or structure must be secured, the order shall require that the work be commenced immediately and completed within such time not to exceed seven days from the date of the notice and order.
 - (b) If the building official or designee has determined that an interior inspection must be conducted in the building or structure, the order shall require such inspection and state a date and time for said inspection to take place.
 - 4. A statement advising that the building or structure, whether abandoned or boarded, must remain unoccupied and shall be posted until such time as inspections are completed and reasonable compliance with the housing codes substantiated and a certificate of structure compliance issued.
 - 5. Statements advising that the building or structure, if vacant and unsecure, shall have no active utilities and that those utilities shall be discontinued as soon as practical after the order has become final and that the responsibility to protect the plumbing from freezing shall be the owner's.
 - 6. A statement notifying the property owner of his or her rights to a hearing before the administrative hearing officer pursuant to the provisions of Chapter 2.86 of the City code.

7. A statement that if the order is not complied with and request for hearing is not made within the designated period, the City may perform the required action and assess the costs against such person pursuant to Chapter 8.12.

8.16.070. Failure to commence work. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 8]

If the notified property owner neglects or fails to commence the necessary work to secure the building or structure by the date set forth in the notice and order, the City may perform the required action and bill the property owner pursuant to Chapter 8.12. The building official or designee shall keep an accurate account to reflect the material and labor utilized, at a reasonable market rate to be determined by the building official or designee. Action taken pursuant to this chapter does not preclude the City from seeking alternative relief under the ~~Uniform Housing~~International Property Maintenance Code. Such alternative relief may include, but is not limited to, repair or demolition of the building and removal of any debris on the property.

8.16.080. Methods of securing. [Ord. 2018-442; Ord. 2005-98 § 1; Ord. 2002-31 § 32 (part); Ord. 89-371 § 9]

- A. Boarding. All windows and doors which are accessible to trespass from the grade or those openings which allow the elements to enter shall be secured by boarding which is a minimum of three-eighths inch thickness plywood of exterior quality; chipboard or waferboard is prohibited. The plywood shall be fitted tightly to the frame of the window or door or other opening using ring-shank, galvanized or sinker nails not less than eight penny or screws not less than 1 1/2 inches in length. Boards must be fixed in such a way as to substantially prevent their easy removal and must be nailed every six inches around the perimeter. The entire opening must be boarded. The boards used shall be of a solid, muted color that blends with prevailing color of the structure. Other alternate connectors or methods shall be subject to the building official or designee's approval. At the option of the owner, an abandoned building or structure may be secured by the owner through repair and/or replacement of the conventional equipment used for such purposes in the design of the building. Once secured by repair or replacement of conventional equipment following a notice and order directing such action, the building or structure must remain secure. The failure to maintain security by the replacement of conventional equipment will require that all doors and windows be secured by boarding. If boarded by the City, and keys or working locks cannot be located, the building shall be secured at one door only with padlock and hasp. The owner may obtain a key upon presentation of proper identification to the building official or designee during normal office hours. Costs incurred for lock and hasp shall be recovered according to Section 8.12.100.
- B. If painting of boards is required to comply with subsection A of this section, it shall be subject to the following additional rules: 1) from March 15 to November 14 painting of boards shall be performed upon installation or by the deadline specified in the notice and order to secure, if a notice and order was issued, however from March 15 to April 30 a written waiver may be obtained from the neighborhood services department if in the enforcement authority's opinion insufficient days of good weather occurred during the timeframe; 2) no notice and order shall set a deadline for the painting of boards during the four-month timeframe beginning November 15 and ending March 14 ("winter timeframe"); 3) if an owner secures his building during the winter timeframe said building will be treated for painting purposes as having been boarded on the next subsequent March 15; 4) in making its determination of "good weather" the enforcement authority shall consider that painting is generally not advisable below 55° F.; 5) if the City performs the board up between November 15 to March 14, the bill for such work shall include the fee for painting despite the fact the painting may not occur until the weather permits.

8.16.090. Refusal of application for building permits. [Ord. 2002-31 § 32 (part); Ord. 89-371 § 10]

The City building department may refuse an application for building permits for the repair or demolition of a building or structure if any liens for unpaid charges for work performed by the City or its agents according to notice and order of this chapter remain unpaid. A building permit may be issued when all requirements for said permit are met and proof of payment of liens filed pursuant to this chapter is presented.

8.16.100. Penalties. [Ord. 2018-442; Ord. 2002-31 § 32 (part); Ord. 89-371 § 11]

Anyone violating the provisions of this chapter is guilty of a municipal infraction and shall, upon conviction, be fined \$100 for a first offense, \$200 for a second offense, and \$500 for every offense thereafter for the same violation. Each day a violation is permitted to exist is considered a separate offense. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent such unlawful act or to restrain, correct or abate such violation.

Chapter 8.17
ABATEMENT OF DANGEROUS BUILDINGS

8.17.010. Title. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

These regulations shall be known as the abatement of dangerous buildings code, may be cited as such, and will be referred to herein as "this code."

8.17.020. Purpose and scope. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the building code, housing code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.
- B. Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.
- C. Conflicting Provisions. Whenever conflicting provisions or requirements occur between this code, the technical code or any codes or laws, the most restrictive shall govern.

8.17.030. Definitions. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. General. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the building code or the housing code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.
- B. Specific:
 - 1. BUILDING CODE - Shall mean the ~~Uniform International~~ Building Code ~~and International Residential Code~~ promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.
 - 2. DANGEROUS BUILDING - Shall mean any building or structure deemed to be dangerous under the provisions of Section 8.17.120.
 - 3. DESIGNATED OFFICIAL - Shall mean the designated or authorized personnel described in Section 8.17.040 and their authorized inspection personnel.
 - 4. HEALTH OFFICIAL - Shall mean the designated or authorized personnel of the chief health officer of the Scott County Health Department.
 - 5. HOUSING CODE - Shall mean the ~~Uniform Housing~~ ~~International Property Maintenance~~ Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

8.17.040. Administration. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Any City official may be designated by the City Administrator to enforce the provisions of this code. The

designated officials shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

8.17.050. Cooperation of other officials and officers. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

The designated official may request, and shall receive so far as is required in the discharge of his/her duties, the assistance and cooperation of other officials of this jurisdiction including but not limited to the Scott County Board of Health, Scott County Sheriff's Department and the Davenport police and fire departments.

8.17.060. Inspections. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. The designated officials are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.
- B. All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the designated official in accordance with and in the manner provided by this code, the housing code, and the building code as adopted by the City.

8.17.070. Right of entry. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

When it is necessary to make an inspection to enforce the provisions of this code, or when the designated official or their representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the designated official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If entry is refused, the designated official shall have recourse to the remedies provided by law to secure entry.

8.17.080. Abatement of dangerous buildings. [12-4-2019 by Ord. No. 2019-530; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

All buildings or portions thereof which are determined, after inspection by the authorized official, to be dangerous, as defined in this code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code.

8.17.090. Violations. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

8.17.100. Appeals. [Ord. 2015-118 § 19; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Appeals of notices, orders, decisions and determinations made by an authorized official relative to the application and interpretation of this code shall be requested, scheduled and heard pursuant to the provisions in Chapter 2.86 by the administrative hearing officer. In ruling on appealed notices, orders, decisions and determinations the administrative hearing officer does not have the authority to waive requirements of this chapter.

8.17.110. Emergency action. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Demolition. The designated official may order an emergency demolition of a structure or any part thereof when circumstances exist such that the threat to life or health is so imminent and substantial that to order repair would not be prudent. No prior notice to the owner of the demolition is necessary, but notice of the cost of the action shall be given prior to the costs being charged to the owner as provided in this code.
- B. Repair. The designated official may order the emergency repair of a structure or any part thereof in all circumstances — except those described in subsection A — where an immediate threat to life or health exists. No prior notice to the owner of the repair is necessary, but notice of the cost of the action shall be given prior to the costs being charged to the owner as provided in this code.

8.17.120. Dangerous building. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such condition or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

- A. Whenever any portion thereof had been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- B. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- C. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- D. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- E. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- F. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated, or is vacant and is open to unauthorized entry as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- G. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the building code or housing code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
- H. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or is in such a condition that is likely to cause sickness or disease.
- I. Whenever any building or structure, because of dilapidated condition, deterioration, damage,

inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a hazard.

- J. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- K. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- L. Whenever any building or structure regulated by the administrative code, the Davenport housing code, or the technical codes constitutes a hazard to safety, health or public welfare by reason of fatigue, dilapidation, inadequate maintenance, fire damage, disaster, faulty construction or abandonment.
- M. Whenever any building service equipment regulated by such codes, constitutes a fire, electrical or health hazard, or unsanitary condition, or is otherwise dangerous to human life.
- N. Whenever any 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 the technical codes are designated as unsafe building appendages.

8.17.130. Abatement notice and order. [Ord. 2018-442; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Commencement of Proceedings. When the designated official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the designated official shall commence proceedings to cause the repair, vacation or demolition of the building.
- B. Notice and Order. The designated official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
 - 1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
 - 2. A statement that the designated official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 8.17.120.
 - 3. A statement of the action required to be taken as determined by the designated official.
 - a. If the designated official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 30 days from the date of the order) and completed within such time as the designated official shall determine is reasonable (not to exceed 120 days from the date of the order).
 - b. If the designated official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the designated official to be reasonable (not to exceed 30 days from the date of the order).

- c. If the designated official has determined that the building or structure must be demolished, the order shall require: i) the building be vacated within such time as the designated official shall determine is reasonable (not to exceed 30 days from the date of the order); ii) all required permits be secured therefor within 30 days from the date of the order; and iii) the demolition be completed within such time as the designated official shall determine is reasonable (not to exceed 60 days from the date of the order).
4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the designated official: i) will order the building vacated and posted to prevent further occupancy until the work is completed; and ii) may proceed to cause the work to be done and charge the costs thereof against the property and/or its owner.
5. Statements advising: i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the designated official pursuant to chapter 2.86; and ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

8.17.140. Service of notice and order. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Who Served. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property. The failure of the housing official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.
- B. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears in the records of the county auditor. If no address of any such person so appears or is known to the designated official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- C. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the designated official.

8.17.150. Repair, vacation and demolition. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

The following standards shall be followed by the designated official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

- A. Any building declared a dangerous building under this code shall be made to comply with one of the following:
 1. The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

2. The building shall be demolished at the option of the building owner.
- B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

8.17.160. Notice to vacate. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8.17.140, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to deface this notice.

Housing Official
City of Davenport

- B. Compliance. Whenever such notice is posted, the designated official shall include a notification thereof in the notice and order issued under Section 8.17.130B, specifying the conditions which cause it to be a dangerous building. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the building code.

The designated official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

8.17.170. (Reserved)¹¹

8.17.180. Effect of failure to appeal. [Ord. 2018-442; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Failure of any person to file an appeal under chapter 2.86 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

8.17.190. Scope of hearing on appeal. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

8.17.200. Staying of order under appeal. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Except for vacation orders made pursuant to Section 8.17.160, enforcement of any notice and order of the designated official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

8.17.210. Compliance. [Ord. 2015-118 § 21; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. General. After any order of the code enforcement officer or administrative hearing officer shall have become final, no person to whom such order is directed shall fail, neglect or refuse to obey said order. Any person who fails to comply with said order is guilty of a simple misdemeanor.

2. Former Section 8.17.170, Appeal, containing portions of Ordinance Nos. 97-246 and 2002-31, was deleted in its entirety by Ordinance No. 2015-118.

- B. Failure to Obey Order. If, after an order has become final the person to whom such order is directed fails, neglects or refuses to obey said order, the code enforcement officer may cause said person to be prosecuted under the preceding paragraph or institute any appropriate action to abate such building as a public nuisance, or both.
- C. Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:
1. The designated official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto, if not already so posted, a notice reading:

DANGEROUS BUILDING DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Housing Official
City of Davenport

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the designated official have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.
3. The designated official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned and then sold to recover the cost. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building or lot, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

8.17.220. Extension of time to perform work. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the designated official may grant an extension of time, not to exceed an additional 180 days, within which to complete said repair, rehabilitation or demolition, if the designated official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The designated official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order. Any extension of time granted shall be agreed to in writing.

8.17.230. Interference with repair or demolition work prohibited. [Ord. 2018-442; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. General. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction whenever such officer, employee, contractor or authorized representative of this jurisdiction, is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

- B. Violations-Penalties. Any person or entity who violates any of the provisions of this chapter shall be guilty of a municipal infraction; and shall be fined \$100 for a first offense, \$200 for a second offense and \$500 for every offense thereafter for the same violation. Each day that a violation continues is a separate offense. A violation of section 8.17.210 may be pursued as a simple misdemeanor violation subjecting the offender to arrest and a fine of \$200.

8.17.240. Performance of work of repair or demolition. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Procedure. When any work of repair or demolition is to be done pursuant to this code, the designated official shall cause the work to be accomplished by City personnel or by private contract under the direction of the designated official. Plans and specifications therefore may be prepared by the designated official, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary.
- B. Work Performed. Such work shall be carried on under the direction and supervision of the designated official who is authorized on behalf of the City to call for bids for the performance of any repair or demolition necessary to abate said nuisance and to enter into a contract therefor with a responsible bidder making the best bid as determined by the designated official.
- C. Costs. The costs of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved or if ordered by a judge may be made a personal obligation of the property owner.

8.17.250. Repair and demolition fund. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

The City Council may establish a special fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the designated official to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous building.

8.17.260. Recovery of cost of repair or demolition. [Ord. 2015-118 § 21; Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

- A. Account of Expense, Filing of Report. The designated official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of this code. Upon the completion of the work of repair or demolition, said designated official shall prepare and keep on file a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to this code.
- B. Appeal. Any person personally interested in or affected by the proposed charge may file a request for a hearing pursuant to the provisions of Section 2.86.020 of the City code and if such request is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the City code. If a request is not timely filed the expense incurred by the City shall be conclusively deemed to be fair and reasonable and all personally interested or affect persons shall be deemed to have waived all rights to challenge the amount recoverable.

8.17.270. Special assessment. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

Any portion of the costs of repair or demolition remaining unpaid 60 days after billing or after the decision

of the City Clerk if an appeal was filed may be assessed against the property in the manner provided by law.

8.17.280. Personal obligation. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

In addition to the other remedies available, the City shall have a cause of action against the property owner to recover the costs of any repair or demolition performed pursuant to this code.

8.17.290. Repayment of repair and demolition fund. [Ord. 2002-31 § 33 (part); Ord. 97-246 (part)]

All money recovered for work performed under this code shall be paid to the City Treasurer.

Chapter 8.18
REGISTRATION OF VACANT OR ABANDONED BUILDINGS

8.18.010. Definitions. [Ord. 2018-442]

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Property Maintenance Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. Unless otherwise expressly stated or unless the context clearly indicates a different intent, the following terms shall, for the purpose of this chapter, have the following meanings:

ABANDONED BUILDING — Any building or portion thereof which has stood with an incomplete exterior shell for six months or longer (City's board up effort is disregarded when determining "completeness") which meets one or more of the following criteria:

- A. Is unsecured; or
- B. Is unoccupied; or
- C. Is in violation of the International Property Maintenance Code, International Building Code, or International Fire Code adopted by the City of Davenport.

NEIGHBORHOOD SERVICES DIRECTOR — Includes the neighborhood services director's designee.

VACANT BUILDING — Any building or portion thereof which has been unoccupied for a continuous period of time over 12 months and which meets one or more of the following criteria:

- A. Unsecured;
- B. Secured by means other than those used in the design of the building;
- C. Declared a "dangerous building" as defined in Chapter 8.17;
- D. Unfit for occupancy as determined by the neighborhood services director;
- E. Noncompliant with the property maintenance code;
- F. Has housing, building, fire, health or zoning code violations;
- G. Open to vagrants, vandals, children or the unwary; or
- H. Not receiving service by public utilities.

8.18.020. Registration required. [Ord. 2018-442]

No person or business shall maintain a vacant or abandoned building as defined by this chapter, in the City unless such person or business registers the abandoned or vacant building as provided in this chapter.

8.18.030. Registration. [Ord. 2018-442]

- A. The owner shall register a vacant or abandoned building with the City not later than 30 calendar days after any building in the City becomes abandoned or vacant as defined in this chapter. Failure to register an abandoned or vacant building or providing false information to the City shall be a violation of this chapter.

B. The registration shall include the following information:

1. A description of the premises;
2. The names and addresses of the owner or owners;
3. The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
4. The name of the agent designated to act on the behalf of an out of town property owner to accept legal processes and notices, and to authorize repairs as required; and
5. The period of time the building is expected to remain vacant and/or a plan and timetable to comply with applicable City codes.

8.18.040. Fees. [Ord. 2018-442]

The owner of a vacant or abandoned building shall pay an annual fee as established, from time to time, by resolution of the City Council, and said fee shall be paid in full prior to the issuance of any permits or acceptance of the registration form for the subject property.

8.18.050. Terms. [Ord. 2018-442]

- A. Every registration is for the period of one year and shall be effective from July 1 to and through the following June 30.
- B. The registration may be renewed and remain effective for successive periods of one calendar year unless sooner revoked at any time by the neighborhood services director for noncompliance with any applicable provisions of this code. The owner shall keep the required information current and up to date.
- C. Registrations may be transferred from one person or business to another, provided notice of the transfer is given in writing within five working days of the transfer.
- D. Registrations shall not be transferable from one building to another.
- E. Every person or business holding a registration shall give notice in writing to the City within five working days after having transferred or otherwise disposed of the legal control of the registered building. Such notice shall include the name and address of the persons or businesses succeeding to the ownership or control of such building.

8.18.060. Inspections. [Ord. 2018-442]

The owner shall allow inspection of the building by City representatives 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 the Housing, Building and Fire Codes. The reoccurrence of inspections shall occur until a safe to occupy condition has been met. The building official or designee shall determine the frequency of the inspections on a case-by-case basis.

8.18.070. Issuance and renewal criteria. [Ord. 2018-442]

The City is hereby authorized to issue and renew vacant or abandoned building registrations for specific buildings, in the names of the applicant owners, operators or managers, provided the following criteria are met:

- A. The building to be registered is warranted by the owner or operator to substantially comply with applicable provisions of the City code.
- B. The owner or operator legally authorized and responsible for maintenance of the building to be registered shall first make application therefor using the City's application.
- C. All fees required by this code pursuant to the issuance of a vacant or abandoned building license are paid in full to the City.
- D. The applicant shall designate a responsible agent to represent the owner/operator whenever the said applicant is not available for maintenance of the building sought to be registered. Said agent shall have full authority and responsibility, the same as the owner/operator, for maintaining the building.

8.18.080. Renewal and penalty for failure to renew. [Ord. 2018-442]

An application for renewal of a registration for a vacant or abandoned building may be made within 60 days prior to the expiration of an existing registration. Application for renewal shall be due on July 1. Application may be made and registration fees paid until July 31 without penalty. Each day that the owner fails to renew such registration as required by this chapter shall constitute a separate violation for which a municipal infraction citation may be issued.

8.18.090. Revocation, reinstatement. [Ord. 2018-442]

If a vacant or abandoned building registration is revoked by the City for noncompliance with any applicable provisions of the code, the owner/operator of the building shall be given 30 days to comply with the provisions of this code. Extensions of such thirty-day period may be granted at the discretion of the neighborhood services director. Upon expiration of the thirty-day period, or any extension thereof, if the building continues to be noncompliant, the registration is deemed revoked. The revocation may be appealed in accordance with Chapter 2.86.

8.18.100. Relationship of registration to other code provisions. [Ord. 2018-442]

The issuance of any registration for any vacant or abandoned building shall not in any way signify or imply that the building conforms with the Iowa state building code or the housing, building, property maintenance, zoning, fire ordinances or other codes and ordinances adopted by the City. The issuance of a registration shall not relieve the owner or operator of the responsibility for compliance with said codes and ordinances.

City of Davenport

Department: Public Works

Contact Info: Jim Morris | 563-326-7910 |

Action / Date

10/9/2024

Subject:

First Consideration: Ordinance to repeal and replace Chapter 15.32 entitled "International Fire Code" of the Municipal Code of Davenport, Iowa to allow for comprehensive formatting changes and adopt the 2021 International Fire Code. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This ordinance will amend Chapter 15.32 by the adoption of the 2021 International Fire Code (IFC). Davenport's Municipal Code currently references the 2015 International Fire Code, which was adopted in 2020.

The changes within this ordinance will allow for alignment with the municipal building code, and allow the City of Davenport to participate in uniform and consistent code references throughout the metropolitan Quad City area among local city and county jurisdictions.

Attachments:

1. Ordinance
2. Chapter 15.32 Changes

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 15.32 ENTITLED "INTERNATIONAL FIRE CODE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ALLOW FOR COMPREHENSIVE FORMATTING CHANGES AND ADOPT THE 2021 INTERNATIONAL FIRE CODE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Chapter 15.32 of the Municipal Code of Davenport, Iowa is hereby repealed and replaced with the following:

15.32.010 International Fire Code (2021) adopted.

Except as hereinafter modified, the International Code Council's 2021 International Fire Code, including appendices, is adopted by reference as the fire code of the City of Davenport, Iowa and hereby incorporated by reference into this chapter.

15.32.020 Modifications to 2021 International Fire Code.

The 2021 International Fire Code is modified as follows:

A. 101.1: The City of Davenport.

These regulations shall be known as the Fire Code of the City of Davenport, hereinafter referred to as this code. The following definitions shall be in place:

Wherever the word "jurisdiction" is used in the International Fire Code, it is the City of Davenport.

Wherever the party responsible for the enforcement of the International Fire Code is given a title of "Fire Marshal" and the following definition: "Fire Marshal is the Code Official of the Fire Prevention Bureau" or a duly authorized representative.

Whenever the words "Department of Fire Prevention" are used, they shall be held to mean "Fire Prevention Bureau".

The word "shall" is mandatory, and the word "may" is permissive.

B. 202 (M): Commercial Cooking Appliances.

Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke, or odors that are required to be

removed through a local exhaust ventilations system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (Charbroilers); ovens; barbecues; rotisseries; residential stoves/ovens and similar appliances. For the purpose of this definition, a food service establishment shall include any commercial building or portion thereof used for the preparation and serving of food including for employee purposes.

C. 202: Crowd Manager

Crowd Manager is responsible for safe crowd movement during daily activities and special events, means of egress, assisting venue occupants, and overseeing emergency response and evacuation plans.

307.4.4 Permanent Outdoor Fire Pits or fire feature devices:

Fire Pits shall comply with all of the following restrictions:

1. The fire pit must be located in an approved location at least 15 feet from a structure.
2. If the building is equipped with fire sprinklers and there is an overhang in the area where the firepit is being used, then the overhang must have horizontal sidewall sprinkler protection.
3. There must be an emergency stop button installed within 15 feet (line of sight) to disconnect the fuel gas in the event of an emergency.
4. The emergency shut off must be labeled using a weather proof sign with letters on a contrasting background.
5. Solid fuels are strictly prohibited for fire pits and fire feature devices.

Exception: Fire Pits and fire features used at one-and two-family dwellings.

D. 405.3.1 Group E Schedule:

Fire and evacuation drills in Group E occupancies shall be conducted in accordance with Section 100.31 of the Iowa Administrative Code. Emergency evacuation/ fire drills shall be conducted at least four times a year. Not less than two drills shall be conducted between July 1 and December 31 each year and not less than two drills shall be conducted between January 1 and June 30 of each year.

E. Table 405.3 Amend frequency of Group E Occupancy to footnote d and add footnote d as follows: D. Group E occupancies shall conduct fire and evacuation drills in accordance with Section 405.3.1

F. 503.2.1: Dimensions:

Fire apparatus access roads shall have a minimum unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4268 mm).

G. 507.5.1: Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

H. 507.5.1.1: Hydrant for fire department connections.

Buildings equipped with a fire department connection installed in accordance with Section 912 shall have a fire hydrant located on a fire access road within 100 feet (30 m) of the fire department connection as measured by an approved route around the exterior of the building.

Exception: The distance shall be permitted to exceed 100 feet (30 m) where approved by the fire code official.

I. 507.5.7 Fire Hydrant Height:

Fire hydrants shall be installed a minimum of 18 inches from the nominal ground level to the center of the lowest water outlet.

J. 507.5.7.1 Fire Hydrant Outlet Direction:

All fire hydrants shall be positioned so that the four and one-half (4 ½) connection is facing the street or driveway accessible to the fire department apparatus.

K. 507.5.7 Fire Hydrant Threads:

All fire hydrants within the City of Davenport shall have National Standard Threads (NST).

L. 901.2 (a) Fire Sprinkler Submittals:

Water based fire protection systems. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Water Based Systems Layout OR be a Professional Licensed Engineer with experience in life safety system design. The designer must also be licensed with the State of Iowa Department of Inspections, Appeals & Licensing.

M. 901.2 (b) Fire Alarm Submittals:

A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Fire Alarm Systems OR be a Professional Licensed Engineer with experience in life safety system design. The designer must also be licensed with the State of Iowa Department of Inspections, Appeals & Licensing.

N. 901.4.6.1 Fire Sprinkler Riser Room:

A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets

or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be exclusively accessed from the electrical room, but the electrical room may be accessed from the riser room. Emergency lighting shall be provided in the fire pump room or automatic sprinkler riser room.

O. 901.4.7.3 Environment:

The fire pump room or automatic sprinkler riser room shall have a supervised room temperature sensor.

P. 901.6.3.2 Records Management:

Inspection record submission. Contractors who perform installation, inspection, testing, and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department's 3rd party compliance management platform approved by the Fire Code Official within 30 calendar days of the installation/inspection/repair date. Reports submitted after 30 calendar days may incur late fees.

Q. 903.3.1.2.1 – Group R Balconies and Decks:

Sprinkler protection shall be provided for all exterior balconies, decks, and ground floor patios of dwelling units where the building is required to have a fire sprinkler system installed. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks.

R. 903.3.1.2.4 – Fire Sprinklers for Canopies:

A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustible or non-combustible. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy regardless of whether the canopy is combustible or non-combustible.

S. 903.7- Sprinkler Zones:

Automatic sprinkler system zones shall not exceed the area permitted by NFPA 13 or NFPA 13R and shall provide a sprinkler control valve and waterflow device for each normally occupied floor. The location of sprinkler control valves must be approved by the fire code official.

T. 904.13.2 (a) – Ventilation Operation:

The ventilation system shall shut down the make-up air to the hood and continue to exhaust upon activation of the hood fire extinguishing system. Supply air openings other

than part of the hood system shall be a minimum of 6 feet from any part of a Type I Hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system.

U. 905.1 – General.

Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.12. In buildings used for *high-piled combustible storage*, fire protection shall be in accordance with Chapter 32. For the purposes of this Section 905 “Standpipe Systems”, Sections 905.3.1 through 905.6.2 shall be amended by deleting all references to Class II and Class III standpipe systems and inserting Class I standpipe systems in their place.

V. 905.2 – Installation standard.

A Class I standpipe system shall provide 2 ½ inch (63.5 mm) hose connections to supply water for use by fire departments and those trained in handling heavy fire streams. Also, 2 ½ inch to 1 ½ inch reducers with 1 ½ inch caps shall be provided on each standpipe outlet. 2 ½ inch and 1 ½ inch threads shall be National Standard Threads (NST). No hose is to be provided.

Exception: Hose may be provided when the facility has an assigned and trained fire brigade.

W. 905.3.9 – Building Footprint and Access

Where the most remote portion of a floor or story is more than 400 feet from a hose connection or fire department access road, the fire code official is authorized to require standpipes to be provided in approved locations.

Z. 907.1.4 Fire Alarm Control Panels.

Each building shall have no more than 1 Fire Alarm Control Panel (FACP).

Installation of the fire alarm panel shall not exceed six (6) feet in height measured from the floor to the top of the panel.

Exception 1: Panel height may be altered by the code official.

Exception 2: Suppression system releasing panels are not required to meet the limitation in the number of panels.

AA. 907.1.5 Annunciator Panels.

The Fire code official can require the addition of fire alarm annunciator panels based on the size and access to the building.

AB. 907.2 – Where Required – New Buildings and Structures.

An approved addressable fire alarm system complying with the provisions of this Code and NFPA 72 shall be installed when the gross square footage of a building is equal to or greater than the area as specified in sections 903.2.1 through 903.2.11 inclusive, subject to the authority having jurisdiction or by section 907.2, whichever shall be more restrictive.

Exception:

1. Buildings with 8 or less initiating devices may use zoned systems provided only one device is used per zone. Each device shall have a plain English LCD (liquid crystal display). This alpha/numeric descriptor location is required to be reported to the Scott County Emergency Communications Center upon activation of the fire alarm system.
2. R-3 dwellings are not required to meet section 907.2 of this Code.

AC. 907.2 (a). Manual Fire Alarm Pull Boxes:

Manual fire alarm pull boxes ("pull stations") shall be required where deemed necessary by the Code Official.

AD. 907.2 (b). Monitoring:

All fire alarm systems shall be monitored by a UL listed monitoring station.

AE. 907.2 (c). Location:

Each address point identification shall have an alpha/numeric descriptor location for the fire alarm system. This alpha/numeric descriptor location is required to be reported to the Scott County Emergency Communications Center upon activation of the fire alarm system.

AF. 907.2 (d). Where required:

Where corridors and/or hallways are designed as the path of egress, and at the top of stairwells that serve more than two floors and are protected by fire sprinkler systems, they shall also be protected by smoke detection. Smoke detection shall be of the photo electric type or as approved by the Code Official.

AG. 907.2.1 – Fire Alarms in Group A Occupancies:

A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in Group A Occupancies have an occupant load of 300 or more. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

AH. 907.2.1.3 – Group A Occupancies.

In Group A occupancies with an occupant load of 1,000 or more, the activation of the fire alarm or fire sprinkler system, shall automatically shut down or stop music, sound systems, conflicting or confusing sounds and visual distractions.

AI. 907.2.3 – Group E

In the absence of a complete automatic sprinkler system, a complete automatic detection system utilizing an emergency voice/alarm communication system shall be installed throughout the entire Group E occupancy. A Group E occupancy with a complete automatic sprinkler system shall be provided with a fire alarm system utilizing an emergency voice/alarm communication system in compliance with Section 907.5.2.2 and installed in accordance with Section 907.6. As a minimum, smoke detection shall be provided in corridors at a maximum spacing of 30 feet on center, and heat or smoke detection shall be provided in any hazardous or non-occupied areas in all new or existing Group E occupancies.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.
2. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
 - 1.1. Interior corridors are protected by smoke detectors with alarm verification.
 - 1.2. Auditoriums, cafeterias, gymnasiums, and the like are protected by heat detectors or other approved detection devices.
 - 1.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
 - 1.4. Off-premises monitoring is provided.
 - 1.5. The capability to activate the evacuation signal from a central point is provided.
 - 1.6. In buildings where normally occupied spaces are provided two-way communication system between such spaces and a constantly attended receiving station from which a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official.
2. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow, and manual activation is provided from a normally occupied location.
3. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

AJ. 907.2.8 Group R General:

Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities, and monasteries; and Group R-4

shall have a monitored addressable fire alarm system. Upon adoption of this Fire Code, Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities, and monasteries that have existing automatic fire alarm systems shall comply when their existing fire alarm system needs replacement to have that fire alarm system monitored.

AK. 907.2.8.2 – Automatic smoke detection system.

An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R occupancies.

1. Common spaces outside of *dwelling units and sleeping units*
2. Laundry rooms, mechanical equipment rooms, and storage rooms
3. All interior corridors serving *sleeping units or dwelling units*

Exception: An automatic smoke detection system is not required in buildings that do not have interior *corridors* serving *sleeping units or dwelling units* and where each *sleeping unit or dwelling unit* either has a *means of egress* door opening directly to an exterior *exit access* that leads directly to an *exit* or a *means of egress* door opening directly to an *exit*.

Required smoke alarms in *dwelling units* and *sleeping units* in Group R occupancies shall be interconnected with the fire alarm system in accordance with NFPA 72.

AL. 907.2.11 Single and Multi-station Smoke Alarms:

Listed single and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this Code and the household fire warning equipment provision of NFPA 72. Smoke alarms in dwelling units shall be addressable with sounder bases and monitored by the building fire alarm system as a supervisory signal only. Mini horns in dwelling units are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

Note: Section 907.2.11 only applies to R-1, R-2, R-4 and I-1.

Delete the exceptions for 907.6.3

AM. 907.2.24 Mixed Occupancy requirement.

All buildings containing dwelling unit(s) and/or guest room(s) which also contain other occupancies or uses shall be provided with the following protection from fire in addition to all applicable provisions of the International Fire Code, and International Building Code duly adopted by the City.

- (1) All dwelling units and/or guest rooms shall be provided with smoke detectors conforming to the International Fire Code, and International Building Code.
- (2) Alarms, when required shall be interconnected to alert all occupants both residential and non-residential.

AN. 912.4.1 Locking fire department connection caps:

Locking fire department connection caps. Locking fire department connection caps approved by the fire department are required for all new construction that have a water-based fire protection system where the responding fire department carries approved key wrenches for removal. Existing structures that have a water-based fire protection system shall be required immediately after conducting the five-year obstruction and maintenance testing, or if one or more of the fire department caps are missing.

AO. 1010.1.9.1 – Door Hardware.

All exterior doors deemed necessary by the fire code official for emergency access shall have a keyed cylinder and handle for emergency personnel to enter. These exterior doors should be numbered in a sequential order starting with the main entrance (front office door/public entrance). The main entrance should always be #1 with the cardinal direction letter after. i.e. 1N, 7W. Subsequent doors will be numbered in sequential order in a clockwise manner. The font must be a minimum 6" in height and contrast in color of the door. The inside of the door must also be labeled with the corresponding identification 2" in height and contrast in color.

AP. 1028.6 – Exit Discharge Pathways:

Exit discharge pathways shall be paved from all required exits of a building to a public way or parking lot.

AQ. 1203.1.10: Shutdown of Emergency and Standby Power Systems:

In addition to the requirements of NFPA 10 for a remote manual stop, a keyed switch to shut down the generator shall be located at the remote annunciator panel or fire panel. The Code Official shall determine its location. If there is no annunciator or fire alarm panel or the location of these panels is determined to be inadequate for this shut down button, the Code Official shall determine its location.

AR. 3103.2 Temporary Tents and Membrane Structures - Approval required

Tents and membrane structures having an area on excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exception:

1. Tents used exclusively for recreational camping purposes.

AR. 5601.1 Scope.

The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials and small arms ammunition. The provisions of this chapter also govern the manufacture or display and consumer fireworks. The sale, storage and use of display fireworks and consumer fireworks shall meet the requirements of Iowa Code sections 100.1, 100.19, 100.19A, 364.2 and 727.2. These Iowa Code sections supersede other provisions of IFC Chapter 56 dealing with the sale, storage and use of display fireworks and consumer fireworks.

15.32.030 Open fires and burning.

A. Definitions.

1. OPEN FIRE – Shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. Open fire as used in this section shall not be interpreted to include recreational fires or cooking fires which may be conducted without permit of the fire department.
2. RECREATIONAL FIRE – Shall mean the burning of wood for pleasure, cooking or similar purposes, either contained in a receptacle originally designed and manufactured for such purpose; or uncontained so long as the fire being burned has a total wood fuel area of not more than eight feet in diameter and four feet in height, and the fire is being used in conjunction with camping in a publicly- or privately-owned campground or at least 25 feet from the nearest structure or combustible material.
3. COOKING FIRE – Shall mean the burning of conventional fuel materials such as charcoal, natural or propane gas to cook food in a receptacle such as a barbecue grill or barbecue pit, which was originally designed and manufactured for that purpose.
4. GARBAGE – Shall mean animal and vegetable waste resulting from the handling, preparing, cooking, storing or serving of food or of material intended for use as food.
5. RUBBISH – Shall include, but is not limited to, nonputrescible (not subject to rotting or decay) solid waste consisting of combustible and noncombustible wastes such as ashes, paper, cardboard, tin cans, wood, glass, bedding and crockery.
6. REFUSE – Shall mean putrescible (subject to decay or rotting) and nonputrescible wastes including, but not limited to, garbage, rubbish, household waste, incinerator residue, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form, organic growth such as vines, weeds, grass, flowers, leaves, plant stems or stalks, or similar growth.
7. BUILDING MATERIALS – Shall mean any material including but not limited to lumber, brick, concrete, plaster, plaster board, gutters, floor coverings, or similar substances accumulated as a result of repairs or additions to existing structures, construction of new buildings, or demolition of existing structures.
8. PROHIBITED MATERIALS – Shall include, but not be limited to, dead animals, waste oil, plastic material, rubber products or materials, tires, tar or tar-based products or materials, asbestos containing materials, creosote containing materials, styrofoam, plastic- or rubber-coated wire, and similar substances.
9. WOOD – As used in this section, shall mean that part of a tree or shrub that consists of a more or less hard and compact substance which makes up the bulk of the trunk and branches of the tree or shrub, and which is concealed from view by the bark, and which when cut transversely is found to consist of concentric layers. Wood does not include tree stumps, shrub stumps, roots, wood products or items manufactured or consisting of processed wood such as lumber, plywood and similar items.

B. Open Fires Prohibited.

No person shall ignite, cause or permit to be ignited, allow or maintain an open fire containing any garbage, rubbish, refuse, building materials, business waste as defined in Chapter 8.08, or prohibited material.

C. Exceptions to Prohibition on Open Fires.

1. The prohibition against open fires shall not be construed to prohibit the open burning of wood, as defined in section 15.32.030 A9, subject to the other requirements imposed by this section. The city, however, does not encourage the burning of wood and will collect wood not larger than six inches in diameter nor longer than five feet in length at curbside during normal solid waste collection if it is securely tied together in a bundle of 50 pounds or less in weight.

2. The fire department may, at its discretion, issue an open burning permit, subject to the other requirements of this section, for the following types of fires:

a. Controlled ceremonial bonfires.

b. Disaster rubbish. Disaster rubbish includes yard waste and other similar organic waste that may otherwise be prohibited as refuse and building material, which occurs as a result of a community disaster. Disaster rubbish may be burned only when an official declaration has been made that an emergency disaster condition exists and then, only during the period of time designated in the emergency disaster declaration.

c. Prescribed agricultural or natural areas. The open burning of fields or other areas planted with vegetation native to this region, may be permitted if necessary for the maintenance of native plants and controlling growth of invasive plant species. Such prescribed burns may only be conducted by personnel approved by the fire marshal or fire chief and with an approved burn plan and burn permit.

d. Bona fide training fires. Fires set for the purpose of bona fide training of public, institutional or industrial employees in methods of firefighting.

e. Flare stacks. Open burning or flaring of waste gases may be permitted.

D. Regulation of Open Fires.

1. Prohibited on Public Property. No person shall ignite, cause or permit to be ignited, allow, maintain or burn a fire in any manner on publicly owned or publicly controlled property. Publicly owned or controlled property includes, but is not limited to, bridges, streets, alleys, sidewalks, boulevards, public rights-of-way, and other public property or places which have not been approved in writing by the fire chief or his designee. This section shall not be construed to prohibit cooking fires in public parks unless otherwise prohibited in this code, recreational fires as allowed on publicly-owned campgrounds unless otherwise prohibited by this code, or approved burning of fields and natural areas, pursuant to Section 15.32.030 C2c.

2. Attending to Fire Required. All open fires, cooking fires and recreational fires shall be

continuously attended to by a competent person until the fire is extinguished. A person attending to an open fire, cooking fire or recreational fire must have a garden hose connected to a water supply or an approved fire extinguisher readily available to control the fire.

3. Distance from Structures. Open fires shall not be located, ignited, allowed, permitted or maintained less than 50 feet from any structure or combustible material.

4. Prohibited During Hazardous Conditions. When atmospheric conditions or local circumstances make the burning of open fires hazardous, the fire chief and/or fire marshal may prohibit any or all open fires by issuing a proclamation banning open fires. Such proclamation shall remain in effect until such time as the fire chief and/or fire marshal recalls or cancels the same.

5. Sunrise to Sunset. Open burning is permitted only between sunrise and sunset. All open fires must be completely extinguished at sunset.

6. Burn Days. The burning of wood in an open fire on private property shall be prohibited unless the fire chief or his designee has declared a particular day a "burn day" by recorded message on the telephone.

7. Burning to Clear Land. Notwithstanding Section 15.32.030 C1, no person shall ignite, cause or permit to be ignited, allow or maintain the burning of refuse, wood, trees, brush, shrubs, or similar organic growth for the purpose of clearing the land of trees, shrubs, brush or similar organic growth for development.

E. Nuisance Fire Conditions.

No person shall burn any matter which the Fire Chief or his designee determines is causing:

1. Dense, thick, or heavy smoke, or
2. A strong odor, or
3. Constitutes a hazardous condition to life or property.

15.32.040 Penalty.

- A.** Anyone violating the provisions of this chapter is guilty of a simple misdemeanor and shall upon conviction be subjected to a fine not to exceed \$625.
- B.** Anyone violating the provisions of this chapter is guilty of a municipal infraction and shall upon conviction be subjected to a civil fine not to exceed \$750 for a first offense or \$1000 for a repeat offense; additionally, the City also may seek an appropriate injunctive remedy to abate or correct further violations of this chapter.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable 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.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Chapter 15.32
INTERNATIONAL FIRE CODE
[Amended In Entirety 8-26-2020 By Ord. No. 2020-350¹⁰]

15.32.010 International Fire Code (2021) adopted.

Except as hereinafter modified, the International Code Council's 2021 International Fire Code, including appendices, is adopted by reference as the fire code of the City of Davenport, Iowa and hereby incorporated by reference into this chapter.

15.32.020 Modifications to 2021 International Fire Code.

The 2021 International Fire Code is modified as follows:

A. 101.1: The City of Davenport.

These regulations shall be known as the Fire Code of the City of Davenport, hereinafter referred to as this code. The following definitions shall be in place:

Wherever the word "jurisdiction" is used in the International Fire Code, it is the City of Davenport.

Wherever the party responsible for the enforcement of the International Fire Code is given a title of "Fire Marshal" and the following definition: "Fire Marshal is the Code Official of the Fire Prevention Bureau" or a duly authorized representative.

Whenever the words "Department of Fire Prevention" are used, they shall be held to mean "Fire Prevention Bureau".

The word "shall" is mandatory, and the word "may" is permissive.

B. 202 (M): Commercial Cooking Appliances.

Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilations system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (Charbroilers); ovens; barbecues; rotisseries; residential stoves/ovens and similar appliances. For the purpose of this definition, a food service establishment shall include any commercial building or portion thereof used for the preparation and serving of food including for employee purposes.

C. 202: Crowd Manager

Crowd Manager is responsible for safe crowd movement during daily activities and special events, means of egress, assisting venue occupants, and overseeing emergency response and evacuation plans.

307.4.4 Permanent Outdoor Fire Pits or fire feature devices:

Fire Pits shall comply with all of the following restrictions:

1. The fire pit must be located in an approved location at least 15 feet from a structure.
2. If the building is equipped with fire sprinklers and there is an overhang in the area where the firepit is being used, then the overhang must have horizontal sidewall sprinkler protection.

3. There must be an emergency stop button installed within 15 feet (line of sight) to disconnect the fuel gas in the event of an emergency.
4. The emergency shut off must be labeled using a weather proof sign with letters on a contrasting background.
5. Solid fuels are strictly prohibited for fire pits and fire feature devices.
Exception: Fire Pits and fire features used at one-and two-family dwellings.

D. 405.3.1 Group E Schedule:

Fire and evacuation drills in Group E occupancies shall be conducted in accordance with Section 100.31 of the Iowa Administrative Code. Emergency evacuation/ fire drills shall be conducted at least four times a year. Not less than two drills shall be conducted between July 1 and December 31 each year and not less than two drills shall be conducted between January 1 and June 30 of each year.

E. Table 405.3 Amend frequency of Group E Occupancy to footnote d and add footnote d as follows: D. Group E occupancies shall conduct fire and evacuation drills in accordance with Section 405.3.1

F. 503.2.1: Dimensions:

Fire apparatus access roads shall have a minimum unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4268 mm).

G. 507.5.1: Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

H. 507.5.1.1: Hydrant for fire department connections.

Buildings equipped with a fire department connection installed in accordance with Section 912 shall have a fire hydrant located on a fire access road within 100 feet (30 m) of the fire department connection as measured by an approved route around the exterior of the building.

Exception: The distance shall be permitted to exceed 100 feet (30 m) where approved by the fire code official.

I. 507.5.7 Fire Hydrant Height:

Fire hydrants shall be installed a minimum of 18 inches from the nominal ground level to the center of the lowest water outlet.

J. 507.5.7.1 Fire Hydrant Outlet Direction:

All fire hydrants shall be positioned so that the four and one-half (4 ½) connection is facing the street or driveway accessible to the fire department apparatus.

K. 507.5.7 Fire Hydrant Threads:

All fire hydrants within the City of Davenport shall have National Standard Threads (NST).

L. 901.2 (a) Fire Sprinkler Submittals:

Water based fire protection systems. A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Water Based Systems Layout OR be a Professional Licensed Engineer with experience in life safety system design. The designer must also be licensed with the State of Iowa Department of Inspections, Appeals & Licensing.

M. 901.2 (b) Fire Alarm Submittals:

A qualified person shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for Fire Alarm Systems OR be a Professional Licensed Engineer with experience in life safety system design. The designer must also be licensed with the State of Iowa Department of Inspections, Appeals & Licensing.

N. 901.4.6.1 Fire Sprinkler Riser Room:

A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be exclusively accessed from the electrical room, but the electrical room may be accessed from the riser room. Emergency lighting shall be provided in the fire pump room or automatic sprinkler riser room.

O. 901.4.7.3 Environment:

The fire pump room or automatic sprinkler riser room shall have a supervised room temperature sensor.

P. 901.6.3.2 Records Management:

Inspection record submission. Contractors who perform installation, inspection, testing, and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department's 3rd party compliance management platform approved by the Fire Code Official within 30 calendar days of the installation/inspection/repair date. Reports submitted after 30 calendar days may incur late fees.

Q. 903.3.1.2.1 – Group R Balconies and Decks:

Sprinkler protection shall be provided for all exterior balconies, decks, and ground floor patios of dwelling units where the building is required to have a fire sprinkler system installed. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks.

R. 903.3.1.2.4 – Fire Sprinklers for Canopies:

A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustible or non-combustible. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy regardless of whether the canopy is combustible or non-combustible.

S. 903.7- Sprinkler Zones:

Automatic sprinkler system zones shall not exceed the area permitted by NFPA 13 or NFPA 13R and shall provide a sprinkler control valve and waterflow device for each normally occupied floor. The location of sprinkler control valves must be approved by the fire code official.

T. 904.13.2 (a) – Ventilation Operation:

The ventilation system shall shut down the make-up air to the hood and continue to exhaust upon activation of the hood fire extinguishing system. Supply air openings other than part of the hood system shall be a minimum of 6 feet from any part of a Type I Hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system.

U. 905.1 – General.

Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.12. In buildings used for *high-piled combustible storage*, fire protection shall be in accordance with Chapter 32. For the purposes of this Section 905 “Standpipe Systems”, Sections 905.3.1 through 905.6.2 shall be amended by deleting all references to Class II and Class III standpipe systems and inserting Class I standpipe systems in their place.

V. 905.2 – Installation standard.

A Class I standpipe system shall provide 2 ½ inch (63.5 mm) hose connections to supply water for use by fire departments and those trained in handling heavy fire streams. Also, 2 ½ inch to 1 ½ inch reducers with 1 ½ inch caps shall be provided on each standpipe outlet. 2 ½ inch and 1 ½ inch threads shall be National Standard Threads (NST). No hose is to be provided.

Exception: Hose may be provided when the facility has an assigned and trained fire brigade.

W. 905.3.9 – Building Footprint and Access

Where the most remote portion of a floor or story is more than 400 feet from a hose connection or fire department access road, the fire code official is authorized to require standpipes to be provided in approved locations.

Z. 907.1.4 Fire Alarm Control Panels.

Each building shall have no more than 1 Fire Alarm Control Panel (FACP).

Installation of the fire alarm panel shall not exceed six (6) feet in height measured from the floor to the top of the panel.

Exception 1: Panel height may be altered by the code official.

Exception 2: Suppression system releasing panels are not required to meet the limitation in the number of panels.

AA. 907.1.5 Annunciator Panels.

The Fire code official can require the addition of fire alarm annunciator panels based on the size and access to the building.

AB. 907.2 – Where Required – New Buildings and Structures.

An approved addressable fire alarm system complying with the provisions of this Code and NFPA 72 shall be installed when the gross square footage of a building is equal to or greater than the area as specified in sections 903.2.1 through 903.2.11 inclusive, subject to the authority having jurisdiction or by section 907.2, whichever shall be more restrictive.

Exception:

1. Buildings with 8 or less initiating devices may use zoned systems provided only one device is used per zone. Each device shall have a plain English LCD (liquid crystal display). This alpha/numeric descriptor location is required to be reported to the Scott County Emergency Communications Center upon activation of the fire alarm system.
2. R-3 dwellings are not required to meet section 907.2 of this Code.

AC. 907.2 (a). Manual Fire Alarm Pull Boxes:

Manual fire alarm pull boxes ("pull stations") shall be required where deemed necessary by the Code Official.

AD. 907.2 (b). Monitoring:

All fire alarm systems shall be monitored by a UL listed monitoring station.

AE. 907.2 (c). Location:

Each address point identification shall have an alpha/numeric descriptor location for the fire alarm system. This alpha/numeric descriptor location is required to be reported to the Scott County Emergency Communications Center upon activation of the fire alarm system.

AF. 907.2 (d). Where required:

Where corridors and/or hallways are designed as the path of egress, and at the top of stairwells that serve more than two floors and are protected by fire sprinkler systems, they shall also be protected by smoke detection. Smoke detection shall be of the photo electric type or as approved by the Code Official.

AG. 907.2.1 – Fire Alarms in Group A Occupancies:

A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in Group A Occupancies have an occupant load of 300 or more. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

AH. 907.2.1.3 – Group A Occupancies.

In Group A occupancies with an occupant load of 1,000 or more, the activation of the fire alarm or fire sprinkler system, shall automatically shut down or stop music, sound systems, conflicting or confusing sounds and visual distractions.

AI. 907.2.3 – Group E

In the absence of a complete automatic sprinkler system, a complete automatic detection system utilizing an emergency voice/alarm communication system shall be installed throughout the entire Group E occupancy. A Group E occupancy with a complete automatic sprinkler system shall be provided with a fire alarm system utilizing an emergency voice/alarm communication system in compliance with Section 907.5.2.2 and installed in accordance with Section 907.6. As a minimum, smoke detection shall be provided in corridors at a maximum spacing of 30 feet on center, and heat or smoke detection shall be provided in any hazardous or non-occupied areas in all new or existing Group E occupancies.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.
2. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
 - 1.1. Interior corridors are protected by smoke detectors with alarm verification.
 - 1.2. Auditoriums, cafeterias, gymnasiums, and the like are protected by heat detectors or other approved detection devices.
 - 1.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
 - 1.4. Off-premises monitoring is provided.
 - 1.5. The capability to activate the evacuation signal from a central point is provided.
 - 1.6. In buildings where normally occupied spaces are provided two-way communication system between such spaces and a constantly attended receiving station from which a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official.
2. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow, and manual activation is provided from a normally occupied location.
3. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

AJ. 907.2.8 Group R General:

Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities, and monasteries; and Group R-4 shall have a monitored addressable

fire alarm system. Upon adoption of this Fire Code, Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities, and monasteries that have existing automatic fire alarm systems shall comply when their existing fire alarm system needs replacement to have that fire alarm system monitored.

AK. 907.2.8.2 – Automatic smoke detection system.

An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R occupancies.

1. Common spaces outside of *dwelling units and sleeping units*
2. Laundry rooms, mechanical equipment rooms, and storage rooms
3. All interior corridors serving *sleeping units or dwelling units*

Exception: An automatic smoke detection system is not required in buildings that do not have interior corridors serving *sleeping units or dwelling units* and where each *sleeping unit or dwelling unit* either has a *means of egress* door opening directly to an exterior *exit access* that leads directly to an *exit* or a *means of egress* door opening directly to an *exit*.

Required smoke alarms in *dwelling units* and *sleeping units* in Group R occupancies shall be interconnected with the fire alarm system in accordance with NFPA 72.

AL. 907.2.11 Single and Multi-station Smoke Alarms:

Listed single and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this Code and the household fire warning equipment provision of NFPA 72. Smoke alarms in dwelling units shall be addressable with sounder bases and monitored by the building fire alarm system as a supervisory signal only. Mini horns in dwelling units are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

Note: Section 907.2.11 only applies to R-1, R-2, R-4 and I-1.

Delete the exceptions for 907.6.3

AM. 907.2.24 Mixed Occupancy requirement.

All buildings containing dwelling unit(s) and/or guest room(s) which also contain other occupancies or uses shall be provided with the following protection from fire in addition to all applicable provisions of the International Fire Code, and International Building Code duly adopted by the City.

- (1) All dwelling units and/or guest rooms shall be provided with smoke detectors conforming to the International Fire Code, and International Building Code.
- (2) Alarms, when required shall be interconnected to alert all occupants both residential and non-residential.

AN. 912.4.1 Locking fire department connection caps:

Locking fire department connection caps. Locking fire department connection caps approved by the fire department are required for all new construction that have a water-based fire protection system where the responding fire department carries approved key wrenches for removal. Existing structures that have a water-based fire protection system shall be required immediately after conducting the five-year obstruction and maintenance testing, or if one or more of the fire department caps are missing.

AO. 1010.1.9.1 – Door Hardware.

All exterior doors deemed necessary by the fire code official for emergency access shall have a keyed cylinder and handle for emergency personnel to enter. These exterior doors should be numbered in a sequential order starting with the main entrance (front office door/public entrance). The main entrance should always be #1 with the cardinal direction letter after. i.e. 1N, 7W. Subsequent doors will be numbered in sequential order in a clockwise manner. The font must be a minimum 6" in height and contrast in color of the door. The inside of the door must also be labeled with the corresponding identification 2" in height and contrast in color.

AP. 1028.6 – Exit Discharge Pathways:

Exit discharge pathways shall be paved from all required exits of a building to a public way or parking lot.

AQ. 1203.1.10: Shutdown of Emergency and Standby Power Systems:

In addition to the requirements of NFPA 10 for a remote manual stop, a keyed switch to shut down the generator shall be located at the remote annunciator panel or fire panel. The Code Official shall determine its location. If there is no annunciator or fire alarm panel or the location of these panels is determined to be inadequate for this shut down button, the Code Official shall determine its location.

AR. 3103.2 Temporary Tents and Membrane Structures - Approval required

Tents and membrane structures having an area on excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exception:

1. Tents used exclusively for recreational camping purposes.

AR. 5601.1 Scope.

The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials and small arms ammunition. The provisions of this chapter also govern the manufacture or display and consumer fireworks. The sale, storage and use of display fireworks and consumer fireworks shall meet the requirements of Iowa Code sections 100.1, 100.19, 100.19A, 364.2 and 727.2. These Iowa Code sections supersede other provisions of IFC Chapter 56 dealing with the sale, storage and use of display fireworks and consumer fireworks.

15.32.030 Open fires and burning.

A. Definitions.

1. OPEN FIRE – Shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. Open fire as used in this section shall not be interpreted to include recreational fires or cooking fires which may be conducted without permit of the fire department.
2. RECREATIONAL FIRE – Shall mean the burning of wood for pleasure, cooking or similar purposes, either contained in a receptacle originally designed and manufactured for such purpose; or uncontained so long as the fire being burned has a total wood fuel area of not more than eight feet in diameter and four feet in height, and the fire is being used in conjunction with camping in a publicly- or privately-owned campground or at least 25 feet from the nearest structure or combustible material.
3. COOKING FIRE – Shall mean the burning of conventional fuel materials such as charcoal, natural or

propane gas to cook food in a receptacle such as a barbecue grill or barbecue pit, which was originally designed and manufactured for that purpose.

4. GARBAGE – Shall mean animal and vegetable waste resulting from the handling, preparing, cooking, storing or serving of food or of material intended for use as food.

5. RUBBISH – Shall include, but is not limited to, nonputrescible (not subject to rotting or decay) solid waste consisting of combustible and noncombustible wastes such as ashes, paper, cardboard, tin cans, wood, glass, bedding and crockery.

6. REFUSE – Shall mean putrescible (subject to decay or rotting) and nonputrescible wastes including, but not limited to, garbage, rubbish, household waste, incinerator residue, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form, organic growth such as vines, weeds, grass, flowers, leaves, plant stems or stalks, or similar growth.

7. BUILDING MATERIALS – Shall mean any material including but not limited to lumber, brick, concrete, plaster, plaster board, gutters, floor coverings, or similar substances accumulated as a result of repairs or additions to existing structures, construction of new buildings, or demolition of existing structures.

8. PROHIBITED MATERIALS – Shall include, but not be limited to, dead animals, waste oil, plastic material, rubber products or materials, tires, tar or tar-based products or materials, asbestos containing materials, creosote containing materials, styrofoam, plastic- or rubber-coated wire, and similar substances.

9. WOOD – As used in this section, shall mean that part of a tree or shrub that consists of a more or less hard and compact substance which makes up the bulk of the trunk and branches of the tree or shrub, and which is concealed from view by the bark, and which when cut transversely is found to consist of concentric layers. Wood does not include tree stumps, shrub stumps, roots, wood products or items manufactured or consisting of processed wood such as lumber, plywood and similar items.

B. Open Fires Prohibited.

No person shall ignite, cause or permit to be ignited, allow or maintain an open fire containing any garbage, rubbish, refuse, building materials, business waste as defined in Chapter 8.08, or prohibited material.

C. Exceptions to Prohibition on Open Fires.

1. The prohibition against open fires shall not be construed to prohibit the open burning of wood, as defined in section 15.32.030 A9, subject to the other requirements imposed by this section. The city, however, does not encourage the burning of wood and will collect wood not larger than six inches in diameter nor longer than five feet in length at curbside during normal solid waste collection if it is securely tied together in a bundle of 50 pounds or less in weight.

2. The fire department may, at its discretion, issue an open burning permit, subject to the other requirements of this section, for the following types of fires:

a. Controlled ceremonial bonfires.

b. Disaster rubbish. Disaster rubbish includes yard waste and other similar organic waste that may otherwise be prohibited as refuse and building material, which occurs as a result of a community disaster. Disaster rubbish may be burned only when an official declaration has been made that an emergency disaster condition exists and then, only during the period of time designated in the emergency disaster declaration.

15.48.010

BUILDINGS AND CONSTRUCTION

15.48.010

c. Prescribed agricultural or natural areas. The open burning of fields or other areas planted with vegetation native to this region, may be permitted if necessary for the maintenance of native plants and controlling growth of invasive plant species. Such prescribed burns may only be conducted by personnel approved by the fire marshal or fire chief and with an approved burn plan and burn permit.

d. Bona fide training fires. Fires set for the purpose of bona fide training of public, institutional or industrial employees in methods of firefighting.

e. Flare stacks. Open burning or flaring of waste gases may be permitted.

D. Regulation of Open Fires.

1. Prohibited on Public Property. No person shall ignite, cause or permit to be ignited, allow, maintain or burn a fire in any manner on publicly owned or publicly controlled property. Publicly owned or controlled property includes, but is not limited to, bridges, streets, alleys, sidewalks, boulevards, public rights-of-way, and other public property or places which have not been approved in writing by the fire chief or his designee. This section shall not be construed to prohibit cooking fires in public parks unless otherwise prohibited in this code, recreational fires as allowed on publicly-owned campgrounds unless otherwise prohibited by this code, or approved burning of fields and natural areas, pursuant to Section 15.32.030 C2c.

2. Attending to Fire Required. All open fires, cooking fires and recreational fires shall be continuously attended to by a competent person until the fire is extinguished. A person attending to an open fire, cooking fire or recreational fire must have a garden hose connected to a water supply or an approved fire extinguisher readily available to control the fire.

3. Distance from Structures. Open fires shall not be located, ignited, allowed, permitted or maintained less than 50 feet from any structure or combustible material.

4. Prohibited During Hazardous Conditions. When atmospheric conditions or local circumstances make the burning of open fires hazardous, the fire chief and/or fire marshal may prohibit any or all open fires by issuing a proclamation banning open fires. Such proclamation shall remain in effect until such time as the fire chief and/or fire marshal recalls or cancels the same.

5. Sunrise to Sunset. Open burning is permitted only between sunrise and sunset. All open fires must be completely extinguished at sunset.

6. Burn Days. The burning of wood in an open fire on private property shall be prohibited unless the fire chief or his designee has declared a particular day a "burn day" by recorded message on the telephone.

7. Burning to Clear Land. Notwithstanding Section 15.32.030 C1, no person shall ignite, cause or permit to be ignited, allow or maintain the burning of refuse, wood, trees, brush, shrubs, or similar organic growth for the purpose of clearing the land of trees, shrubs, brush or similar organic growth for development.

E. Nuisance Fire Conditions. No person shall burn any matter which the Fire Chief or his designee determines is causing:

1. Dense, thick, or heavy smoke, or
2. A strong odor, or
3. Constitutes a hazardous condition to life or property.

15.32.040 Penalty.

15.48.010

BUILDINGS AND CONSTRUCTION

15.48.010

- A.** Anyone violating the provisions of this chapter is guilty of a simple misdemeanor and shall upon conviction be subjected to a fine not to exceed \$625.
- B.** Anyone violating the provisions of this chapter is guilty of a municipal infraction and shall upon conviction be subjected to a civil fine not to exceed \$750 for a first offense or \$1000 for a repeat offense; additionally, the City also may seek an appropriate injunctive remedy to abate or correct further violations of this chapter.

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Action / Date
10/9/2024

Subject:

Resolution approving Case F24-07 being the request of Entertainment Tonite LC for a final plat of Truckland Industrial Park 2nd Addition, a 2-lot subdivision on 2.81 acres located at 3680 West 83rd Street. [Ward 2]

Recommendation:

Adopt the Resolution.

Background:

The existing 2.81-acre site contains two buildings and a shared parking lot. The purpose of the subdivision is to split the property into two lots: one parcel for the multi-tenant building on the west half and a second lot for the adult entertainment business. Both lots will maintain the existing driveway approaches to 83rd Street. At this time, the City is not aware of any plans to redevelop either site.

The Plan and Zoning Commission reviewed Case F24-07 at its June 18, 2024 meeting and unanimously recommended approval subject to the listed findings and conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add the following note, "Sidewalks shall be constructed along the right-of-way when so ordered by the City of Davenport."

The staff report from the June 18, 2024 Plan and Zoning Commission meeting is attached.

Attachments:

1. Resolution
2. Final Plat
3. Maps
4. Staff Report
5. Application

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving Case F24-07 being the request of Entertainment Tonite LC for a final plat of Truckland Industrial Park 2nd Addition, a 2-lot subdivision on 2.81 acres located at 3680 West 83rd Street.

WHEREAS, the Plan & Zoning Commission reviewed Case F24-07 at the June 18, 2024 regularly scheduled meeting with a recommendation for approval subject to the following conditions:

1. The surveyor signs the plat.
2. The utility providers sign the plat when their easement needs have been met.
3. Add the following note, "Sidewalks shall be constructed along the right-of-way when so ordered by the City of Davenport."

WHEREAS, the conditions will be added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the final plat of Truckland Industrial Park 2nd Addition, an addition to the City of Davenport, Scott County, Iowa as filed with the City Clerk, by Entertainment Tonite LC, be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed by the Mayor and Deputy City Clerk of said City; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized and directed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

FINAL PLAT

TRUCKLAND INDUSTRIAL PARK 2ND ADDITION

BEING A REPLAT OF LOT 5 AND THE WEST 75 FEET OF LOT 4 OF TRUCKLAND INDUSTRIAL PARK FIRST ADDITION TO THE CITY OF DAVENPORT, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 79 NORTH, RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA.

NOTES:

- MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.
- COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.
- ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS.
- BLANKET EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.
- THE SUBJECT PROPERTY IS ZONED I-1, INDUSTRIAL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE FEMA DETERMINED SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAP #191630C0335D EFFECTIVE DATE MARCH 11, 2024.
- NO SITE DEVELOPMENT IS PROPOSED WITH THIS SUBDIVISION.
- STORMWATER DETENTION AND WATER QUALITY TREATMENT WILL NOT BE REQUIRED FOR THIS SUBDIVISION BUT WILL BE REQUIRED UPON FURTHER DEVELOPMENT OF THE PROPERTY.

APPROVAL SIGNATURES:

MAYOR	DATE:
CITY CLERK	DATE:
CHAIRMAN PLAN & ZONE	DATE:
CENTURY LINK	DATE:
IOWA - AMERICAN WATER COMPANY	DATE:
MEDIACOM	DATE:
MIDAMERICAN ENERGY	DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.	
METRONET	DATE:

1. Owner:

Entertainment Tonite LC
3680 W. 83rd Street
Davenport, Iowa 52806
2. Engineer:

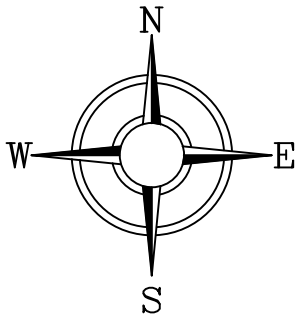
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
3. Surveyor:

Jerry D. Rogers
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
4. Attorney:

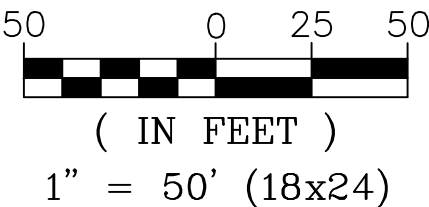
TBD

LEGEND:

- DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED = ●
MONUMENTS SET:
#5 REBAR W/ PINK CAP #8860 = ○
BOUNDARY LINE = ————
FENCE LINE = —*—*—*—*—*—*—*—*—*—
EASEMENT LINE = - - - - -
SETBACK LINE =
LOT LINE = ————



GRAPHIC SCALE



THE MEASURED BEARINGS SHOWN
HEREON ARE BASED ON THE US STATE
PLANE COORDINATE SYSTEM, IOWA
SOUTH ZONE (1402) GEOID 12A, NAD 83
(2011) EPOCH 2010.00.



DATE: 5/17/2024

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: JDR

DRAWING LOCATION
S: \JOHNSON LUKE

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT FINAL PLAT
TRUCKLAND INDUSTRIAL PARK
SECOND ADDITION
DAVENPORT, IOWA

PREPARED FOR:
ENTERTAINMENT TONITE LC
3680 W. 83RD STREET
DAVENPORT, IOWA 52806

SHEET NO.
1
OF
1

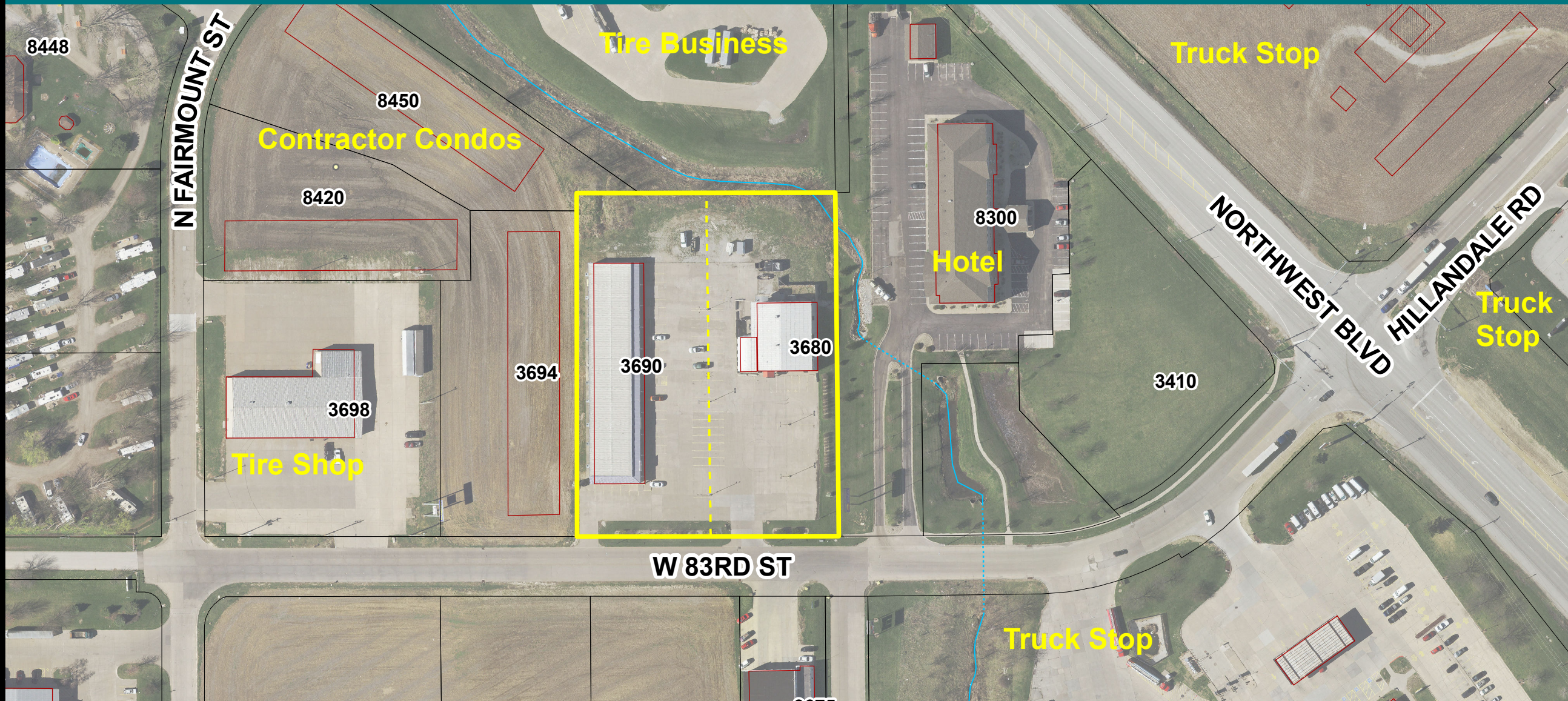


DAVENPORT

DEVELOPMENT AND
NEIGHBORHOOD SERVICES

Vicinity Map | Case F24-07

Request of Luke Johnson of Entertainment Tonite LC for a Final Plat for Truckland Industrial Park 2nd Addition. The 2-lot subdivision is located at 3680 W 83rd ST on 2.81 acres. [Ward 2]



0 100 200 400 Feet

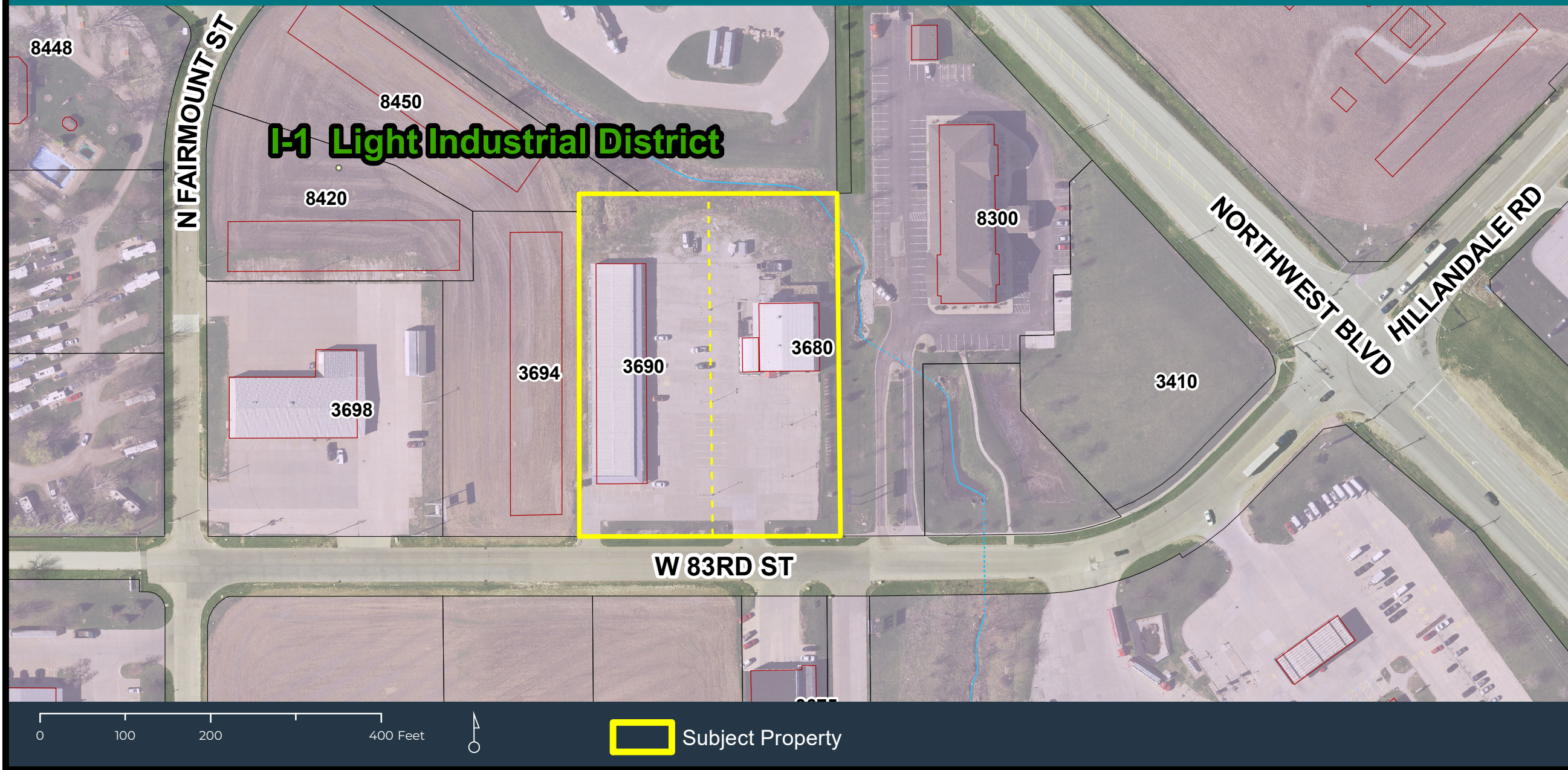


Subject Property



Zoning Map | Case F24-07

Request of Luke Johnson of Entertainment Tonite LC for a Final Plat for Truckland Industrial Park 2nd Addition. The 2-lot subdivision is located at 3680 W 83rd ST on 2.81 acres. [Ward 2]



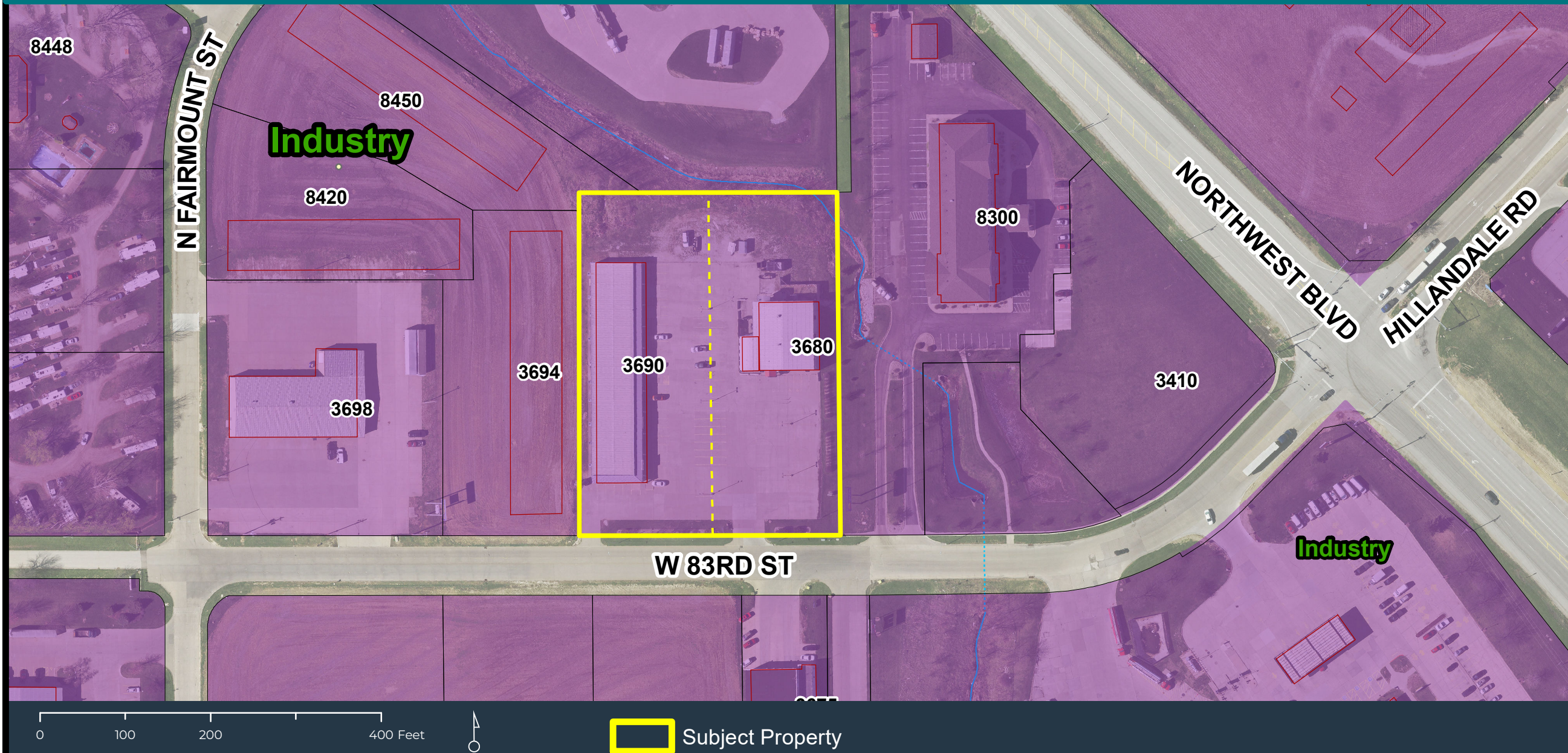


DAVENPORT

DEVELOPMENT AND
NEIGHBORHOOD SERVICES

Future Land Use Map | Case F24-07

Industry (I) - Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.



City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
6/18/2024

Subject:

Case F24-07: Request of Entertainment Tonite LC for a Final Plat of Truckland Industrial Park 2nd Addition. The 2-lot subdivision is located at 3680 West 83rd Street on 2.81 acres. [Ward 2]

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F24-07 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add the following note, "Sidewalks shall be constructed along the right-of-way when so ordered by the City of Davenport."

Background:

The existing 2.81-acre site contains two buildings and a shared parking lot. The purpose of the subdivision is to split the property into two lots. One parcel for the multi-tenant building on the west half and a second lot for the adult entertainment business. Both lots will maintain the existing driveway approaches to 83rd Street. At this time, the City is not aware of any plans to redevelop either site.

Comprehensive Plan:

1. Within Existing Urban Service Area: Yes
2. Within Urban Service Area 2035: Yes

Future Land Use Designation:

The subject property is designated as **Industry (I)**. This land use classification designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.
The proposed Final Plat complies with the Davenport +2035 proposed land use section.

Zoning:

The subject property is zoned **I-1 Light Industrial District**. This district is intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses. Light industrial uses are enclosed, low-intensity uses with minimal, if any, outside impacts.

Technical Review:

1. Zoning: The I-1 Light Industrial District does not have a minimum lot area or lot width requirement. Both lots and existing buildings satisfy district dimensional requirements. The existing structures comply with setback requirements and contain sufficient off-street parking.
2. Streets: Access onto West 83rd Street is maintained via the two existing driveway approaches, one for each lot.
3. Storm Water: Detention and water quality treatment will not be required for this subdivision, but will be needed upon further development of the property.
4. Sanitary Sewer: An existing 15" public sanitary sewer extends across the northeast corner of the site. The sewer line is located within an existing easement.
5. Iowa American Water Company: Both lots maintain frontage along West 83rd Street where a main is located on the north side of the right-of-way. This facilitates connections for both lots and future development.
6. Other Utilities: Normal utility services are available on this site.
7. Parks/Open Space: There are no impacts to parks/open space.

Public Input:

A public hearing and public notification are not required for a final plat.

Attachments:

1. Final Plat
2. Application
3. Maps



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SUBDIVISION PLAT
(LAND DIVISION)

APPLICANT INFORMATION

Applicant Name

Luke Johnson of Entertainment Tonite LC

Address

3680 W. 83rd St.

City | State | Zip

Davenport, IA 52806

Phone

(563) 508-1542

Secondary Phone

E-Mail Address

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

Luke Johnson

Print Applicant's Name

Applicant's Signature

Date

SUBDIVISION NAME

Truckland Industrial Park 2nd Addition

LOCATION DESCRIPTION

3680 W. 83rd St.

SUBMITTED

05/23/2024

NUMBER OF LOTS BY USE TYPE

2 lots: Both I-1

ACRES

2.81

STREETS ADDED

0

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: \$16.16 Requirements ☐

FINAL PLAT: \$16.20 Requirements ☒

PRELIMINARY PLAT REQUIREMENTS:

Preliminary Plat ☐

Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:

Platting Certificates per §354.11 State Code ☐

Final Plat ☐

GENERAL REQUIREMENTS:

Authorization to Act as Applicant, if needed ☐

Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule

Number of Lots	Fee
1 lot to 10 lots	\$400 plus \$25/lot
11 to 25 lots	\$700 plus \$25/lot
26 or more lots	\$1,000 plus \$25/lot

Submit this form, and any questions, to DNS Planning Division at planning@davenportiowa.com.

DEVELOPMENT TEAM

Developer / Project Manager

Luke Johnson

Address

3680 W. 83rd St., Davenport, IA 52806

Phone

(563) 508-1542

Secondary Phone

E-Mail Address

Owner

Entertainment Tonite LC

Address

3680 W. 83rd St., Davenport, IA 52806

Phone

(563) 508-1542

Secondary Phone

E-Mail Address

Engineer

Townsend Engineering

Address

2224 E. 12th St., Davenport, IA 52803

Phone

(563) 386-4236

Secondary Phone

E-Mail Address

Attorney

Address

Phone

Secondary Phone

E-Mail Address

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Action / Date
10/9/2024

Subject:

Resolution approving Case F24-11 being the request of Sodarock Properties, LLC for a final plat of Phase 3 Eagle's Crest Second Addition, a 2-lot subdivision on 14.8 acres located at 1702 Eagle's Crest Avenue. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

The City received a subdivision application for Phase 3 Eagle's Crest Second Addition. The site consists of Eagle's Crest Apartments and a 10 acre field planted in row crops. The purpose of the final plat is to place the apartment complex on a separate lot from the agricultural field.

The Plan and Zoning Commission reviewed Case F24-11 at its September 17, 2024 meeting and unanimously recommended approval subject to the listed findings and conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Include signature lines for Mediacom, Iowa American Water Company, Century Link, Metronet, and MidAmerican Energy.
4. Remove references to buffer yards and building setback lines.
5. Add a note stating, "Sidewalks shall be constructed along Eagle's Crest Avenue prior at the time of development, or as so ordered by the City of Davenport."
6. Add a note stating, "Stormwater detention and water quality treatment are required with this subdivision and will be subject to the applicable ordinances in place at the time of development. Stormwater detention and water quality treatment shall be owned and maintained by the property owner."
7. Remove note 6.
8. Utility easements shall be a minimum width of 15 feet or twice the depth of the underground utility.
9. Add the following note to the plat: "Blanket underground easements granted for all primary and secondary electric cables, pad mounted transformers, electric transformers, primary cable, gas service, water service, sewer laterals, telephone service and cable TV

to individual structures and street lights."

The staff report from the September 17, 2024 Plan and Zoning Commission meeting is attached.

Attachments:

1. Resolution
2. Final Plat
3. Maps
4. Staff Report
5. Application

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving Case F24-11 being the request of Sodarock Properties, LLC for a final plat of Phase 3 Eagle's Crest Second Addition, a 2-lot subdivision on 14.8 acres located at 1702 Eagle's Crest Avenue.

WHEREAS, the Plan & Zoning Commission reviewed Case F24-11 at the September 17, 2024 regularly scheduled meeting with a recommendation for approval subject to the following conditions:

1. The surveyor signs the plat.
2. The utility providers sign the plat when their easement needs have been met.
3. Include signature lines for Mediacom, Iowa American Water Company, Century Link, Metronet, and MidAmerican Energy.
4. Remove references to buffer yards and building setback lines.
5. Add a note stating, "Sidewalks shall be constructed along Eagle's Crest Avenue prior at the time of development, or as so ordered by the City of Davenport."
6. Add a note stating, "Stormwater detention and water quality treatment are required with this subdivision and will be subject to the applicable ordinances in place at the time of development. Stormwater detention and water quality treatment shall be owned and maintained by the property owner."
7. Remove note 6.
8. Utility easements shall be a minimum width of 15 feet or twice the depth of the underground utility.
9. Add the following note to the plat: "Blanket underground easements granted for all primary and secondary electric cables, pad mounted transformers, electric transformers, primary cable, gas service, water service, sewer laterals, telephone service, and cable TV to individual structures and street lights."

WHEREAS, the conditions will be added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the final plat of Phase 3 Eagle's Crest Second Addition, an addition to the City of Davenport, Scott County, Iowa as filed with the City Clerk, by Sodarock Properties LLC, be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed by the Mayor and Deputy City Clerk of said City; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized and directed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

FINAL PLAT:

PHASE 3

EAGLE'S CREST SECOND ADDITION,

Being a part of the Northwest Quarter of Section 29,
Township 78 North, Range 3 East of the 5th P.M.,
in the City of Davenport, Scott County, Iowa

INDEX LEGEND

Location: Phase 3 Eagle's Crest Second Addition
NW1/4 of Section 29, T78N, R3E of the 5th P.M.,
Scott County, Iowa
Requestor: Jim Gantz c/o Sodarock Properties, LLC
Proprietors: Sodarock Properties, LLC - 10537 Route 3, Dubuque, IA 52001
Surveyor: Terry L. Koelker
Company: Buesing & Associates, Inc.
1212 Locust St., Dubuque, IA 52001
Return To: tlkoelker@buesing.com (563) 556-4389

PREPARED BY: BUESING & ASSOCIATES ADDRESS: 1212 LOCUST STREET,
DUBUQUE, IOWA PHONE: (563) 556-4389

NOTE

THIS SURVEY IS COMPRISED OF: LOT 22 OF PHASE 2 EAGLE'S CREST SECOND
ADDITION, IN THE CITY OF DAVENPORT, IOWA PREVIOUSLY RECORDED AS
DOCUMENT #2000-024965 AT SCOTT COUNTY RECORDER'S OFFICE

LEGEND

- FOUND 1" IRON PIPE
(UNLESS OTHERWISE NOTED)
○ PLACED 5/8" IRON ROD W/ORANGE
PLASTIC CAP MARKED "KOELKER 15487"
X NO MONUMENTATION PLACED - LANDS IN POND
— SURVEYED BOUNDARY LINE
— PROPERTY LINE
— CENTERLINE
- - - EASEMENT LINE
- - - ROW RIGHT OF WAY LINE
▨ BUFFER YARD
UE UTILITY EASEMENT
(SF) SQUARE FEET
POB POINT OF BEGINNING

PLANNING & ZONING COMMISSION

BY: _____

DATE: _____

CITY OF DAVENPORT, IOWA

BY: _____

ATTEST: _____

DATE: _____

MEDIACOM

BY: _____

ATTEST: _____

DATE: _____

IOWA AMERICAN WATER COMPANY

BY: _____

ATTEST: _____

DATE: _____

CENTURY LINK

BY: _____

ATTEST: _____

DATE: _____

METRONET

BY: _____

ATTEST: _____

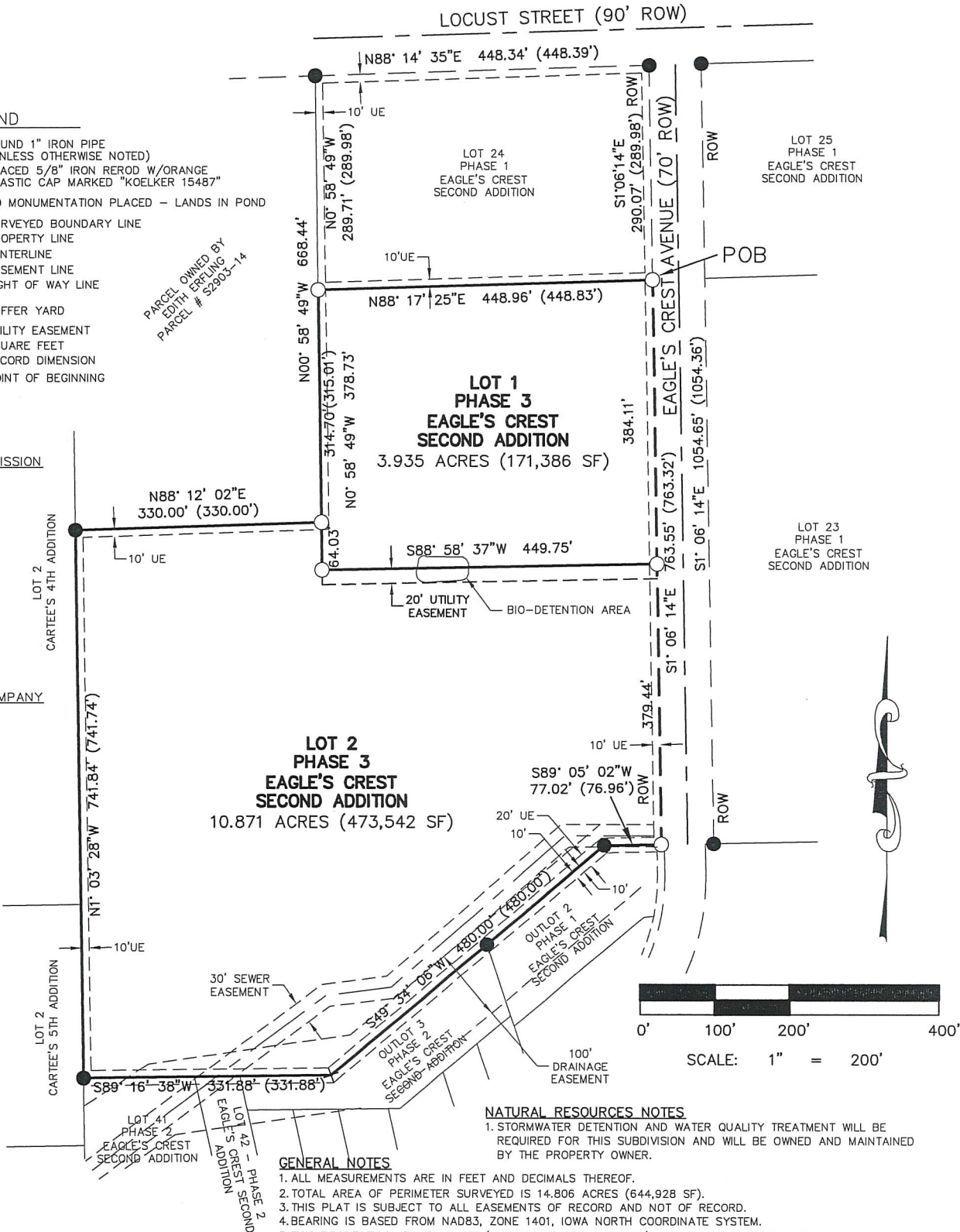
DATE: _____

MIDAMERICA ENERGY

BY: _____

ATTEST: _____

DATE: _____

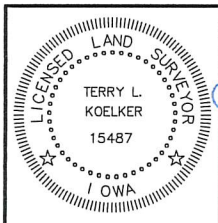


NATURAL RESOURCES NOTES

1. STORMWATER DETENTION AND WATER QUALITY TREATMENT WILL BE
REQUIRED FOR THIS SUBDIVISION AND WILL BE OWNED AND MAINTAINED
BY THE PROPERTY OWNER.

GENERAL NOTES

1. ALL MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.
2. TOTAL AREA OF PERIMETER SURVEYED IS 14.806 ACRES (644,928 SF).
3. THIS PLAT IS SUBJECT TO ALL EASEMENTS OF RECORD AND NOT OF RECORD.
4. BEARING IS BASED FROM NAD83, ZONE 1401, IOWA NORTH COORDINATE SYSTEM.
5. THIS PROPERTY IS ZONED R-MF (RESIDENTIAL MULTI-FAMILY) AND HAS MINIMUM FRONT SETBACK OF 25 FEET, MINIMUM SIDE 10 FEET, MINIMUM REAR OF 25 FEET OR 20% OF THE SITE DEPTH, WHICHEVER IS LESS.
6. THERE IS NO EASEMENTS GRANTED TO ANY UTILITY PER THIS PLAT. NEW UTILITY EASEMENT ON THIS PLAT IS FROM THE OWNER OF LOT 1 TO AND FUTURE OWNER OF LOT 2.
7. SIDEWALK SHALL BE CONSTRUCTED ALONG EAGLE'S CREST AVENUE AT THE TIME OF DEVELOPMENT OR SO ORDERED BY THE CITY OF DAVENPORT.
8. BLANKET UNDERGROUND EASEMENT GRANTED FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELETIC TRANSFORMERS, PRIMARY CABLE, GAS SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE AND CABLE TV TO INDIVIDUAL STRUCTURES AND STREET LIGHTS.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS
PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME
OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY
LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

TERRY L. KOELKER
LICENSE NUMBER 15487
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025

SHEETS COVERED BY THIS SEAL : SHEET 1

BUESING
ASSOCIATES INC.
ENGINEERS AND SURVEYORS
1212 LOCUST ST., DUBUQUE, IA
(563) 556-4389

DRAWN BY: JUL CHECKED BY: TLK
SURVEY DATE: 06/27/2024 PLOT DATE: 07/31/2024
DWG. NO. 23405-01 SCALE: 1" = 200'

SHEET 1 OF 9



THE CITY OF
DAVENPORT
IOWA | USA

Vicinity Map | Case F24-11

Request of Sodarock Properties, LLC for a Final Plat of Phase 3 Eagle's Crest Second Addition. The 2-lot subdivision is located at 1702 Eagle's Crest Avenue on 14.8 acres. [Ward 1]



Subject Property

0 150 300 Feet

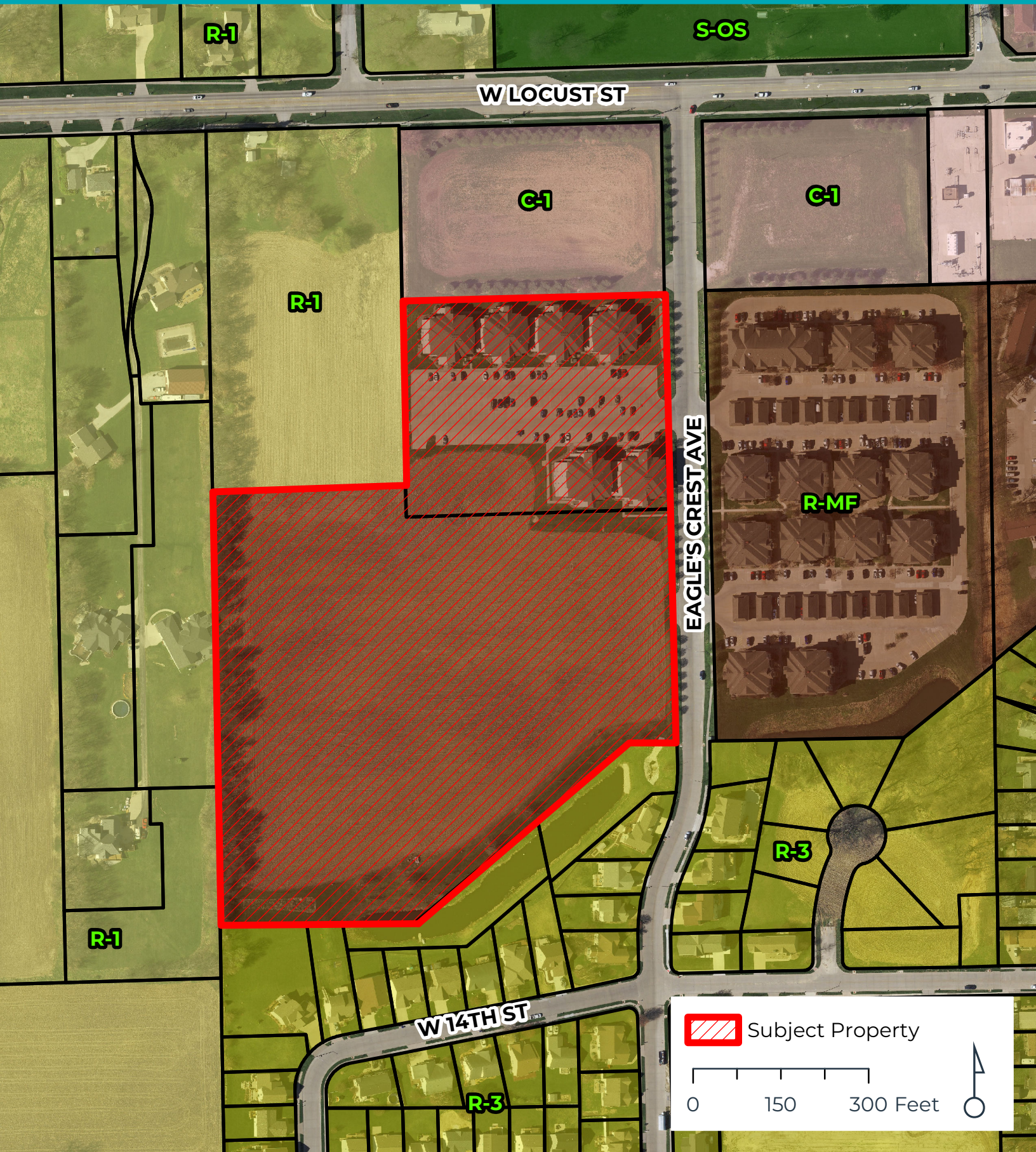




THE CITY OF
DAVENPORT
IOWA | USA

Zoning Map | Case F24-11

Request of Sodarock Properties, LLC for a Final Plat of Phase 3 Eagle's Crest Second Addition. The 2-lot subdivision is located at 1702 Eagle's Crest Avenue on 14.8 acres. [Ward 1]

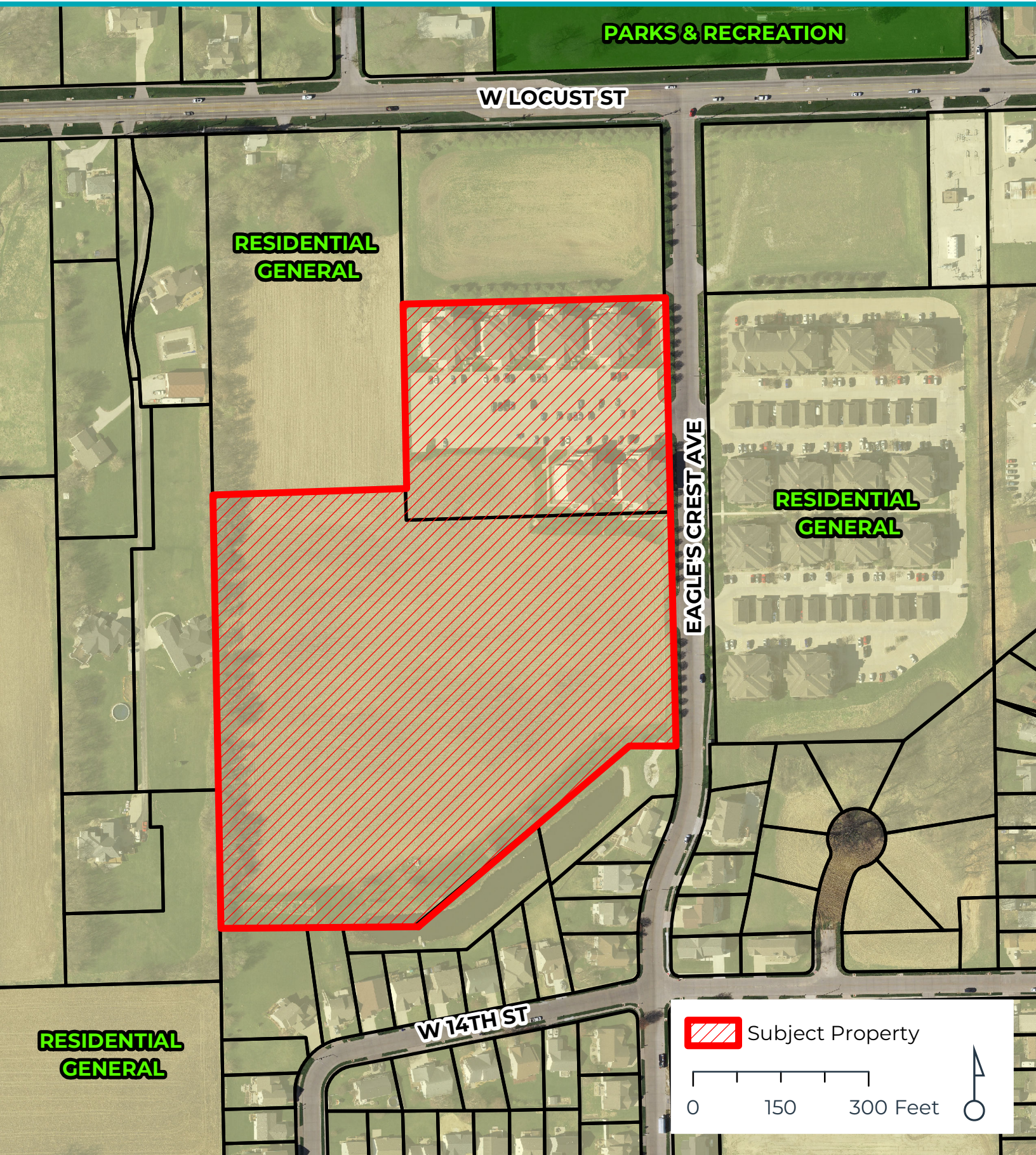




THE CITY OF
DAVENPORT
IOWA | USA

Future Land Use Map | Case F24-11

Request of Sodarock Properties, LLC for a Final Plat of Phase 3 Eagle's Crest Second Addition. The 2-lot subdivision is located at 1702 Eagle's Crest Avenue on 14.8 acres. [Ward 1]



Subject Property

0 150 300 Feet



City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
9/17/2024

Subject:

Case F24-11: Request of Sodarock Properties, LLC for a Final Plat of Phase 3 Eagle's Crest Second Addition. The 2-lot subdivision is located at 1702 Eagle's Crest Avenue on 14.8 acres. [Ward 1]

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F24-11 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Include signature lines for Mediacom, Iowa American Water Company, Century Link, Metronet, and MidAmerican Energy.
4. Remove references to buffer yards and building setback lines.
5. Add a note stating, "Sidewalks shall be constructed along Eagle's Crest Avenue prior at the time of development, or as so ordered by the City of Davenport."
6. Add a note stating, "Stormwater detention and water quality treatment are required with this subdivision and will be subject to the applicable ordinances in place at the time of development. Stormwater detention and water quality treatment shall be owned and maintained by the property owner."
7. Remove note 6.
8. Utility easements shall be a minimum width of 15 feet or twice the depth of the underground utility.
9. Add the following note to the plat: "Blanket underground easements granted for all primary and secondary electric cables, pad mounted transformers, electric transformers, primary cable, gas service, water service, sewer laterals, telephone service and cable T.V. to individual structures and street lights."

Background:

The City received a subdivision application for Phase 3 Eagle's Crest Second Addition. The site consists of Eagle's Crest Apartments and a 10 acre field planted in row crops. The purpose of the final plat is to place the apartment complex on a separate lot from the agricultural field.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation:

The subject property is designated as **Residential General** in the Davenport +2035 Land Use Plan. This land use category designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

The proposed Final Plat complies with the Davenport +2035 proposed land use section.

Zoning:

The subject property is zoned **R-MF Multi-Family Residential District**. This district is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single-family dwellings, semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

Technical Review:

1. Zoning: Both lots exceed the minimum dimensional standards for the R-MF Multi-Family Residential District.
2. Streets: Each lot has frontage along Eagle's Crest Avenue. Public right-of-way will not be dedicated as part of this plat. No additional streets are proposed.
3. Storm Water: Storm water detention and water quality treatment are required in this subdivision and will be subject to the applicable ordinances in place at the time of development.
4. Sanitary Sewer: There is an 8" sanitary sewer along the south boundary of Lot 2, which is contained within an easement. Sanitary sewer extends north-south along Eagle's Crest Avenue.
5. Other Utilities: Normal utility services are available on this site.
6. Parks/Open Space: There are no impacts to parks/open space.

Public Input:

Public notification is not required for a Final Plat.

Attachments:

1. Final Plat
2. Application



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SUBDIVISION PLAT
(LAND DIVISION)

SUBDIVISION NAME

Phase 3 - Eagle's Crest Second Addition

LOCATION DESCRIPTION

NW 1/4 Section 29, T78N, R3E

SUBMITTED

08/14/2024

NUMBER OF LOTS BY USE TYPE

2 R-MF

ACRES

1.48

STREETS ADDED

0

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: §16.16 Requirements ☐

FINAL PLAT: §16.20 Requirements ☐

PRELIMINARY PLAT REQUIREMENTS:

Preliminary Plat ☐

Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:

Platting Certificates per §354.11 State Code ☐

Final Plat ☐

GENERAL REQUIREMENTS:

Authorization to Act as Applicant, if needed ☐

Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule

Number of Lots	Fee
1 lot to 10 lots	\$400 plus \$25/lot
11 to 25 lots	\$700 plus \$25/lot
26 or more lots	\$1,000 plus \$25/lot

Submit this form, and any questions, to DNS Planning Division at
planning@davenportiowa.com.

APPLICANT INFORMATION

Applicant Name | Company Name

Buesing and Associates

Address

1212 Locust Street

City | State | Zip

Dubuque, IA 52001

Phone

(563) 556-4389

Secondary Phone

E-Mail Address

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

Terry L. Koelker

Print Applicant's Name

Applicant's Signature

08/14/2024

Date

DEVELOPMENT TEAM

Developer / Project Manager

Buesing and Associates

Address

1212 Locust Street

Phone

(563) 556-4389

Secondary Phone

E-Mail Address

Engineer

Address

Phone

Secondary Phone

E-Mail Address

Owner

Sodarock Properties, LLC

Address

10537 Route 3, Dubuque, IA 52001

Phone

(563) 556-2921

Secondary Phone

(563) 590-2721

E-Mail Address

Attorney

2322 Kimberly Road, #12000, Davenport, IA 52087

Address

2322 Kimberly Road, #12000, Davenport, IA 52087

Phone

(563) 359-3591

Secondary Phone

E-Mail Address

Authorization to Act as Applicant

I/We, James Gantz, President, Sodarock Properties, LLC
[as property owner(s)]

authorize Terry L. Koelker, Buesing and Associates
[the above person(s)]

to act as applicant, representing me/us before the City Plan & Zoning Commission

for the property located at 1702 Eagle's Crest Avenue, Davenport, IA 52802

James Gantz

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

08/14/2024

Date

State of Iowa,

County of Dubuque,

Sworn and subscribed before me

this 14th day of August, 2024.

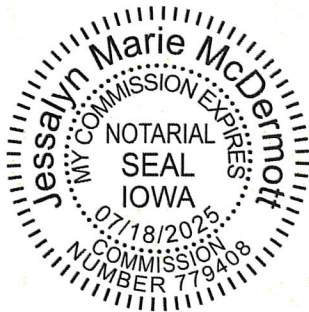
Jessalyn Marie McDermott

Notary Public

Drivers License

[identification type]

My Commission Expires: 07/18/2025



City of Davenport

Department: Community & Economic Development
Contact Info: Bruce Berger | 563-326-7769

Action / Date
10/9/2024

Subject:

Resolution setting a Public Hearing on amending and expanding the North Urban Renewal Area plan to include the Fair Oaks Foods project. [Wards 2, 6, 7, & 8]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport is seeking to amend and expand the North Urban Renewal Area plan to add the 2024 Fair Oaks Foods project and location. Fair Oaks Farms, LLC DBA Fair Oaks Foods is constructing a 134,000 square foot food manufacturing facility at 2951 Enterprise Way. This project will create 247 new full-time positions paying an average wage of \$23.95 per hour. The estimated cost of the total incentive package over a fifteen-year period is \$6,403,000. The amended plan is attached. The Public Hearing is to be held at the October 16, 2024 Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Attachments:

1. Resolution
2. 2024 North URA Amendment

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION setting a Public Hearing on amending and expanding the North Urban Renewal Area plan to include the Fair Oaks Foods project.

WHEREAS, the City of Davenport, Iowa has established the North Urban Renewal Area to support economic development growth for the City; and

WHEREAS, in accordance with Section 403.9 of the Code of Iowa, a public hearing must be held prior to amending and expanding the North Urban Renewal Area Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on amending and expanding the North Urban Renewal Plan to include the Fair Oaks Food project shall be held at the Committee of the Whole Meeting on Wednesday, October 16, 2024 beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport, Iowa
Proposed Urban Renewal Area and Plan Amendment
September 2024

The Urban Renewal Plan (the "Plan") for the North Urban Renewal Area (the "Area") is being amended for the purposes of 1) increasing the size of the Area by adding certain real property thereto; and 2) identifying new urban renewal projects to be undertaken therein.

- 1) **Addition of Property:** The real property (the "Property"), legally described on Exhibit A hereto is, by virtue of this Amendment, being added as the September 2024 Addition to the Area. With the adoption of this Amendment, the City will designate the Property as an economic development area. The Property will become subject to the provisions of the Plan for the Area.

It is anticipated that the City will adopt an ordinance providing for the division of property tax revenues, as set forth in Section 403.19 of the Code of Iowa, with respect to certain taxable Property contained in this September 2024 Addition. Following the adoption of such ordinance, if the City certifies obligations to the County Auditor payable from incremental property tax revenues to be derived from the September 2024 Addition by December 1, 2024, then the "base valuation" for the calculation of available incremental property tax revenues for the September 2024 Addition will be determined as of January 1, 2025.

For property placed in an economic development urban renewal area after January 1, 1995, Section 403.17 of the Code of Iowa limits the number of years of incremental property tax collections to twenty years.

- 2) **Identification of Projects:** By virtue of this amendment, the list of authorized urban renewal projects in the Plan is hereby amended to include the following described project descriptions:
 - a. **Name:** Fair Oaks Foods
Cost: Approximately \$6,403,000
Rationale: To support creation of a new 134,000 square foot food manufacturing facility at 2951 Enterprise Way.
 - b. **Name:** Internal TIF
Cost: \$275,000
Rationale: To reimburse the General Fund for Economic Development staff costs and other economic development related activities such as economic research tools and training.

- 3) **Required Financial Information:** The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Outstanding General Obligation Debt of the City: \$200,540,000

Remaining Constitutional Debt Capacity of the City: \$219,114,177 (estimated)

Proposed Debt to be incurred in the Urban Renewal Area: \$6,403,000

Exhibit A: Parcel W3307-02E more commonly known as 2951 Enterprise Way

The South 102 feet of Lot 2, Interstate 80 Airport Industrial Park 6th Addition, to the City of Davenport Scott County, State of Iowa and Lot 2 of the Interstate 80 Airport Industrial Park 6th Addition, City of Davenport, Scott County, Iowa. Except that park conveyed by warranty deed recorded as document #2016-29906 in the Office of the Recorder of Scott County, Iowa. Also except that part conveyed by warranty deed recorded as document #2018-14526 in the Office of the Recorder of Scott County, Iowa, described as follows: the south 102.02 feet of Lot 2, Interstate 80 Airport Industrial Park 6th Addition, City of Davenport, County of Scott, State of Iowa. Also except that park described in plat of survey recorded as document #2020-01308 in the Office of the Recorder of Scott County, Iowa, described as follows: an irregular width strip of land, being a park of said Lot 2, amended to become part of that parcel currently known as Scott County Tax Parcel W3303A01 (said parcel being Lot 1 of Interstate 80 Airport Industrial Park 10th Addition); more particularly described as follows:

Beginning at the northeast corner of said Lot 1: thence along the north line of said lot for the next two courses: south 88 degrees 22 minutes 22 seconds west, a distance of 305.18 feet; south 61 degrees 47 minutes 44 seconds west, a distance of 114.22 feet to the easternly right of way line of Hillandale Road; thence northerly along said right of way line north 02 degrees 33 minutes 35 seconds west, a distance of 11.09 feet to the northerly line of said lot 2 and the southerly line of Enterprise Way; thence along the northerly line of said lot 2 for the next four courses: north 61 degrees 47 minutes 4 seconds east, a distance of 111.80 feet; north 88 degrees 33 minutes 22 seconds east, a distance of 283.62 feet to the westerly line of a conveyance to the City of Davenport for the use as public right of way (per warranty deed filed ad doc. No. 2016-299060; South 03 degrees 24 minutes 27 seconds east, distance of 6.02 feet; north 88 degrees 28 minutes 02 seconds east, a distance of 23.74 feet to the northerly extension of the east line of said lot 1; thence southerly along said northerly extension, south 01 degree 20 minutes 20 second east, a distance of 4.02 feet to the point of beginning. Approximately 31.58 acres.

City of Davenport

Department: Community & Economic Development
Contact Info: Bruce Berger | 563-326-7769

Action / Date
10/9/2024

Subject:

Resolution setting a Public Hearing on approving an Economic Development Agreement with Fair Oaks Foods. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

Fair Oaks Farms, LLC, DBA Fair Oaks Foods is a family-owned meat processing business that was founded in 1985. Fair Oaks Foods, headquartered in Pleasant Prairie, Wisconsin, produces a variety of protein products for national grocery stores and restaurants. Fair Oaks Foods is currently constructing a 134,000 square foot facility at 2951 Enterprise Way. This project will create 247 new full-time positions paying an average wage of \$23.95 per hour with a benefit package. The estimated cost of the total incentive package over a fifteen-year period is \$6,403,000. This incentive package includes the following:

- Forgivable loan of \$1,100,000 once an on-site pre-treatment facility is completed.
- Estimated \$51,000 in cost share for road improvements which the City will seek funding for through the Iowa DOT RISE Grant.
- Rebate estimated to total \$5,252,000 over 15 years.

Fair Oaks Foods has also received a State of Iowa High Quality Jobs Tax Credit of \$3,432,000 from the Iowa Economic Development Authority. The City's incentive package serves as the required match.

As required by Iowa Code, a Public Hearing is required prior to the approval of an Economic Development Agreement where the City will incur debt. In this case, the City's approximate obligation totals \$6,403,000 over a fifteen-year period. The incentive costs would be paid for through the use of tax increment financing applied to the assessed valuation of the improved property. The details of this financial assistance will be established and certified in an Economic Development Agreement between Fair Oaks Foods and the City that will follow the final reading of the Ordinance to add in the Fair Oaks Foods site. The Public Hearing is to be held at the October 16, 2024 Committee of the Whole Meeting.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION setting a Public Hearing on approving an Economic Development Agreement with Fair Oaks Foods.

WHEREAS, the City of Davenport has established the North Urban Renewal Area to support economic development growth for the City; and

WHEREAS, in accordance with Iowa Code, a public hearing must be held prior to the approval of an economic development agreement where the City will incur debt.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on approving an Economic Development Agreement with Fair Oaks Foods shall be held at the Committee of the Whole Meeting on Wednesday, October 16, 2024 beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Community & Economic Development
Contact Info: Bruce Berger | 563-326-7769

Action / Date
10/9/2024

Subject:

Resolution setting a Public Hearing on amending the North Urban Renewal Area Plan to include the 2024 Internal TIF. [Wards 2, 6, 7, & 8]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport is seeking to amend the North Urban Renewal Area Plan. The amendment will add the 2024 Internal TIF project in the amount of \$275,000.

Adoption of this Resolution will set the Public Hearing for October 16, 2024 at the Committee of the Whole Meeting beginning at 5:30 p.m. in Council Chambers at Davenport City Hall, 226 West 4th Street.

Attachments:

1. Resolution
2. 2024 North URA Amendment

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION setting a Public Hearing on amending the North Urban Renewal Plan to include the 2024 Internal TIF.

WHEREAS, the City of Davenport, Iowa has established the North Urban Renewal Area to support economic development growth for the City; and

WHEREAS, in accordance with Section 403.9 of the Code of Iowa, a public hearing must be held prior to amending and expanding the Urban Renewal Area Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on amending the North Urban Renewal Plan to include the Internal TIF shall be held at the Committee of the Whole Meeting on Wednesday, October 16, 2024 beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport, Iowa
Proposed Urban Renewal Area and Plan Amendment
September 2024

The Urban Renewal Plan (the "Plan") for the North Urban Renewal Area (the "Area") is being amended for the purposes of 1) increasing the size of the Area by adding certain real property thereto; and 2) identifying new urban renewal projects to be undertaken therein.

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It is anticipated that the City will adopt an ordinance providing for the division of property tax revenues, as set forth in Section 403.19 of the Code of Iowa, with respect to certain taxable Property contained in this September 2024 Addition. Following the adoption of such ordinance, if the City certifies obligations to the County Auditor payable from incremental property tax revenues to be derived from the September 2024 Addition by December 1, 2024, then the "base valuation" for the calculation of available incremental property tax revenues for the September 2024 Addition will be determined as of January 1, 2025.

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 - b. **Name:** Internal TIF
Cost: \$275,000
Rationale: To reimburse the General Fund for Economic Development staff costs and other economic development related activities such as economic research tools and training.

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Remaining Constitutional Debt Capacity of the City: \$219,114,177 (estimated)

Proposed Debt to be incurred in the Urban Renewal Area: \$6,403,000

Exhibit A: Parcel W3307-02E more commonly known as 2951 Enterprise Way

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Beginning at the northeast corner of said Lot 1: thence along the north line of said lot for the next two courses: south 88 degrees 22 minutes 22 seconds west, a distance of 305.18 feet; south 61 degrees 47 minutes 44 seconds west, a distance of 114.22 feet to the easternly right of way line of Hillandale Road; thence northerly along said right of way line north 02 degrees 33 minutes 35 seconds west, a distance of 11.09 feet to the northerly line of said lot 2 and the southerly line of Enterprise Way; thence along the northerly line of said lot 2 for the next four courses: north 61 degrees 47 minutes 4 seconds east, a distance of 111.80 feet; north 88 degrees 33 minutes 22 seconds east, a distance of 283.62 feet to the westerly line of a conveyance to the City of Davenport for the use as public right of way (per warranty deed filed ad doc. No. 2016-299060; South 03 degrees 24 minutes 27 seconds east, distance of 6.02 feet; north 88 degrees 28 minutes 02 seconds east, a distance of 23.74 feet to the northerly extension of the east line of said lot 1; thence southerly along said northerly extension, south 01 degree 20 minutes 20 second east, a distance of 4.02 feet to the point of beginning. Approximately 31.58 acres.

City of Davenport

Department: Administration
Contact Info: Brian Krup | 563-326-6163

Action / Date
10/9/2024

Subject:

Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; 2:00 p.m. - 6:00 p.m. Wednesday, October 30, 2024; **Closures:** West 6th Street from Warren Street to Myrtle Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 6, 2024 and Saturday, December 7, 2024; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

Per the City's Special Events Policy, City Council will approve street, lane, and public ground closure requests based on the recommendation of the Special Events Committee.

Attachments:

1. Resolution
2. Project Renewal Neighborhood Halloween Party Closure Map
3. Project Renewal Neighborhood Halloween Party Flyer to Neighbors
4. Christmas in the Village Street Closure Map
5. Christmas in the Village Street Closure Petition

Resolution No. _____

Resolution offered by Alderman Jobgen.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

*Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; 2:00 p.m. - 6:00 p.m. Wednesday, October 30, 2024; **Closures:** West 6th Street from Warren Street to Myrtle Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]*

*Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 5:00 p.m. - 10:00 p.m. Friday, December 6, 2024 and Saturday, December 7, 2024; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]*

WHEREAS, the City, through its Special Events Policy, has accepted the above applications for events on the listed dates and times that are requesting street, lane, or public ground closures; and

WHEREAS, upon review of the applications, it has been determined that streets, lanes, or public grounds will need to be closed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the above street, lane, or public ground closure requests are hereby approved and staff is directed to proceed with the closures.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

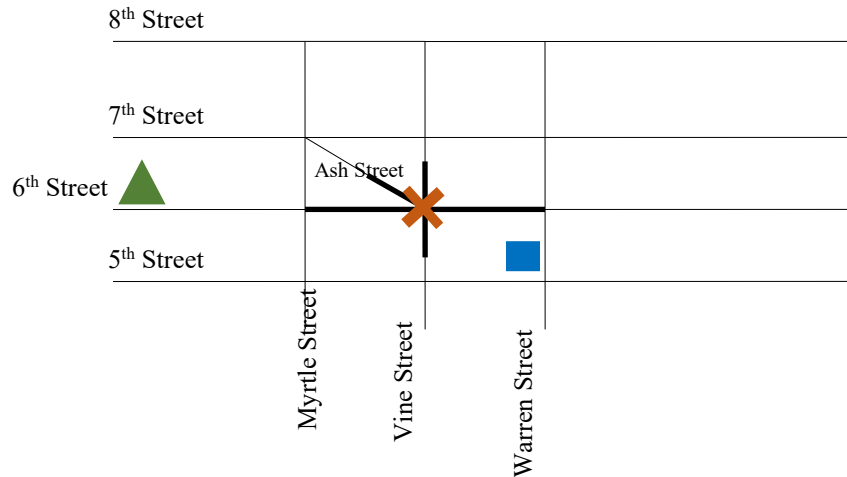
Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**Project Renewal
Street Closing Plan
Halloween Neighborhood Block Party
Wednesday, October 25, 2023**

Street Closing: For safety of participants we would like to have 6th St. closed between Warren and Myrtle Streets, Vine Street between 5th and 7th Streets. (Ash Street is already closed).

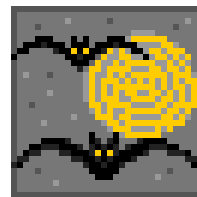
Thank you for your help!



 = Party

 = Treat House (Project Renewal)

 = Rain location, 601 Marquette Street (One Eighty Event Center).



Fall Fun Night

Wednesday, October 30, 2024
3:00 – 5:00 p.m.

Where: Central Community Circle Neighborhood
West 6th, Vine & Ash Street Intersection
Come in costume if you “witch.”



GAME



FOOD

face painting

candy walk



MUSIC

Questions: call Conner at PROJECT RENEWAL, 712-635-6364

**RAIN LOCATION: One-Eighty Community Center
601 Marquette Street, Davenport, IA**



CITY OF DAVENPORT

VILLAGE OF EAST DAVENPORT BUSINESS ASSOCIATION

STREET CLOSING PETITION FOR SPECIAL EVENTS

Master Business & Address List

NAME & ADDRESS

- #1 11th Street Precinct, 1107 Mound Street
- #2 Winddancer Boutique, 2114 East 11th Street
- #3 Grumpy's Village Saloon, 2120 East 11th Street
- #4 McClellan Stockade, 2124 East 11th Street
- #5 Lagomarcino's, 2132 East 11th Street
- #6 Vacant, 2200 East 11th Street
- #7 Vacant, 1105 Christie Street
- #8 Mint Green, 2208 East 11th Street
- #9 Rudy's Cantina, 2214 East 11th Street
- #10 Vacant, 2218 East 11th Street
- #11 D'Ville, 2228 East 11th Street
- #12 Brew, 1104 Jersey Ridge Road
- #13 Edward Jones, 2107 East 11th Street
- #14 Camp McClellan Cellars, 2302 East 11th Street
- #15 Blevins Brothers Bird Shop, 1108 Jersey Ridge Road
- #16 Royal T's, 1114 Jersey Ridge Road
- #17 Kaleidoscope Artworks, 2302 East 11th Street
- #18 Freddy's Fritters, 1111 Jersey Ridge Road
- #19 Sunlight Yoga Studio

CITY OF DAVENPORT—STREET CLOSING PETITION FOR SPECIAL EVENTS - CHRISTMAS IN THE VILLAGE

On the **6th and 7th day of December, 2024** there is proposed a street closing, requested by **The Village of East Davenport Association** , which will require the closing of **East 11th Street** between **Mound Street and Jersey Ridge Road and Christie Street** between **East 11th Street** and **the alley**, during the hours of **5:00 p.m. to 10:00 p.m.**

SIGNATURE	FAVOR	OPPOSED	NOT CON- CERNED
#1 per email—wisor1@hotmail.com_____	<u> X </u>	_____	_____
#2 per email - mhisho@lynchheatingandplumbing.com	<u> X </u>	_____	_____
#3 per email - carxp@mchsi.com _____	<u> X </u>	_____	_____
#4____Did not respond to email_____	_____	_____	_____
#5 per email - lisa.ambrose5@icloud.com _____	<u> X </u>	_____	_____
#6____VACANT_____	_____	_____	_____
#7____VACANT_____	_____	_____	_____
#8 per email - aimeewinslow@yahoo.com _____	<u> X </u>	_____	_____
#9 per email - btquijas@msn.com _____	<u> X </u>	_____	_____
#10 _____VACANT_____	<u> X </u>	_____	_____
#11 per email - dvilleeastvillage@gmail.com _____	<u> X </u>	_____	_____
#12 per email - tallmom2@aol.com _____	<u> X </u>	_____	_____
#13 per email - paul.schnell@edwardjones.com _____	<u> X </u>	_____	_____
#14____ <i>Julie Keehn</i> _____	<u> X </u>	_____	_____
#15__Did not respond to email_____	_____	_____	_____
#16 per email - taylorjarrin@me.com _____	_____	_____	<u> X </u>
#17 per email - matt@artwithscopes.com_____	<u> X </u>	_____	_____
#18 per email - tamberg63@aol.com _____	<u> X </u>	_____	_____
#19 per email - rebecca@sunlightyogatherapy.com _____	<u> X </u>	_____	_____

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
10/9/2024

Subject:

Resolution awarding a contract for the Goose Creek Trail Phase III project to KE Flatwork, Inc of Eldridge, Iowa in the amount of \$2,846,809.51, CIP #ARP17. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on August 8, 2024, and sent to contractors. On September 11, 2024 the Purchasing Division opened and read nine (9) responsive and responsible bids. KE Flatwork Inc of Eldridge, Iowa was the lowest responsive and responsible bidder and is recommended for award.

This is a trail construction project creating a new multi-use trail along Goose Creek from the existing Duck Creek Trail to the existing Goose Creek Trail Phase I (46th St to 53rd St) at 46th Street. Work also includes realigning a portion of Goose Creek, constructing a culvert along Deere Creek, constructing a bridge over Goose Creek, and bringing existing sidewalks and street crossings into compliance with ADA requirements.

This project is funded through ARP17 | Multi-Modal N/S Path.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Goose Creek Trail Phase III project to KE Flatwork, Inc of Eldridge, Iowa in the amount of \$2,846,809.51, CIP #ARP17.

WHEREAS, the City needs to contract for the Goose Creek Trail Phase III project; and

WHEREAS, KE Flatwork, Inc of Eldridge, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Goose Creek Trail Phase III project is hereby awarded to KE Flatwork, Inc of Eldridge, Iowa in the amount of \$2,846,809.51

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Goose Creek Trail Phase III

BID NUMBER: 25-8

OPENING DATE: August 8, 2024

FUNDING: ARP17 | Multi-Modal N/S Path

RECOMMENDATION: Award the contract to KE Flatwork Inc. of Eldridge, Iowa in the amount of \$2,846,809.51.

<u>VENDOR NAME</u>	<u>PRICE</u>
KE Flatwork Inc. of Eldridge, IA	\$2,846,809.51
Boomerang Corp. of Anamosa, IA	\$2,947,851.00
Midwest Concrete, Inc. of Peosta, IA	\$3,129,353.71
Hawkeye Paving Corporation of Davenport, IA	\$3,139,977.19
McCarthy Improvement Company of Davenport, IA	\$3,209,139.20
Ihrig Works LLC of Long Grove, IA	\$3,246,299.12
Langman Construction, Inc. of Rock Island, IL	\$3,615,209.47
Brandt Construction Co of Milan, IL	\$3,696,546.21
Miller Trucking & Excavating of Silvis, IL	\$4,113,130.86

Approved By

[Redacted Signature]

Purchasing

Date

Approved By

[Redacted Signature]

Dept. Director

Date

Approved By

[Redacted Signature]

Budget/CIP

Date

Approved By

[Redacted Signature]

Interim Finance Director

Date

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
10/9/2024

Subject:

Resolution awarding a contract for the 2024 Bridge Maintenance Program | East Locust Street Bridge Over the Canadian Pacific Kansas City Railway Rehabilitation project to Cramer and Associates, Inc of Grimes, Iowa in the amount of \$931,550.60, CIP #21009. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on August 15, 2024, and sent to contractors. On September 5, 2024, the Purchasing Division opened and read three (3) responsive and responsible bids. Cramer and Associates, Inc. of Grimes, Iowa was the lowest responsive and responsible bidder and is recommended for award.

The East Locust Street Bridge over the Canadian Pacific Kansas City (CPKC) railway was identified during the most recent biennial bridge inspections as being a viable candidate for bridge maintenance. This project will modify the existing abutments, repair areas of spalling, and address erosion concerns.

This project is funded through CIP #21009 | Bridge Maintenance Program.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the 2024 Bridge Maintenance Program | East Locust Street Bridge Over the Canadian Pacific Kansas City Southern Railway Rehabilitation project to Cramer and Associates, Inc of Grimes, Iowa in the amount of \$931,550.60, CIP #21009.

WHEREAS, the City needs to contract for the 2024 Bridge Maintenance Program | East Locust Street Bridge Over the Canadian Pacific Kansas City Southern Railway Rehabilitation project; and

WHEREAS, Cramer and Associates, Inc of Grimes, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the 2024 Bridge Maintenance Program | East Locust Street Bridge Over the Canadian Pacific Kansas City Southern Railway Rehabilitation project is hereby awarded to Cramer and Associates, Inc of Grimes, Iowa in the amount of \$931,550.60.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: E. Locust Street Bridge over CPKCS Railroad Rehabilitation Project

BID NUMBER: 25-15

OPENING DATE: September 15, 2024

FUNDING: CIP 21009 | Bridge Maintenance Program

RECOMMENDATION: Award the contract to Cramer and Associates, Inc. of Grimes, Iowa in the amount of \$931,550.60.

<u>VENDOR NAME</u>	<u>PRICE</u>
Cramer and Associates, Inc. of Grimes, IA	\$931,550.60
Hawkeye Paving Corporation of Davenport, IA	\$991,766.50
Brandt Construction Co of Milan, IL	\$1,298,548.15

Approved By



Purchasing/

Date

Approved By



Dept. Director

Date

Approved By



Budget/CIP

Date

Approved By



Interim Finance Director

Date

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
10/9/2024

Subject:

Resolution approving the plans, specifications, form of contract, and estimate cost for the Fire Station 7 Concrete Replacement project. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

As part of the Fire Department's maintenance requirements, portions of the existing lot at Station 7 are in need of repair. This project will remove and replace pavement failure areas of the existing lot.

The project is scheduled to be bid this fall with construction to be complete prior to the end of the 2024 construction season. Funding is established within the Fire Department operating account.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Fire Station 7 Concrete Replacement project.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Fire Station 7 Concrete Replacement project; and

WHEREAS, notice of Hearing on plans, specifications, and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Fire Station 7 Concrete Replacement project.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Police

Contact Info: Major Bladel | 563-326-6133 |

Action / Date

10/9/2024

Subject:

Resolution accepting the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2024-2025 in the amount of \$77,765. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This is an annual grant that is submitted as a joint effort by the Scott County Attorney's Office for the cities of Davenport and Bettendorf and the Scott County Sheriff's Office. This grant supports the Scott County Special Operations Unit Task Force Program in providing drug trafficking enforcement in Scott County. This grant is separate from the Recovery Grant. The amount of \$77,765 is the total awarded for all three jurisdictions.

Attachments:

1. Resolution
2. Memorandum of Understanding

Resolution No. _____

Resolution offered by Alderwoman Newton.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2024-2025 in the amount of \$77,765.

WHEREAS, the Edward Byrne Memorial Formula Grant Program was created by the Anti-Drug Abuse Act of 1988 and was renamed as the Byrne Justice Assistance Grant in 2004 by Congress; and

WHEREAS, the Byrne JAG Program is a partnership of federal, state, and local governments to create safer communities; and

WHEREAS, grants may be used to provide personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate state and local laws; and

WHEREAS, the City of Davenport has received funding from this grant program for several years to augment salary and benefits for officers to work specialized drug interaction operations and desires to continue such funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the annual Byrne Justice Assistance Grant (JAG) from the federal government for 2024-2025 in the amount of \$77,765 is hereby accepted.

Passed and approved this 9th day of October, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

GMS APPLICATION NUMBER **O-BJA-2024-172239**

STATE OF IOWA

COUNTY OF SCOTT

KNOWN ALL BY THESE PRESENT

***MEMORANDA OF UNDERSTANDING
INTERLOCAL AGREEMENT***

Between the County of Scott, the City of Bettendorf Police Department,
and the City of Davenport Police Department

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
FY 2025 LOCAL SOLICITATION**

This Agreement is made and entered into on the 1st day of October 2024, by and between Scott County, acting through its governing body, the Scott County Board of Supervisors, hereinafter referred to as COUNTY, and the police departments of the cities of Bettendorf and Davenport, hereinafter referred to as CITIES.

WHEREAS this Agreement is made under the authority of Iowa Code Section 28E and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each entity finds that the performance of this agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or function under this agreement.

The County agrees to administer and provide the funding for the four agents that comprise the Scott County Special Operations Unit. The agents are from the Bettendorf Police Department, the Davenport Police Department, and the Scott County Sheriff's Office. The amount of funding for the unit is \$77,765.

WHEREAS the County and the Cities believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the County and the Cities agree as follows:

Section 1.

The Cities agree that Scott County will retain the total of \$77,765 of JAG funds.

Section 2.

The County agrees to use \$77,765 for the Scott County Special Operations Unit Task Force Program from October 1, 2024, through September 30, 2025.

Section 3.

The Cities of Bettendorf and Davenport agree to submit timely reports as requested to the fiscal agent to enable the fiscal agent to timely submit financial reports and an annual performance report to BJA as required.

GMS APPLICATION NUMBER **O-BJA-2024-172239**

Section 4.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5.

The parties to this agreement do not intend for any third party to obtain a right by virtue of this agreement.

Section 6.

By entering into this agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this agreement shall not create any rights in any party not a signatory hereto.

County of Scott:

Ken Beck
Chair, Board of Supervisors

Pamela Brown
Fiscal Officer, Scott County Sheriff's Office

Tim Lane, Sheriff

City of Bettendorf:

City of Davenport:

Robert Gallagher, Mayor

Mike Matson, Mayor

City of Davenport

Department: Finance
Contact Info: Jamie Swanson | 563-326-7795

Action / Date
10/9/2024

Subject:
Motion approving beer and liquor license applications.

A. Annual license renewals (with outdoor area renewals as noted):

Ward 3

German American Heritage Center (German American Heritage Center) - 712 West 2nd Street -
License Type: Special Class C Beer/Wine (On-Premises)

Iowa Mini Mart (Samreet, LLC) - 234 West 3rd Street - License Type: Class E Liquor (Carry-Out)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - License Type: Class C
Liquor (On-Premises)

Ward 4

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) - 2606 West Locust Street -
Outdoor Area - License Type: Class C Liquor (On-Premises)

QC Mart (Bethany Enterprises, Inc) - 1556 West Locust Street - License Type: Class B
Beer/Wine (Carry-Out)

Rio Grande Mexican Restaurant Y Cantina, LLC (Rio Grande Mexican Restaurant Y Cantina, LLC)
- 1414 West Locust Street - License Type: Class C Liquor (On-Premises)

Ward 6

Bad Boy'Z Pizza & Pub (3 Bad GirlZ, LTD) - 4706 Utica Ridge Road - Outdoor Area - License
Type: Class C Liquor (On-Premises)

Hy-Vee (Hy-Vee, Inc) - 1823 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc) - 5811 Elmore Avenue - License Type:
Class E Liquor (Carry-Out)

Recommendation:
Pass the Motion.

Background:
These applications have been reviewed by the Police, Fire, and Zoning Departments.

Attachments:

None

City of Davenport

Department: Parks and Recreation
Contact Info: Chad Dyson | 563-328-7275

Action / Date
10/9/2024

Subject:

Motion awarding a contract for the Emeis Golf Course Maintenance Buildings Renovation project to Reed Construction LLC of DeWitt, Iowa in the amount of \$62,069, CIP #64119. [Ward 1]

Recommendation:

Pass the Motion.

Background:

An Invitation to Bid was issued on August 30, 2024, and sent to contractors. On September 20, 2024, the Purchasing Division opened and read four (4) responsive and responsible bids. Reed Construction LLC, Inc of DeWitt, Iowa was the lowest responsive and responsible bidder and is recommended for award.

Work under this contract includes, but is not limited to, the removal and replacement of existing siding, soffit, and fascia on two maintenance buildings at Emeis Golf Course.

This project is funded through CIP #64119 | Park Development Program.

Attachments:

1. Bid Tab

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Emeis Golf Course Maintenance Buildings Renovation

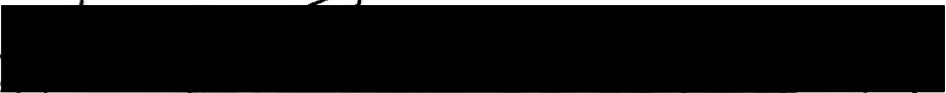
BID NUMBER: 25-17

OPENING DATE: September 20, 2024

FUNDING: CIP 64119 | Park Development Program

RECOMMENDATION: Award the contract to Reed Construction LLC of Dewitt, Iowa
in the amount of \$62,069.

<u>VENDOR NAME</u>	<u>PRICE</u>
Reed Construction of Dewitt, IA	\$62,069
Claeys Construction of Eldridge, IA	\$63,500
Swanson Construction Co. of Bettendorf, IA	\$64,961
Tricon General Construction of Dubuque, IA	\$103,000

Approved By 
Purchasing Date

Approved By 
Dept. Director Date

Approved By 
Budget/CIP Date

Approved By 
Interim Finance Director Date

City of Davenport

Department: Public Works
Contact Info: Brian Schadt | 563-326-7923

Action / Date
10/9/2024

Subject:

Motion approving a waiver of sidewalk installation for Seefried Properties along North Division Street between the Sterilite Facility and Research Parkway, and that said waiver is valid as long as certain conditions remain in effect. [Ward 8]

Recommendation:

Consider the Motion.

Background:

Section 12.12.030 of the Davenport Municipal Code requires that public sidewalks be constructed along the right-of-way of each public street prior to building occupancy unless a waiver is granted by City Council.

The owner of the subject property has requested a waiver for parcel W3401A01. No other public sidewalk exists in this corridor and is zoned Industrial I-1 with no residential connections. A copy of the request letter from Shive-Hattery on behalf of Seefried Properties is included.

If the waiver request is denied, the property owner will be required to construct the sidewalk at the present time, prior to the occupancy permit.

If the waiver is granted, the property owner will be allowed to postpone sidewalk construction until such time as construction is ordered by City Council. The property owner would remain financially obligated for the cost of installation when it takes place.

Attachments:

1. Letter
2. Map of EIIC Area Sidewalk Waivers

September 6, 2024

City of Davenport
1200 E 46th St
Davenport, IA 52807

RE: Seefried Properties – Project Wildcat
Davenport, Iowa

Dear Laura Berkley,

On behalf of Seefried Properties, Shive-Hattery is submitting this sidewalk deferment request for North Division Street, between the Sterilite Facility and Research Parkway. The project will develop approximately 625 feet of frontage along North Division Street. North Division Street will serve as the primary access to the new facility.

Our justification for this request is currently there are no other sidewalk facilities within the industrial park. We understand that when sidewalks begin to be installed in this area, the City may install the sidewalk and assess the property for its portion of the sidewalk improvements along North Division Street. If sidewalks are installed in the future, sidewalks will be constructed per Davenport city code, Title 12.

If you have any questions you can contact me at (319) 471-5330 or by email at lhartin@shive-hattery.com.

Sincerely,

SHIVE-HATTERY, INC.



Lou Hardin, P.E.





THE CITY OF
DAVENPORT
IOWA | USA

Sidewalk Waivers

Eastern Iowa Industrial Center (EIIC) Area
2000-2024

Legend

-  Parcels
-  City Limit (Davenport)
-  Sidewalk Waivers

