



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

October 6, 2021

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Minutes Approval**
 - A. Approval of the 09/01/2021 BOA meeting minutes.
- 5. New Business**
 - A. Consider request from Bob Harmon, on behalf of the Karen Buddhist Association of Iowa for a special use permit, under the terms of Section 165.02 (3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa, that would permit the use of religious organization at 1200 West Iowa Avenue
 - B. Consider request from Justin Kappelman for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of a detached accessory building (garage) at 510 West 2nd Avenue, to which if allowed as requested, would not be in conformity with the requirements of Section 165.04(2)(D) of the Code of Ordinances of Indianola
 - C. Consider request from Dusty Jordan on behalf of Jim Bailey for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa to permit the construction of a covered deck at 601 North 12th Street that would not be in conformity to the setback requirements found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. This section requires a 35-foot rear setback, except for stoops, stairs, decks, and patios, not enclosed or covered by a roof, which may encroach up to 20 feet into the required rear setback
 - D. Discussion and direction on regarding proposed residential rental housing ordinance and program
- 6. Comments**
- 7. Adjourn**



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

September 1, 2021

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:00pm by Chairperson Wes Sharp.

2. Roll Call

Board Members present:

Amy Mitchell

Bill Mettee

Wes Harp

Rene Soldwisch

Lee Bash

Staff Present:

Charlie Dissell

Cortney Marmon

Tim Little

Public Present:

Kirk Ments 405 W Ashland

Jon and Margaret Vernon 401 W Ashland

Brett Wright 602 W Orchard

Brad Butler 1306 E Detroit

3. Agenda Approval

The agenda for the 09/01/2021 meeting was approved on a motion by Renee Soldwisch and seconded by Bill Mettee. On voice vote: All ayes.

4. Minutes Approval

The minutes for the 08/04/2021 meeting were approved on a motion by Lee Bash and seconded by Renee Soldwisch. On voice vote: All ayes.

- A. Meeting Minutes from the 08/04/2021 Board of Adjustment Meeting

5. New Business

- A. Consider request from Adam Voigts, on behalf of First United Methodist Church, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure, located at 307 West Ashland Avenue, that would not be in conformity to the location requirements found in Section 165.04(2)(D) of the Code of

Ordinances of Indianola, Iowa, which states accessory buildings and structures shall only be erected to the rear of any principal building.

Mr. Dissell provided an overview.

Public discussion between the Board, Mr. Dissell, Mr. Little, Jon and Margaret Vernon, and Kirk Ments on concerns about the proposed project due to appearance and location.

A motion was made by Board Member Renee Soldwisch to approve the request with the conditions that Option A, as shown on the site plan submitted, be used. And that the architectural design and style match that of the primary structure. This motion was seconded by Board Member Bill Mettee. On voice vote: All, ayes. Motion passed unanimously.

- B. Consider request from Brad Butler, on behalf of Brett Wright, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an addition to the existing deck at 608 West Orchard Ave, to which if allowed as requested, would not be in conformity with the requirements of found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow a portion of the addition be constructed inside the 35-foot rear yard setback.

Mr. Little provided an overview.

Brad Butler explained the reason for the request.

The Board discussed lot dimensions and the setback requirements.

A motion was made by Board Member Bill Mettee to approve the request. This motion was seconded by Board Member Amy Mitchell. On voice vote: All, ayes. Motion passed unanimously.

- C. Consider request from Robert and Betsey Freese for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, for a variance to permit a division of ground for the dwelling at 603 East Hillcrest Avenue that would not be in conformity to the lot size requirements for the A-1, Agricultural/Open Space Zoning District found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa.

Mr. Dissell provided an overview.

Board members discussed what would be built on the land.

A motion was made by Board Member Bill Mettee to approve the request. This motion was seconded by Board Member Lee Bash. On voice vote: All, ayes. Motion passed unanimously.

6. Comments

Mr. Dissell discussed the rental regulations and adding the Board of adjustment as an appeal board.

7. Adjourn

The meeting was adjourned on a motion by Wes Sharp and seconded by Bill Mettee. On voice vote: All Ayes.

Meeting was adjourned at 6:28pm.



MEMORANDUM

To: Board of Adjustment

From:

Date: October 6, 2021

Subject: Consider request from Bob Harmon, on behalf of the Karen Buddhist Association of Iowa for a special use permit, under the terms of Section 165.02 (3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa, that would permit the use of religious organization at 1200 West Iowa Avenue

Recommendation:

Attachments:

1. 1-Memo
2. 2- Karen Buddhist Review 1
3. 3- BOA Application_1
4. 4- BOA Attachment
5. 5- 1200West Iowa Plan



COMMUNITY DEVELOPMENT

To: Board of Adjustment
From: Charlie E. Dissell, Director
Date: September 29, 2021
Subject: Consider request from Bob Harmon, on behalf of the Karen Buddhist Association of Iowa for a special use permit, under the terms of Section 165.02 (3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa, that would permit the use of religious organization at 1200 West Iowa Avenue

On September 13, 2021, an application for a special use permit was received from the Karen Buddhist Association of Iowa to establish a religious organization at 1200 West Iowa. This application was paid for on September 21. With the adoption of a new zoning code this summer, public or private elementary, middle, or high schools, colleges, universities, vocational and trade schools, membership or religions organizations, social club or lodges, and other places of public assembly are all required to receive a special use permit before being an approved use in any zoning district. This is a site of a former church, but as the former use of the church has ceased for a period of 6 months or more, the use is no longer an established non-conforming use.

According to Section 165.02 (3)(B)(3)(c), an application for a special use permit shall include a site. The application and its site plan shall be reviewed by the Zoning Administrator, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. After review of the submitted site plan, a list of deficiencies was sent to the applicant on September 28. That letter is attached. As such, I would recommend that the Board of Adjustment table this application indefinitely until the comments on the site plan review have been satisfied by the applicant.

I will attend the October 6 meeting if you have any questions.





COMMUNITY DEVELOPMENT

September 28, 2021

Bob Harmon
4113 Lynner Drive
Des Moines, IA 50310

Dear Mr. Harmon:

This letter is to confirm the City's review of the Site Plan related to the Special Use Permit for the Karen Buddhist Association of Iowa, located at 1200 West Iowa Avenue. After review, the City provides the following comments:

1. A Stormwater Management Plan is required for the site. (Section 165.06(4)(B)).
2. More information is needed on the parking lot. This includes:
 - a. The number of parking spaces required. The single-family dwelling requires two (2) parking spaces, and the temple requires one (1) space per 4 seats at max capacity in the main assembly area (Section 165.07(2)(B)).
 - i. Please note that if pews are used, each 24" of pew space equals one (1) seat.
 - b. How the proposed parking lot meets the other requirements of Section 165.07(2)(B).
 - i. This includes required handicap parking and bicycle parking.
 - c. How the proposed parking lot meets the parking area design requirements of Section 165.07(3).
 - i. This includes dimensions, paving standards, curbing standards, parking lot markings and signage.
 - d. How the proposed parking lot meets the landscaping standards of Section 165.08(4)(B)(4).
3. A Landscaping Plan is required for the site (Section 165.08). Please note that existing trees on site can be credited to the trees required as noted in Section 165.08(6)(B).
4. Please explain how the existing building meets the requirements of Section 165.09 (Building Design Standards).
5. Please show existing building setbacks for all buildings on site.
6. Please show sanitary sewer and water service lines on the site plan.
7. Please show any existing or proposed fencing and how it meets the requirements of Section 165.04(4).

8. Please show how trash and recycling containers will be screened as required in 165.05(5)(H).
9. Please show how all equipment, such as ground mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters will be screened (Section 165.05(5)(I)).
10. Any plans for site lighting on the site? If so, please show conformance with Section 165.05(5)(J).
11. Please provide for pervious vs impervious numbers for the property.
12. Please calculate the Equivalent Residential Unit (ERU) for the property per Section 165.06(4)(B)(5).
13. Any plans for signage on the site? Please show on site plan.

Please note that your application has been deemed incomplete due to the items noted herein. Please submit an updated site plan for review at your earliest convenience. If you have any questions, please do not hesitate to contact me at (515) 962-5276 or at cdissell@indianolaiaowa.gov.

Regards,



Charlie E. Dissell, AICP
Director of Community & Economic Development
City of Indianola

BOARD OF ADJUSTMENT APPLICATION

Community Development

110 North 1st Street, Indianola, Iowa 50125-0299
(515) 961-9430 • comdev@indianolaiowa.gov



PROPERTY OWNER

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

APPLICANT (if not Property Owner)

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

☐ APPEAL

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa .
- ☐ Other Information as required by Director

☐ SPECIAL USE PERMIT

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Site Plan and Elevations as outlined in 165.06
- ☐ Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

☐ VARIANCE

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Site Plan and Elevations
- ☐ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature Bob Harman

Name (printed) _____

Date _____

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

The Karen Buddhist Association of Iowa consists of about fifty families in central Iowa. They want to purchase this property as a home for their monk and a temple for prayer. Most gatherings would be small, twenty people or less. There are seven major celebrations a year, when about one hundred people would attend. Because of the size and beauty of the building, this may also become a yearly gathering place for Karen monks from all fifty states.

Mostly, this would be a place of peaceful contemplation. The Karen people have an affinity with nature and treasure the land. The monk intends to plant fruit trees and install flower beds, but otherwise the land would remain as it is.

The surrounding neighbors will see little change. The buildings and trees would be cleaned up, but no additions would be added. The parking lot will accommodate at least 50 cars. More than enough for the largest of celebrations. Simpson College will continue to use the prairie restoration that they developed.

The Karen people are the largest ethnic minority in Myanmar. They have been persecuted by the Burmese for over one hundred years. They have been battling the Burmese army since 1949. Many have fled to refugee camps in Thailand. Most Karen refugees arrived in the United States in 2006 and 2007. Despite recent peace treaties, the present conflicts have forced those remaining from their villages. They are currently living in caves.

Like other immigrants before them, they come to Iowa to work in the meat packing industry. High wages and the low cost of living allow them to work toward a better future for their children.





**Future Temple for the Karen
American Buddhist Association
1200 West Iowa Ave
Indianola, Iowa 50125**



MEMORANDUM

To: Board of Adjustment

From:

Date: October 6, 2021

Subject: Consider request from Justin Kappelman for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of a detached accessory building (garage) at 510 West 2nd Avenue, to which if allowed as requested, would not be in conformity with the requirements of Section 165.04(2)(D) of the Code of Ordinances of Indianola

Recommendation:

Attachments:

1. 1- Kappelman Staff Report
2. 2- JK App



Community Development

110 N. First St., Indianola, IA 50125-0299 • www.indianolaiowa.gov
515-961-9430 • comdev@indianolaiowa.gov

Staff Report

Board of Adjustment

Date of Meeting: October 6th, 2021

Agenda Item: 5.B. Consider request from Justin Kappelman for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of a detached accessory building (garage) at 510 West 2nd Avenue, to which if allowed as requested, would not be in conformity with the requirements of Section 165.04(2)(D) of the Code of Ordinances of Indianola.

Application Type: Variance

Applicant: Justin Kappelman

Property Address: 510 West 2nd Ave

Zoning: R-2 Single-Family Residential Attached

Application Summary: A variance is requested to allow for the construction of a detached accessory building inside of 10' from the primary structure and inside of 5' from the alley/property line.

AERIAL MAP



APPLICABLE CODE SECTIONS

The following sections of the Code of Ordinances of Indianola, Iowa apply to this request:

Section 165.02 (3)(B)(3) Power and Duties: The Board shall have the following powers and duties:

b. Variances - To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:

- i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

- ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- iii. That the special conditions and circumstances do not result from the actions of the applicant;
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district. If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

SECTION 165.04 (2) ACCESSORY BUILDINGS AND STRUCTURES.

The following details the requirements for accessory buildings and structures permitted within the city.

2. ACCESSORY BUILDINGS AND STRUCTURES

A. Intent. Principal uses specified as permitted uses or special uses for a district shall be deemed to include accessory buildings and uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. These accessory buildings and structures include: free standing garages for automobiles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, and above-ground and in-ground pools and hot-tubs. It is the intent of these standards herein this section to establish the basic regulations for accessory buildings and structures.

B. General Provisions. No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.

C. Applicability. The following regulations shall apply to all accessory buildings and structures for agricultural uses, single-family dwellings, two-family dwellings, townhouse or row dwellings, and manufactured home parks. Accessory buildings and structures for all other uses shall comply with the regulations and standards as established for principal structures.

D. Location and Setbacks. The following location and setback requirements shall apply to all accessory buildings and structures:

- (1) Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building.
- (2) Accessory buildings and structures shall not be erected within any required buffer or easement.
- (3) When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.
- (4) When located on a double frontage or through lot, the Zoning Administrator shall determine which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided.

- (5) No accessory building or structure shall be located closer than ten (10) feet from the street right-of-way line of the street located along the designated rear yard as determined by the Zoning Administrator, except that when any vehicle entrance to an accessory building faces the street, said accessory building shall be setback at least twenty (20) feet from the alley line.
- (6) Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.
- (7) Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.
- (8) All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.

ANALYSIS

Mr. Kappelman is requesting a variance to permit the construction of detached garage inside of the 5' setback requirement from any lot lines and 10' separation distance between principal and accessory structures. Be it known that Mr. Kappelman is currently going through the process of alley vacation which, if successful, the 5' setback from any lot lines will not be applicable, however; the 10' separation distance from the principal structure is still required. If permitted as requested, the garage will have approximately 6-8' of separation distance from the principal structure. Whether its closer to 6' or 8' is dependent upon the size of the overhang. The 10' separation requirement for zoning mainly revolves around aesthetics and fire protection which is why we require accessory structures to maintain 5' from any lot lines. Doing so achieves 10' separation between neighboring accessory structures of different lots. The proposed separation distance will meet all applicable regulations of the International Residential Code.

ALTERNATIVES

The City of Indianola Board of Adjustment may consider the following alternatives:

- 1) The City of Indianola Board of Adjustment approves the variance request, as submitted.
- 2) The City of Indianola Board of Adjustment approves request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the variance request.
- 4) The City of Indianola Board of Adjustment remands the variance request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends alternative number 1; that the City of Indianola Board of Adjustment approve the Variance as proposed.

Variance Request for 510 West 2nd Ave.

My name is Justin Kappelman and I am requesting a variance to build a garage at 510 west 2nd avenue in Indianola, IA. I purchased the property in 2017 which came with a slightly smaller garage in the exact location. I was approved with a permit to demolish the old dilapidated garage and construct a new structure. The old garage was demolished and a new pad was poured in 2017. The permit has since expired and zoning changes have been made so I am requesting the variance in order to get a new permit approved. The garage is less than 5 feet from the required alley set back and less than 10 feet from the house. All local codes will be followed. I am currently in the process of purchasing the alley from the city of Indianola to help alleviate requirements in the future. The purchase will be made by JK MANAGEMENT LLC, the current owner of the address. My adjoining neighbors are in agreement with the purchase so I do not see any resistance with the purchase. I plan to attend the zoning meeting if any unplanned question should arise. Thank you for your consideration.

A handwritten signature in blue ink that reads "Justin Kappelman" followed by a horizontal line and the date "22 Sept 2021".

Justin Kappelman

JK MANAGEMENT LLC.

BOARD OF ADJUSTMENT APPLICATION

Community Development

110 North 1st Street, Indianola, Iowa 50125-0299
(515) 961-9430 • comdev@indianolaiaowa.gov



PROPERTY OWNER

(Last Name) Kappelman
(First Name) Justin
(Address) 601 W 1st Ave
(City) Indianola (State) Ia (Zip) 50125
(Phone) 515-681-5464 (Email) justin@kappelmanappliance.com

APPLICANT (if not Property Owner)

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

☐

APPEAL

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa.
- ☐ Other Information as required by Director

☐

SPECIAL USE PERMIT

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Site Plan and Elevations as outlined in 165.06
- ☐ Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

☒

VARIANCE

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☒ Property Address: 510 W 2nd Ave
- ☒ Completed Application
- ☒ Filing Fee: \$150 per request
- ☒ Site Plan and Elevations
- ☒ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature _____

Name (printed) Justin Kappelman

Date 9/22/2021

FOR OFFICE USE ONLY:

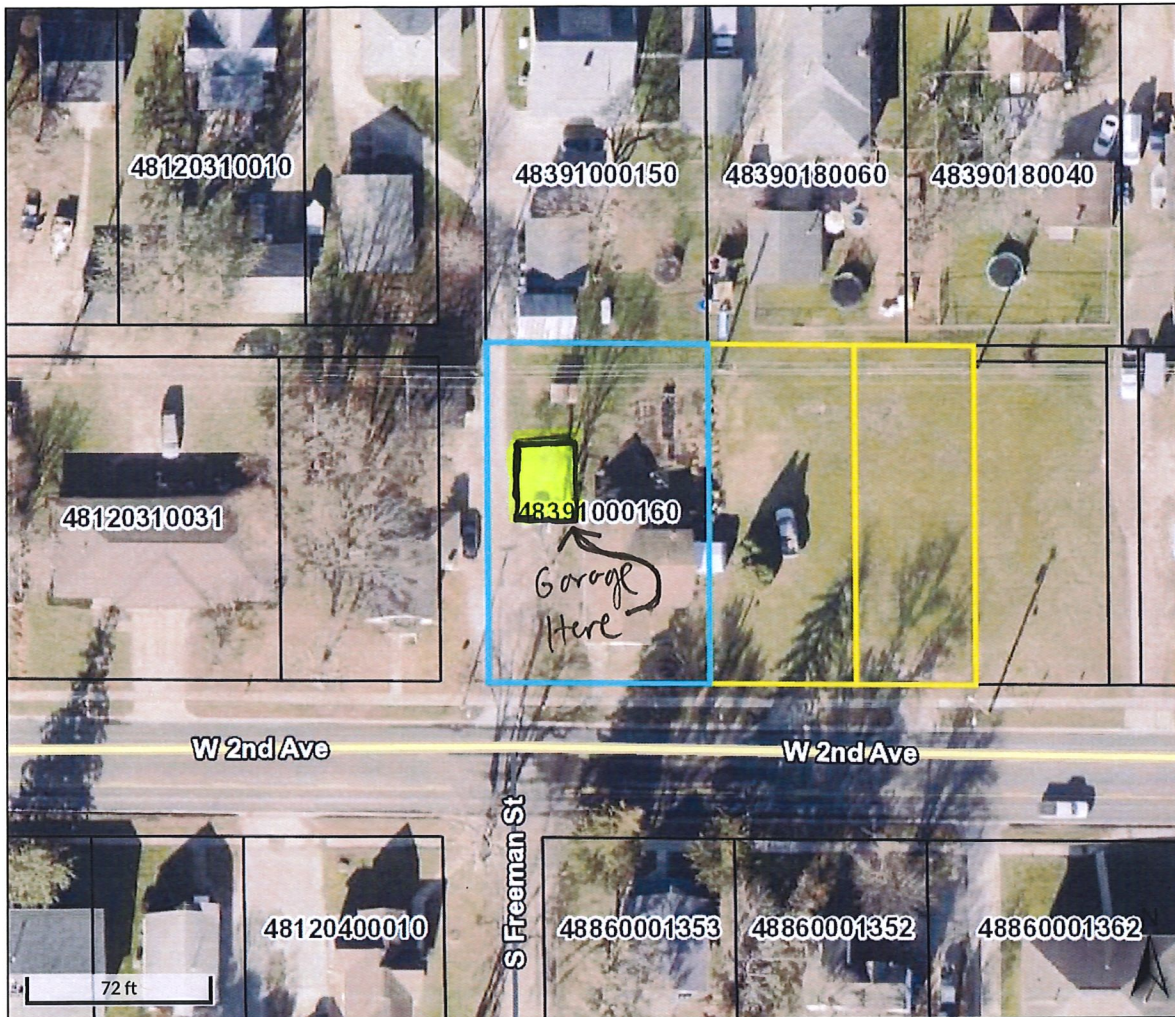
Code to 45180

Date Received: _____

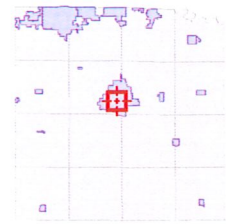
Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____



Overview



Legend

Roads

-  <all other values>
-  Interstate
-  Highway
-  Ramp
-  County Gravel
-  County Level B
-  County Level C
-  City Gravel
-  City Street
-  Private Street

-  Corporate Limits
-  Parcels
-  Political Township

Major Roads

-  County Hwy
-  State Hwy
-  US Hwy
-  Interstate
-  Water

Parcel ID	48391000160	Alternate ID	n/a	Owner Address	JK MANAGEMENT LLC
Sec/Twp/Rng	n/a	Class	R		601 W 1ST AVE
Property Address	510 W 2ND AVE	Acreage	n/a		INDIANOLA, IA 50125
	INDIANOLA				
District	48300				
Brief Tax Description	25-76-24 OL JONES & WINDLES ALL OF ALLEY TO E & LOT 16 & S 6' ALLEY ADJ ON N				
	(Note: Not to be used on legal documents)				

Disclaimer:

The maps included in this website do not represent a survey and are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contain information required for government purposes. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. Warren County assumes no responsibility for use or interpretation of the data. Any person that relies on any information obtained from this site does so at his or her own risk. All critical information should be independently verified.

The 2,000 Foot Buffers layer is for law enforcement guidance only, and is based on the best information available at the time it was prepared. This layer should not be considered to be a complete and accurate representation of the locations of every school or child care facility, and will be changed as new information is available. The registered offender is responsible for ensuring that proposed residence is in compliance with the law, and may not rely solely on this layer. The registered offender should seek legal advice from a licensed attorney if needed.

Date created: 9/22/2021

Last Data Uploaded: 9/21/2021 9:42:20 PM

Developed by  **Schneider**
GEOSPATIAL



MEMORANDUM

To: Board of Adjustment

From:

Date: October 6, 2021

Subject: Consider request from Dusty Jordan on behalf of Jim Bailey for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa to permit the construction of a covered deck at 601 North 12th Street that would not be in conformity to the setback requirements found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. This section requires a 35-foot rear setback, except for stoops, stairs, decks, and patios, not enclosed or covered by a roof, which may encroach up to 20 feet into the required rear setback

Recommendation:

Attachments:

1. 1- 601 N 12th St. Staff Report
2. 202109240959177642
3. Bailey Deck-Patio-A-01



Community Development

110 N. First St., Indianola, IA 50125-0299 • www.indianolaiowa.gov
515-961-9430 • comdev@indianolaiowa.gov

Staff Report

Board of Adjustment

Date of Meeting: October 6th, 2021

Agenda Item: 5.C. Consider request from Dusty Jordan on behalf of Jim Bailey for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa to permit the construction of a covered deck at 601 North 12th Street that would not be in conformity to the setback requirements found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. This section requires a 35-foot rear setback, except for stoops, stairs, decks, and patios, not enclosed or covered by a roof, which may encroach up to 20 feet into the required rear setback.

Application Type: Variance

Applicant: Dusty Jordan on behalf of Jim Bailey

Property Address: 601 North 12th St.

Zoning: R-1 Single-family Residential Detached

Application Summary: A variance is requested to allow for a covered or enclosed deck to be constructed inside the rear yard setback.

AERIAL MAP



APPLICABLE CODE SECTIONS

The following sections of the Code of Ordinances of Indianola, Iowa apply to this request:

165.02 (3)(B)(3) Power and Duties: The Board shall have the following powers and duties:

b. Variances - To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:

- i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- iii. That the special conditions and circumstances do not result from the actions of the applicant;
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Zoning

Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district. If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

165.05(2) RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS. The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	A-1 Zoned Single Family Dwelling	Single Family Dwelling (Detached and Semi-Detached)	Two Family Dwelling	Townhouse or Row Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	15 acres	7,200 sq ft	8,400 sq ft	n/a	n/a	40,000 sq ft
Min. Lot Width ¹	300 ft	60 ft	70 ft	24 ft.	80ft	100 ft
Min. Lot Street Frontage ²	20 ft	20 ft	20 ft	20 ft	20 ft	40 ft
Front Yard Setback ³	40 ft	30 ft	25 ft	25 ft	30 ft.	35 ft.
Side Yard Setback ⁴	10 ft	8 ft min one side, 18 ft total sum of both side yards	10 ft ⁶	8 ft. ⁶	30 ft	30 ft
Rear Yard Setback ⁵	35 ft	35 ft	30 ft	30 ft	30 ft	35 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	16 ft side to side, 46 ft back to back or back to side	30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	30 ft	30 ft	30 ft	30 ft
Max. Building Height	35 ft	35 ft	35 ft	35 ft	50 ft	40 ft
Min. Open Space	n/a	20%	20%	25%	25%	25%
Max. Dwelling Units Per Acre	0.067	n/a	n/a	8	20	n/a
¹ Measured at the front yard building setback line						
² Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line						
³ Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback						

⁴ Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line

⁵ Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback

⁶ Zero feet from common lot lines of attached structures

ANALYSIS

Dusty Jordan, on behalf of Jim Bailey, is requesting a variance to the rear yard setback of 35' for the purpose of constructing a deck with a covered or enclosed roof within the rear yard setback. The house sits on a corner lot and is approximately 18' from the rear lot line, therefore, nonconforming with the current rear yard setback regulation. City ordinance does allow for a deck to be constructed up to 20' into the rear yard setback only if it is uncovered and or not enclosed. When a roof structure is proposed over the deck that is or will be inside the rear yard setback, approval of a variance must be obtained prior to construction of the enclosed or covered deck.

ALTERNATIVES

The City of Indianola Board of Adjustment may consider the following alternatives:

- 1) The City of Indianola Board of Adjustment approves the variance request, as submitted.
- 2) The City of Indianola Board of Adjustment approves request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the variance request.
- 4) The City of Indianola Board of Adjustment remands the variance request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends alternative number 1; that the City of Indianola Board of Adjustment approve the Variance as proposed.

BOARD OF ADJUSTMENT APPLICATION

Community Development

110 North 1st Street, Indianola, Iowa 50125-0299
(515) 961-9430 • comdev@indianolaiowa.gov



PROPERTY OWNER

(Last Name) JIM BAILEY
(First Name) Jim
(Address) 601 N. 12TH ST.
(City) INDIANOLA (State) IA (Zip) 50125
(Phone) (515) 689-0548 (Email) ARMYDOOD@AOL.COM

APPLICANT (if not Property Owner)

(Last Name) JORDAN
(First Name) DUSTY
(Address) 7325 70TH AVE.
(City) INDIANOLA (State) IA (Zip) 50125
(Phone) (515) 991-5210 (Email) jordandusty@hotmail.com

APPEAL

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa.
- ☐ Other Information as required by Director

SPECIAL USE PERMIT

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Site Plan and Elevations as outlined in 165.06
- ☐ Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

VARIANCE

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☒ Property Address: 601 N. 12TH AVE.
- ☒ Completed Application
- ☒ Filing Fee: \$150 per request
- ☒ Site Plan and Elevations
- ☒ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa
- ☒ Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature

Dusty Jordan

Name (printed)

DUSTY JORDAN

Date

9-24-2021

FOR OFFICE USE ONLY:

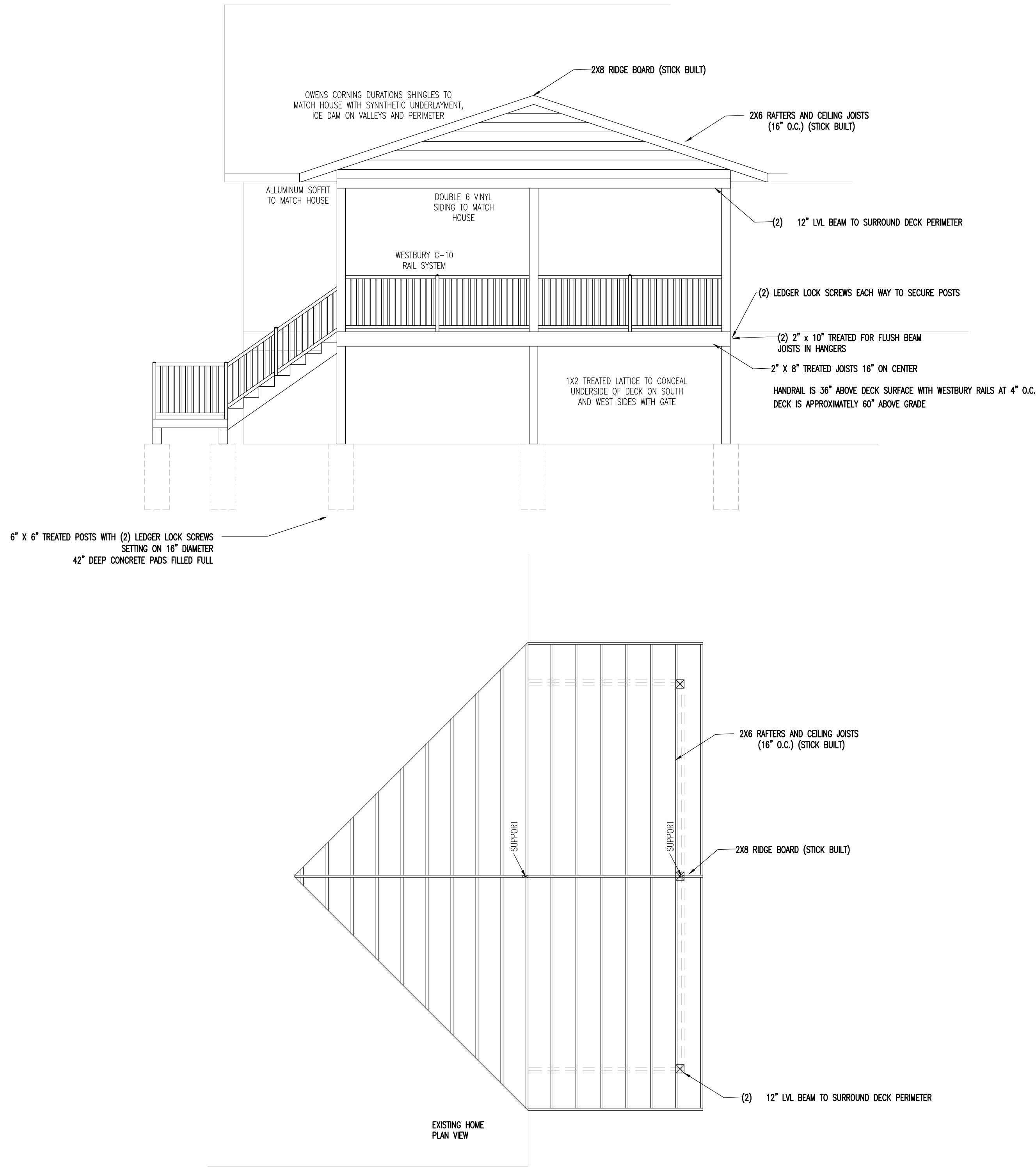
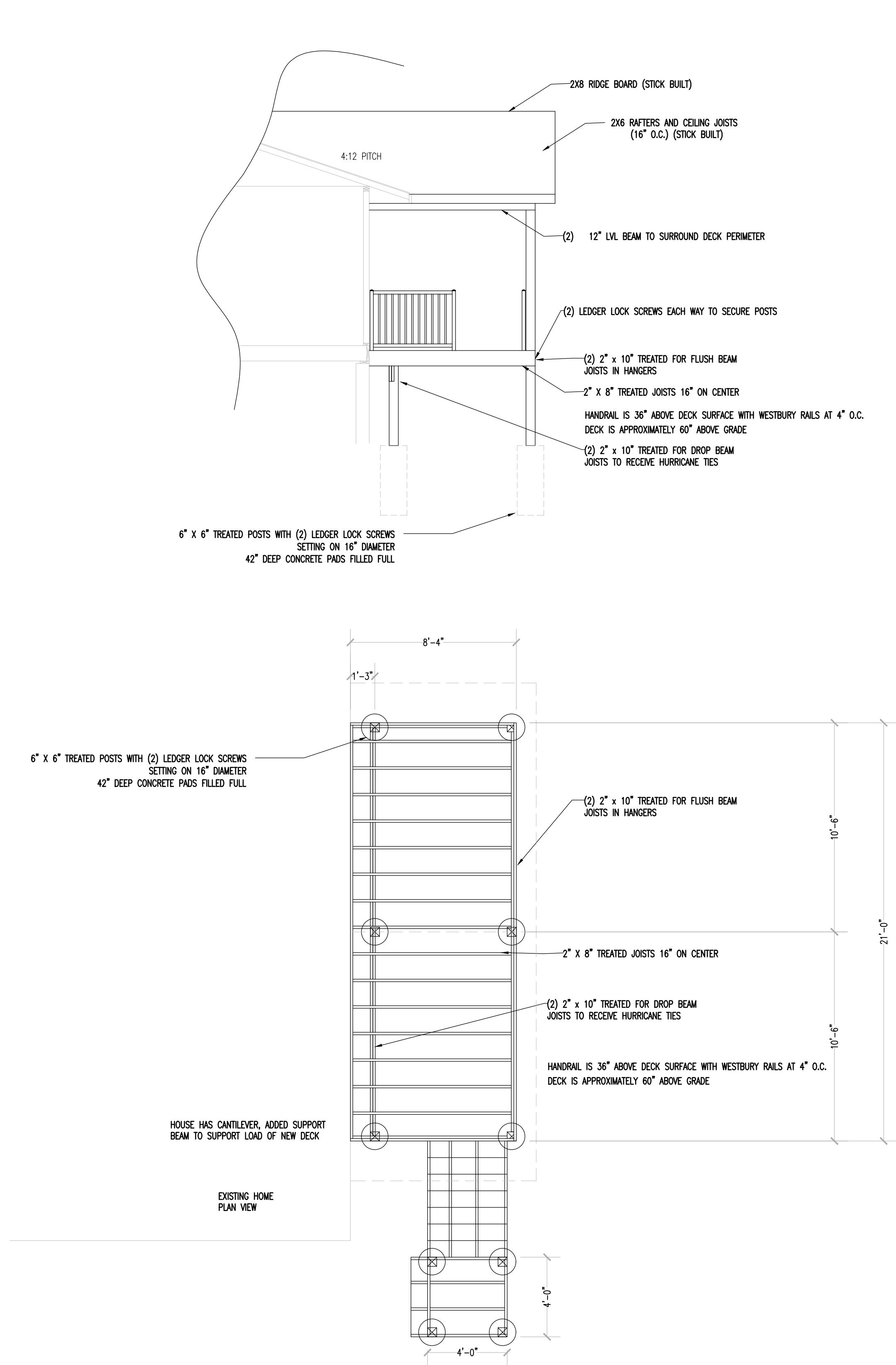
Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____



CUSTOMER: JIM AND SHELLEY BAILEY

PROJECT LOCATION: 601 N 12TH
INDIANOLA, IA 50125

A.01

DRAWN BY: DRJ
SCALE: $\frac{1}{4}$ " = 1'-0"

FOR PRICING DOCUMENTS



REVISION HISTORY



MEMORANDUM

To: Board of Adjustment

From:

Date: October 6, 2021

Subject: Discussion and direction on regarding proposed residential rental housing ordinance and program

Recommendation:

Attachments:

1. Housing Rental Code Memo
2. Full Survey Results October 2021
3. 2- Residential Rental Code
4. 3- Rental Housing Inspection Checklist_2



COMMUNITY DEVELOPMENT

To: Planning and Zoning Commission
From: Emily Rizvic, Planning Intern
Charlie Dissell, Director
Date: October 1, 2021
Subject: Consideration and Adoption of Residential Rental Codes in the City of Indianola

Background

Iowa Code 364.17 “City Housing Codes” requires cities with a population of fifteen thousand (15,000) or more to adopt by ordinance a residential rental code. This code includes programs for regular rental inspections, inspections upon receipt of complaints, and certification of inspected rental housing.

The 2020 population counts from the United States Census Bureau determined that the city’s population is roughly 15,800. To become compliant with Iowa Law, property owners, their agents and others who rent out residential dwelling or sleeping units would be required, upon adoption, to follow the Residential Rental Code within the corporate limits of the City of Indianola.

Methodology

A comparison of ordinances established by municipalities with a population of 15,000 or higher was conducted by Community and Economic Development Staff. Additionally, a survey was sent to municipalities within Iowa regarding their rental housing code which received 16 responses. The following are a list of ordinances and survey responses that have been reviewed:

- Adel
- Altoona
- Ames
- Ankeny
- Cedar Rapids
- Clive
- Des Moines
- Dubuque
- Grinnell
- Grimes
- Iowa City
- Johnston
- Marshalltown
- Newton
- Norwalk
- Pella
- Sioux Center
- Urbandale
- Waukee
- West Des Moines

Additionally, residents of Indianola, particularly those that participate in the rental housing community, were surveyed to collect input and feedback on existing conditions within the rental housing community. A total of 95 responses were collected in this survey and is attached.

Exemptions

Unless indicated otherwise, all rental properties would be subjected to the Residential Rental Code. Exemptions are made for circumstances where state licensing is required and issued. The following are exemptions that are outlined within the proposed code:

- Transient shelters and group homes which are subjected to state licensing. State code currently has jurisdiction towards these types of facilities
- Dormitories which are subjected to inspections by the State Fire Marshall
- Hotels, motels, extended stay hotels and other similar uses. State code currently has jurisdiction towards these types of facilities

Transient shelters, group homes, hotels, motels, extended stay hotels or guest lodging where occupants would reside for less than thirty-one (31) days are governed by state licensing and other requirements or regulations and thus are not included within this proposed chapter.

Many other municipalities within Iowa include exemptions for those rental properties where the owner's immediate family is occupying the unit. The City of Des Moines is currently undergoing a revision of this provision to require these units to be inspected and registered, stressing the importance for the city's existing housing stock to be well maintained and managed and to provide safe and healthy housing.

What Provisions are Required to be Adopted?

Iowa Code 364.17 outlines the requirements and power that cities have in adopting city housing codes and rental codes. The code specifies the following requirements to be adopted in order to be compliant with State law:

- Regular Rental Inspections
- Rental Inspections upon the receipts of complaints
- Certification of inspected rental housing
- A housing code, such as the following:
 - National Healthy Housing Standard by the American Health Association
 - Uniform Building Code by the International Conference of Building Officials (ICBO)
 - Standard Housing Code by the Southern Building Code Congress International
 - Housing Quality Standards by the U.S Department of Housing and Urban Development (HUD)
 - Or another housing code which provisions are more stringent than those in the model housing code it adopts or to which it is subjected to (364.17.7)

The City of Indianola currently has the 2018 International Property Maintenance Code adopted. It is proposed to reference this housing code for rental properties. This code can be found in Chapter 154 *Property Maintenance Code* of the City of Indianola Code of Ordinances.

Inspections

In order to be compliant with State law requirements, regular inspections are proposed for all rental units, existing and proposed and would be conducted every two years. Inspections may become more frequent or infrequent depending on the following factors:

- Age and condition of dwelling
- Inspection history
- Tenant/management complaints
- Natural disasters such as flooding
- Timely inspection scheduling, follow-up, and fee payment by the owner
- In-house inspection and maintenance program by the owner that includes specific life and safety provisions

Inspections will be scheduled by the applicant through the city with twenty-four hour notification prior to scheduling. The owner and/or agent is required to notify the tenant of the inspection in accordance with Chapter 562A of Iowa Code titled *Uniform Residential Landlord and Tenant Law*. Additionally, inspections may not be conducted in the following circumstances:

- When a minor is serving on the behalf of the owner and/or agent
- When the inspection is against the will of the tenant without the building owner and/or agent present
- When no prior notice is given to the tenant, as required by state law (Chapter 562A)
- Without the either the owner and/or agent. Tenant of the dwelling, or the designated agent being present

In the event that entry is refused, the City Attorney or their designee may make an application for an administrative search warrant in the name and authority of the city, as provided by law. Administrative search warrants are to ensure safe and healthy living accommodations if a property owner refuses entry. Administrative search warrants are required if refused entry as established in *Camara v. Municipal Court*, 387 U.S. 523 (1967). Currently, the City of Des Moines codifies administrative search warrants into their rental housing code.

Rental Inspection Certificates

In order to meet State requirements, provisions regarding the certification or licensing of inspected rental housing is proposed. **Figure 1** shows a step by step process of the certification process. The following are summaries of regulations proposed for codification.

- Registration – Rental properties will be required to register all rental units that they manage, own, or oversee. Registration initiates the certification process and provides the City with

contact information to notify landlords of when certificates are expired or know who to contact when mediating disputes on alleged violations

- **Duration and Validation** – Certificates expire at the end of two (2) years following its date of issuance, or from the listed expiration date, unless revoked or suspended. Certificates are revoked if not renewed within thirty (30) days from the date of expiration. Renewal includes an inspection of rental property for compliance with the proposed ordinance
- **Transfer of Ownership** – When ownership of units or rental properties is proposed to be transferred, a ninety-six (96) hour notice is required to the City. Succeeding property owners will have 30 days to reregister the rental property. Re-inspection is not required unless the certificate on the rental property has expired or the succeeding property owner fails to re-register the property within 30 days
- **New Units** – New construction projects which have received a final inspection approval will not be required to complete an inspection for a period of two years from the issue date of their previous permit but will still need to register their property and provide contact information to the City

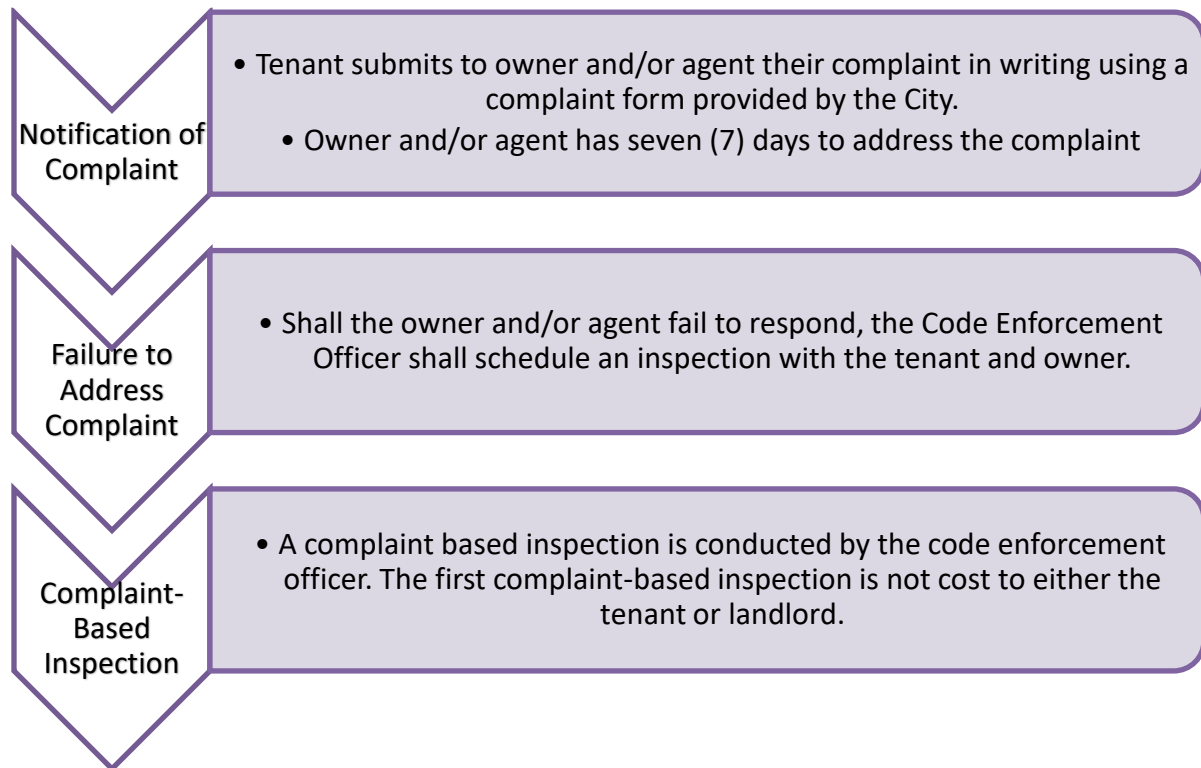
Figure 1: Proposed Rental Registration and Certification Process



Complaints and Rent Collections

In order to meet State requirements, provisions regarding rental inspections upon receipt of complaints is also required. As a result, the following is proposed. The city will intervene in complaints in the event that there are significant concerns regarding health, safety, or general welfare. The proposed complaint process can be shown in **Figure 2**.

Figure 2: Shows the proposed complaint process.



Additionally, it is proposed for no retaliation clauses to be included within the provisions of this ordinance. No retaliation clauses ensure that actions such as eviction does not occur as a result of an individual filing a complaint nor that services, facilities, equipment, or utilities be removed, shut off, or discontinued in retaliation to a complaint.

Lastly, it is proposed that rent cannot be recoverable by the owner or lessee of any unit which does not comply with the provisions within this ordinance for any period of occupancy which commences on or after the date that the City provides notice to the owner and tenant of the provisions of the chapter. Rent remains unrecoverable until the City provides written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate.

Crime Free Multi-Housing Program

The Crime Free Multi-Housing Program is a program in effort to reduce the occurrence of crime that occurs on rental properties. The goal for such program would be to reduce crime and create a safer and more desirable environment for families to live and assist in the enforcement of criminal activity that may occur in multi-housing properties. A number of cities within Iowa

are enrolled in the program, with most having the program voluntary for rental properties and only some cities making the program mandatory. A brief list can be viewed here:

- Ames
- Ankeny
- Cedar Rapids
- Council Bluffs
- Des Moines
- Iowa City
- Johnston
- Newton
- Urbandale
- Waukee

The first phase of the program includes an eight hour training program, which upon completion, landlords, owners, and/or agents will receive a certification for completing this phase. The City of Ames recently conducted the first phase of their voluntary program. Some of the training that the program covered included the following:

- Building inspection issues
- Combating illegal activity
- Fire safety and prevention
- City partnerships
- Understanding city & state codes
- Background and other security checks
- Physical security crime prevention through environmental design
- Rental agreements
- Active property management
- Lease addendum's
- Evictions

The second phase includes crime prevention through environmental design. This refers to the safety features that are provided on the rental property, such as deadbolt locks, 180 degree eye-viewers, slide lock on sliding glass doors, adequate security lighting, landscaping for visual lines, and visible addresses posted on each building and apartment door. The last phase includes a tenant safety social, where the police department goes over general safety principles and crime prevention tactics with the residents of the rental property.

Alternatively, the program has seen legal challenges. Pending cases such as *Jones et al. v City of Faribault* claims that the practice violates the Fair Housing Act and the Equal Protection Clause of the 14th Amendment. In the survey that was conducted between Iowan municipalities, approximately twelve (12) answered that they do not have this code adopted and of the 4 that do, two (2) has property owners and managers join the program voluntarily. It is recommended that if a crime-free housing ordinance was enacted in the future, that such program is voluntary.

Violations

In the event that provisions within this chapter are violated, the Community and Economic Development Department may issue an order requiring the property owner and/or agent to correct violations within a reasonable amount of time. The City must also give notice and detail the violation(s) so that the property owner and/or agent may correct said violation(s).

Appeals and Variances

Variances to provisions within the zoning code regarding adopted housing code standards or other codes promulgated within this chapter may be recommended for approval by the Board of Adjustment to the City Council.

Additionally, the proposed code allows for the Board of Adjustment to hear appeals. Applicants can appeal denials to certificate applications, revocations, and suspensions. It is recommended in the future to consider the establishment of a Housing Appeals Board as an appropriate body to appeal to or hear cases relevant to housing in Indianola.

Community Meetings

A total of three (3) community meetings were organized in regard to the Rental Housing Code. The first meeting was organized on August 5th, 2021 and focused on tenants. A total of four (4) individuals showed up to this meeting. On August 12th, staff met with landlords where approximately 50 individuals came. A third meeting was organized after interest was indicated and was hosted on September 30th.

Tenant Meeting – August 5th

At the tenant meeting, tenants indicated a need for overall safety and wellbeing in rental housing, including fire safety. Tenants also indicated a concern over accessibility in multi-family housing, particularly ADA-Compliant parking and pathways.

Landlord/Property Owner Meetings - August 12th and September 30th

At the landlord meeting, landlords and property owners raised concerns over code language for radon levels in home. As the code is written, testing is not required for radon levels. Currently, Iowa City is the only city in Iowa that tests single-family and duplex properties for radon levels and required mitigation if radon levels are above the federal EPA hazard exposure level of 4pCi/L. This program began in July of 2021.

Additionally, landlords raised concerns over proposed language regarding requiring locks to be changed or rotated following a change in tenancy.

Recommended Resources for Rental Property Owners and Tenants

The following are resources that could be created for property owners and tenants to inform them on the code update and help walk them through the process or that already exist within proximity to the City of Indianola.

- A housing inspection checklist – Many cities create a safety inspection checklist for property owners and landlords to inform them of what the housing inspector will be looking for during the inspection. A copy of this checklist is provided as an attachment
- Designated webspace on the City of Indianola website that addresses frequently asked questions and provides all resources and information needed for both tenants and landlords. Additionally, a copy of the rental housing code and tenant landlord act would be provided
- HOME, Inc. – HOME, Inc. provides resources and education to both landlords and tenants regarding the Tenant Landlord Act and provides housing counseling

There are additional resources that span from addressing issues such as lead-based paint, asbestos, and smoke-free housing. These resources have been collected by staff and are being implemented into a rental guidebook.

Lastly, through survey and discussions made during community meetings regarding the rental housing code, both tenants and landlords indicated that they are interested in a program or training that covers the rental housing code and rights promulgated in the Tenant and Landlord Act. The full survey results are provided as an attachment.

Recommendations

The Community Development staff put forth the following recommendations:

1. Focus priorities in increasing or keeping the existing rental unit stock rather than minimizing the supply of this housing type. Enforcement procedures should focus on improving housing conditions rather than displace persons from their homes and/or shelter
2. Consider establishing a Housing Appeals Board to hold hearings
3. If participation in the crime-free multi-housing program is proposed, consider having landlords participate voluntarily in a crime free multi-housing program rather than mandating participation
4. Create and make accessible a safety inspection checklist for property owners/managers and landlords to prepare for rental housing inspections
5. Establish and actively share resources and guides for landlords, tenants, and other stakeholders in regard to renting in Indianola, conducting and passing inspections and designate webspace on the City website to host such materials and resources
6. Consider having the code enforcement officer join as an active member of the Iowa Association of Code Enforcement
7. Actively work with stakeholders in the community during the adoption and future code amendments of the rental code
8. Participate in the annual National Lead Poisoning Prevention week by spreading information and resources to the community and increase awareness and utilize their public engagement tools such as the Social Media Guide and Partner Information Kit
9. Organize an event or collaborate with local non-profits to conduct an annual program for tenants and landlords to educate on the rental housing code and Tenant Landlord Act
10. When a fee schedule is adopted for the rental inspection program, it is recommended to not charge a complaint-based fee towards landlords or tenants

Full Survey Results

City of Indianola, Iowa | October 2021

Full survey results regarding conditions within the rental housing community and market in the City of Indianola, Iowa. This survey was administered by the Community Development Department



Full Survey Results

A total of twenty-four (24) responses were received from property owners, managers, and landlords.

Q1 HOW MANY RENTAL UNITS WITHIN INDIANOLA DO YOU OWN/MANAGE?

ANSWERED: 24 SKIPPED: 0

Number of units owned by each property owner/manager	Responses	%
1 unit	10	41.6
2 units	4	16.6
3-5 units	3	12.5
6-9 units	3	12.5
10-20 units	1	4.16
21-30 units	0	0
31-50 units	1	4.16
More than 50 units	2	8.3

Q2 WHAT TYPES OF UNITS DO YOU MANAGE/OWN WITHIN THE CITY?

ANSWERED: 24 SKIPPED: 0

Type of Units	Responses	%
Single-Family Dwellings	18	75
Two-Family Dwellings (Duplex)	4	16.6
Multi-family Dwellings (3 +)	3	12.5
Apartments	5	20.8
Condominiums	3	12.5

PROPERTY OWNERS AND MANAGERS

Q3 HOW WOULD YOU RATE THE FOLLOWING?

Q.3.1 THE OVERALL RENTAL HOUSING QUALITY WITHIN THE CITY OF INDIANOLA



Q.3.2 THE RENTAL MARKET WITHIN INDIANOLA



Q.3.3 OVERALL CONDITION OF PROPERTIES YOU CURRENTLY RENT OUT OR MANAGE



Q4 WHAT TYPE OF HOUSING DO YOU PROVIDE?

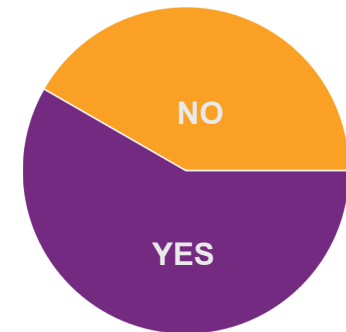
ANSWERED: 24 SKIPPED: 0

Type of Housing	Responses	%
Market Rate	24	100
Section 8	3	12.5
Low-Income Housing	0	
Privately owned Section 8	0	

Q5 HAVE YOU EVER HAD TO EVICT A TENANT OR CANCEL A LEASE?

ANSWERED: 24 SKIPPED: 0

Response	Count	%
Yes	14	58.3
No	10	41.7



Q.5.1 WITHIN THE LAST 2 YEARS, HOW MANY RENTERS HAVE YOU EVICTED OR CANCELLED THEIR LEASE?

ANSWERED: 14 SKIPPED: 0

Number of Evictions	Responses	%
0 evictions	8	57.14
1 eviction	3	21.42
2 evictions	2	14.28
3 to 9 evictions	0	0
More than 10 evictions	12	85.7

Full Survey Results Cont.

PROPERTY OWNERS AND MANAGERS

Q.5.2 WHAT REASONINGS HAVE YOU HAD TO EVICT A TENANT OR CANCEL A LEASE?

Reasonings	Responses	%
Failure to pay rent	12	85.7
Engaging in illegal activity	4	28.5
Violating lease agreements related to occupancy rules	3	21.4
Disturbing other tenants (i.e. Noise)	3	21.4
Violating lease agreements (Misc.)	1	7.14
Violating lease agreements related to housing pets/animals	0	0
Property destruction	0	0
Smoking	0	0

Q6 DO YOU CONDUCT A WALK THROUGH WITH EACH RENTER PRIOR TO MOVE IN TO IDENTIFY ANY HEALTH AND SAFETY CONCERNS?

ANSWERED: 24 SKIPPED: 0

Response	Count	%
Yes	19	79.2
No	5	20.8

Q7 HOW OFTEN DO YOU REFUND THE SECURITY OR DAMAGE RENTAL DEPOSIT AT THE END OF THE LEASE?

ANSWERED: 24 SKIPPED: 0

Response	Count	%
Almost always	11	45.8
More than half the time	10	41.7
Less than half the time	1	4.2
Almost never	2	8.3

Q8 HOW MUCH DO YOU SPEND PER YEAR TO MAINTAIN THE CONDITION AND APPEARANCE OF A SINGLE RENTAL UNIT?

ANSWERED: 21 SKIPPED: 3

Response	Count	%
\$500 or less	5	23.8
Between \$501 and \$1,000	6	28.57
Between \$1,001 and \$1,999	2	9.52
Between \$2,000 and \$2,999	5	23.8
Between \$3,000 and \$3,999	1	4.76
Between \$4,000 and \$4,999	0	0
More than \$5,000	2	9.52

Q9 ARE YOU AWARE OF THE FOLLOWING RESOURCES FOR TENANTS/LANDLORDS?

ANSWERED: 24 SKIPPED: 0

Resource	Yes	No
Iowa Civil Rights Commission	6	18
HOME, Inc.	3	21
Iowa Legal Aid (ILA)	8	16
United States HUD	10	14
Warren County Housing Authority	11	13
Iowa International Center (IIC)	3	21
Iowa Department of Public Health	8	16

Q10 WOULD YOU FIND IT HELPFUL OR BENEFICIAL FOR THERE TO BE TRAININGS OR EVENTS THAT RUNS THROUGH TENANT AND LANDLORD RIGHTS, PROPERTY MAINTENANCE CODES AND OTHER RELEVANT AREAS?

ANSWERED: 24 SKIPPED: 0

Response	Count	%
Yes	20	83.3
No	4	16.6

Full Survey Results Cont.

PROPERTY OWNERS AND MANAGERS

Q11 WHAT CODES COULD BE ADDED TO THE CITY RENTAL HOUSING CODE THAT WOULD IMPROVE THE OVERALL QUALITY OF RENTAL HOUSING IN THE CITY OF INDIANOLA?

ANSWERED: 4 SKIPPED: 20

- *I don't know on single family homes. I try to improve my single family homes each year*
- *Be careful, renters will have to pay more if we get too fancy*
- *A rental maintenance and safety check list that landlord & renter agree to abide by to be reviewed yearly*
- *Basic Requirements*

Q12 ARE THERE ANY ADDITIONAL COMMENTS/INPUT YOU WOULD LIKE TO LEAVE?

ANSWERED: 10 SKIPPED: 14

- *I haven't read the code yet*
- *Please keep in mind that any rules that result in additional expenses to landlords will directly impact rent prices. While I agree this can be a good change, it can also make it hard*

to find affordable housing in town

- *Taxes are \$3300/yr on each of my buildings on the square... pretty high*
- *I hope whomever creates the new housing inspection rules and code, realizes that some landlords are lower-middle income people, who can't afford expensive updates to their property. I own only one rental home, where I lived myself for 25 years, and am a lower-middle income person. I would hate to have to sell my place—it's the only investment I have—just because I can't afford all of the requirements of the new code. I agree housing needs to be safe and healthy, but I hope there aren't requirements that go far beyond that. Thanks*
- *Our community is being run with vagrant meth heads*
- *We are not able to attend the meeting as we will be out of state. How can we get a summary of what was covered and materials that will be distributed?*
- *Thank you for the opportunity to have input*

- *The main concern I have with the structure of the rental inspection program is what time commitment it will require on the part of the property owner/property manager*
- *Codes need to protect tenant as well as landlord*
- *No*

Full Survey Results Cont.

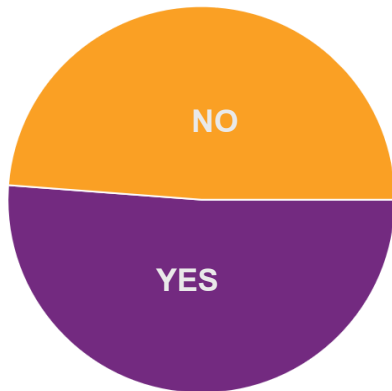
A total of forty-one (41) responses were received from tenants.

Q1 ARE MAINTENANCE REQUESTS RESOLVED IN A TIMELY AND APPROPRIATE MANNER?

ANSWERED: 41

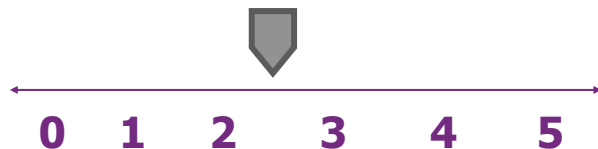
SKIPPED: 0

Responses	Count	%
Yes	20	51.2
No	21	48.8

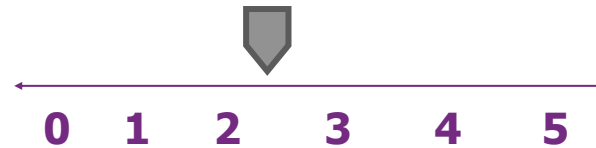


Q2 PLEASE RATE THE CONDITIONS OF YOUR RENTAL UNIT FROM 0 TO 5

Q.2.1 EXTERIOR OF PROPERTY (I.E. LAWN, SIDEWALK, LANDSCAPING)



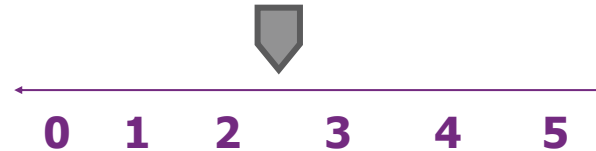
Q.2.2 PARKING LOT



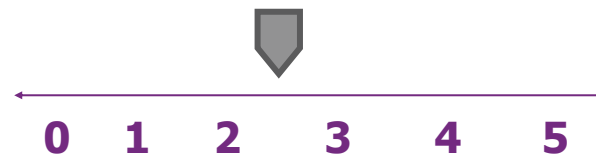
Q.2.3 COMMON AREAS (IF APPLICABLE)



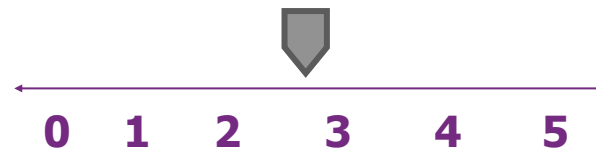
Q.2.4 INTERIOR OF PROPERTY



Q.2.5 BATHROOM



Q.2.7 BEDROOM



TENANTS

Q.2.8 KITCHEN

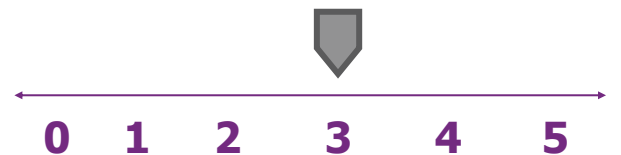


Q.2.9 STAIRWAYS

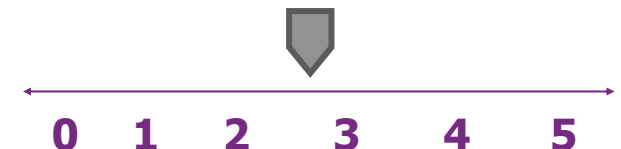


Q3 PLEASE INDICATE GENERALLY HOW SAFE YOU FEEL WITHIN YOUR RENTAL UNIT REGARDING THE FOLLOWING SCENARIOS OR EMERGENCIES

Q.3.1 CRIMINAL ACTIVITY

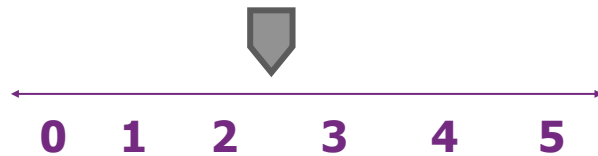


Q.3.2 FIRE



Full Survey Results Cont.

Q.3.3 SECURITY



Q.3.4 HIGH-WIND EVENTS



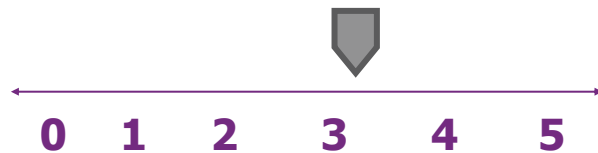
Q.3.5 RODENTS AND PESTS



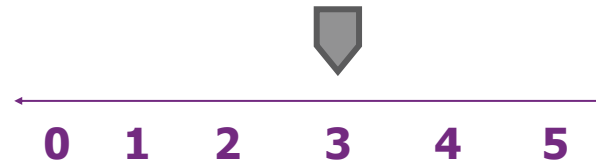
Q.3.6 CARBON MONOXIDE



Q.3.7 FLOODING



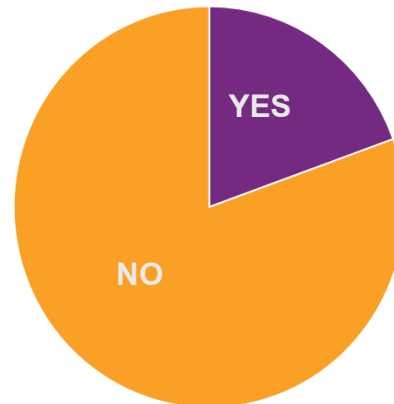
Q.3.8 LEAD AND/OR ABESTOS



Q4 HAVE YOU EVER BEEN RETALIATED AGAINST FOR RAISING A CONCERN OR COMPLAINT TO YOUR LANDLORD?

ANSWERED: 41 SKIPPED: 0

Responses	Count	%
Yes	8	19.5
No	33	80.5

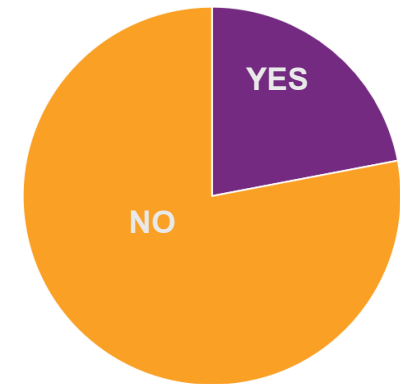


TENANTS

Q5 HAVE YOU EVER EXPERIENCED ANY FORM OF DISCRIMINATION PREVIOUSLY WHILE SEARCHING FOR RENTAL HOUSING IN THE CITY OF INDIANOLA?

ANSWERED: 41 SKIPPED: 0

Responses	Count	%
Yes	9	22
No	32	78



Q6 HAVE YOU EVER BEEN ASKED OR FORCED TO LEAVE A RENTAL HOME IN INDIANOLA?

ANSWERED: 41 SKIPPED: 0

Responses	Count	%
Yes	5	12.2
No	36	87.8

Full Survey Results Cont.

TENANTS

Q.6.1 WHAT WAS THE REASONING FOR YOUR EVICTION?

Reasonings	Responses	%
Failure to pay rent	3	60
Disturbing other tenants	2	40
Retaliation from a complaint	1	20
Violating lease agreements	1	20
Engaging in illegal activity	0	0
Property destruction	0	0
Smoking	0	0

Q.6.2 WERE YOU AWARE OF OR DID YOU UTILIZE FREE LEGAL SERVICES PROVIDED BY IOWA LEGAL AID

Response	Count	%
Yes, I was aware and utilized the service	1	20
Yes, I was aware but I did not utilize the service	0	0
Yes, I was aware but I did not qualify for the service	2	40
No, I was not aware	2	40

Q7 ARE YOU AWARE OF THE FOLLOWING RESOURCES FOR TENANTS/LANDLORDS?

ANSWERED: 41 SKIPPED: 0

Resource	Yes	No
Iowa Civil Rights Commission	10	31
HOME, Inc.	9	32
Iowa Legal Aid (ILA)	19	22
United States HUD	16	25
Warren County Housing Authority	22	19
Iowa International Center (IIC)	3	38
Iowa Department of Public Health	16	25

Q8 WOULD YOU FIND IT HELPFUL OR BENEFICIAL FOR THERE TO BE TRAININGS OR EVENTS THAT RUNS THROUGH TENANT AND LANDLORD RIGHTS, PROPERTY MAINTENANCE CODES AND OTHER RELEVANT AREAS?

ANSWERED: 41 SKIPPED: 0

Response	Count	%
Yes	28	68.2
No	13	31.7

Q9 HOW SATISFIED ARE YOU WITH YOUR CURRENT RENTAL UNIT MANAGEMENT?

ANSWERED: 41 SKIPPED: 0

- Satisfied (5 responses)
- Not satisfied at all (5 responses)
- Fine
- Could use improvement on property. They do fix things when needing fixed inside unit
- Don't see them often
- I haven't had any issues arise with the management, but if I did they would resolve it. If any issue was not resolved in a reasonable time, I would probably go to the city to see who to contact about the issue
- I'm not satisfied with our management. As long as I have lived here, I have been told to call an electrician when I have a problem. My lights in the kitchen still don't work right. I keep blowing lights. I have given up on that. I had to call the appliance person to fix my stove. My stove still doesn't work correctly. The appliance man said that he has to special order parts because it is so old. He needs to put in a new one. I also have given up on that.

Full Survey Results Cont.

TENANTS

There was 2 new tenants that moved in within the last 3 months and he didn't give them a mailbox key. One of them said that he didn't think she needed a key. I was stopping the mailman and getting their mail for them. I asked the mailman one day who to see about getting keys, he said our management. They had not been told about it. I told our management they need keys and all he said was that it costs money to have them made. I told him that he needs to get it taken care of because I don't work for the post office. I was doing it out of the kindness of my heart. The security doors have been fixed several times in the last year or 2. The electrician said it was in the wiring in the apartments. I could go on and on but I think you get the picture

- *Very satisfied. Our landlord/management company is very understanding and easy to work with. They answer all maintenance issues within a timely manner, even during "off" hours and holidays. They are very easy to communicate with and make everything very simple*

- *I am somewhat satisfied. Though I renewed my lease in June, I still haven't received a copy of it back, signed by my rental manager. The management with my current rental is lackluster at best*
- *Not at all satisfied. Kading properties are bullies*
- *I am satisfied, just wish rental prices were lower*
- *They are passable. I've lived in this apartment complex, and another that is managed by the same company, for over 13 years (though this company didn't buy it till about 8 years ago). They aren't always right on top of maintenance issues. And the landscape companies they hire don't do the best at snow removal or things like trimming weeds out of sidewalk cracks. Or even cleaning up after themselves after they trim bushes or mow the lawn. And, since they only trim exterior bushes once a year, including trees growing in them, I have had to do that myself this year. Since the last two years, a bushy tree growing up in one outside my apartment has overgrown the sidewalk so much that you have to walk in the grass, to get around it, by*

the time they get to trimming it (despite asking multiple times about when they were going to trim them). And there are quite a few ash trees dying on these properties. One is pretty far gone, that is pretty near my apartment. So it has me worried that they won't have it cut down before it falls down, taking out part of my apartment, or power lines, or something (some of that may be nitpicking). But they keep the apartments pretty clean (at least the units, on move in). And decent places to live, for the most part. But I believe they are actually working on selling these properties too, though they haven't told us directly. I've heard it from other tenants.

- *I am very content where I live. He mostly leaves us alone when we keep our outside area is cleaned.*
- *They don't listen to the tenant*
- *The apartment is big but the kitchen cabinets are terrible, so we covered the shelves with poster board and the stove is 46 years old and the burners are not working right, the bathroom has stained fixtures... The manager is next door to us and has dog poop in her grassy area as well as cigarette butts... The whole area is trashy and when*

Full Survey Results Cont.

TENANTS

they mow it just cuts down the weeds... I guess you get what you pay for but whoever owns this property doesn't care about the tenants as they would not let it get this trashy... We have a years lease so hopefully we can get out in 9 more months!

- *Unhappy. It is none existing it seems like*
- *Very unprofessional with her communication*
- *The manager seems to do just what she has to do and takes no responsibility for problems*
- *Not at all but I used to be*
- *I got stuck in a run down apartment, am disabled and people keep taking my parking spot as you have to take what you can get... Manager doesn't care what happens as owners obviously just want the money!*
- *Somewhat satisfied, there were lights inside that haven't been fixed and a towel rod fell off because it was glued to the wall*
- *0 - Not happy*
- *Satisfied, however I have a*

maintenance order a couple months old that hasn't been completed

- *I love my landlord, he is fair and tries his best to get things fixed or done as soon as he can*
- *I am currently in a lawsuit against my manager*
- *Not satisfied at all. A lot of tenants have complained to BBB and the Corporate Office for Foxwood about her and nothing has yet to be done*
- *My current landlord is good but we have only been here two months. All the questions were answered with my previous rental in mind*
- *Landlord that we originally rented from rarely followed through with completing tasks as promised. Many maintenance issues needed when we moved in, still have yet to be done, it's been over a year since we moved in*
- *I enjoy my rental management I got lucky with the one I have, but protections need put into place for safety as well as better and more spaces to rent*
- *Very good management*

Q10 HOW SATISFIED ARE YOU WITH THE QUALITY OF YOUR CURRENT RENTAL HOME?

ANSWERED: 41 SKIPPED: 0

- *Satisfied (8 responses)*
- *Not satisfied at all (5 responses)*
- *Satisfied—As a rental goes vs home ownership*
- *Not of the building*
- *satisfied. Hoping new owner fixes maintenance issues right away after gaining possession*
- *It's ok. It's low income apartments, so there are no bells or whistles (not even central air or furnaces in these. Just baseboard heat, and air conditioners we tenants have to supply for ourselves. At least us in one bedrooms. The efficiency apartments have installed air conditioners). And they aren't very well insulated, or shaded, so my AC has a hard time trying to keep up with the heat. But I have my own private entrance, and little are outside I can plant flowers (and a little patio a past resident put in). So it's nicer than the contained buildings with smelly hallways. Where you can smell everything your neighbors cook, or*

Full Survey Results Cont.

TENANTS

anything else that smells

- *Unhappy. It's what the kids would call a trap house, meaning the whole place is full of drugs and or needs condemned*
- *The quality of our rental home is fantastic*
- *I'm satisfied somewhat. Roaches have been an issue lately, my exhaust fan in the kitchen doesn't work and my bathroom one is going out. There are many things that need to be fixed, but its not always a dire situation*
- *It's trash. Mold, rotting floors, water leaks*
- *We have an apartment so I guess this question doesn't fit our situation*
- *Just heard the rent will go up if we stay past one year... Penalty for late rent went up and then we found out the rent will go up... Manager could care less if we know what is going on!*
- *Somewhat, aside from the rear exterior stairs, the lights that are inoperative and the towel rack, everything else is fine*
- *I am not satisfied. The complex I live in lacks any amenities, is completely out*

dated and was poorly built

- *So-so. Landlord won't keep up on needed repairs and typical wear and tear. They won't even come paint the inside unless we paint it ourselves or if WE hire someone to do it.*
- *It's affordable and safe*
- *It was great before Brad Cowger owned it*
- *I am somewhat satisfied although there are issues that need to be addressed but the majority of my rental property is satisfactory*
- *It has been leaking water for 2 days—not very satisfied*
- *Extremely satisfied. Our units are very goof quality and there are safety items (fire extinguisher, appropriate amount of smoke alarms/carbon monoxide detectors, etc.) in our home. Our landlord provides lawn care and we do our own snow removal. Our landlord also has a pest inspection company come around every quarter to make sure there are no issues and if there are to take care of them*
- *Once I fix things in here, I will be satisfied. I moved here March of 2008. The place wasn't cleaned, the*

carpets were dirty, carpet was the original when this place was built, the paint was so thin you could see the seams of sheet rock and the metal framing of the kitchen door was visible. I got shocked every time I touched it in the winter. This is the longest I have lived in one place in all of my adult life. I love the area and I am tired of moving. That's why I stay here and try to tolerate management

- *It is ok*
- *Satisfied, it is a rental. We have everything we need*
- *Exterior of building needs work. Windows need replaced, screens added, gutters fixed, etc.*
- *Satisfied with current, dissatisfied with previous*
- *They all could be better*
- *We want to move ASAP. 2 years here has been overkill for a place like this. It's turned into one of the Ghettos of Indianola*
- *It's good, but could use some updates especially with insulation*
- *It is fair quality. Heavy smoking neighbors have made our floor of the building stink. Also the unique floor plan of the apartment prevents cool air*

Full Survey Results Cont.

TENANTS

from air conditioner in living room to travel to the bedroom. It has very uneven cooling

Q11 ARE THERE ANY ADDITIONAL COMMENTS/INPUT YOU WOULD LIKE TO LEAVE?

ANSWERED: 41 SKIPPED: 0

- No (4 responses)
- We rent a house and there are not any issues or concerns
- There are many rental houses/ apartments in this city that are in need of repairs and to be up to code. My apartment has windows that won't open
- I believe this city needs to provide more rent to own opportunities
- Housing on the square needs more parking and better maintenance
- Not sure who is our landlord at the moment, as property is in sale process
- Homes should be sprayed for pest control
- I feel like implementing an inspection is an inconvenience for a lot of people. They would need to either take off work to be home when the inspection takes place, or trust that strangers will leave their home as it was found
- I need a lawyer to fight my landlord ASAP
- We moved from out of state and the apartment is not what was shown in photos
- Sunset Terrace takes care of any issues (wear and tear, etc.) promptly. More parking is needed off street
- I honestly wish I have not rented here at this apartment building but had no choice as it was all I could afford
- The rear wooden staircase is not built properly and one of the main support beams is not even attached
- Just hope you guys fix the meth den on Hwy 92 trailer park...
- Do not rent from Brad Cowger properties
- Live at Kading Properties, they bullied my (high risk) pregnant wife and I out of our townhouse and their properties are not well kept at all. We dealt with kids and adults breaking in to cars and they refused to help
- There aren't enough rental housing options for lower fixed income residents
- The manager at Foxwood Apartments is very rude, is discriminatory, does not follow Iowa laws well for managing apartment complexes and subtly harasses tenants
- I rented site unseen due to moving from another state and the apartment was not like the photos but we needed a place to live and only had so much money so forced to take what we have!
- Rentals need to be cheaper. There is no reason to charge \$1,300 for a 2 bedroom rental that is worth \$400 a month
- We have had multiple issues with our landlord. Says they screen tenants. They don't! We have had numerous bad people in the units form sex offenders to drugs and such in the units. Doesn't feel safe around here at times. We have a couple of neighbors who have the police out here numerous times. Also, we have no privacy. Also having problems with repairs and repainting. Been here 11 years and they say that we will have to hire a painter and pay for it ourselves We have never had our unit painted since we have been here
- The staff was almost always rude when

Full Survey Results Cont.

TENANTS

I called and they were quick to inform me of a complaint but when I complained about neighbors it was shrugged off

- *Little scared, anytime the government gets involved, it usually makes things worse and expensive*
- *Kading Properties should be the ONLY one check out due to poor management and maintenance*
- *I do not know the landlord but the manager of my building will do what ever it takes to save money. When we tell him something needs to be fixed, it takes him forever to get it done. Then when you ask him when things are going to get fixed, he will act like he was never told. If we contact the maintenance about anything because we are tired of waiting on management, we get scolded by management*
- *Handicapped parking signs in private apartment parking lots need discussed at the meeting. Will the City of Indianola follow and enforce the Fair Housing Authority Guidelines? Does the City Code cover the red alarm box*

in the hallways? Will this red box be connected to Fire?

- *My current landlord is wonderful. However, my past landlord in Indianola was absolutely awful (Kading Properties). While I do not feel that my current dwelling requires ongoing inspections due to the landlords ongoing services, I do feel that my past landlord could really use inspections and a complaint process that is outside of their company as they find ways to humiliate, retaliate and bully renters*
- *I would like to know what is meant by frequent inspections, and what kind of inspection. I live in an apartment complex that is HUD funded (and have for several years), so I already deal with multiple inspections in most years. But they don't always result in issues being fixed. But it's also a hassle, and increases my anxiety when I don't know what they are for. I have chronic illnesses and it's hard for me to keep my place presentable. Even with plenty of notice, my apartment still won't be as tidy as I would like (and, especially from jerks that have come through in the past, I*

always get anxious that they will be judging my housekeeping). So if you could be more specific in what is involved in the whole process, that would be great

- *In my current rental situation, I deal with a property manager that would rather put lipstick on a pig then resolve actual issues. It is very frustrating, especially since at one time, I was a homeowner and I understand what needs to be done in order to maintain a property*
- *My landlord was supposed to have a shed for me. It has never happened and I've lived here almost 2 years. My oven quit and no replacement and too many drugs and dealers around too. The trailer needs work and falling apart*

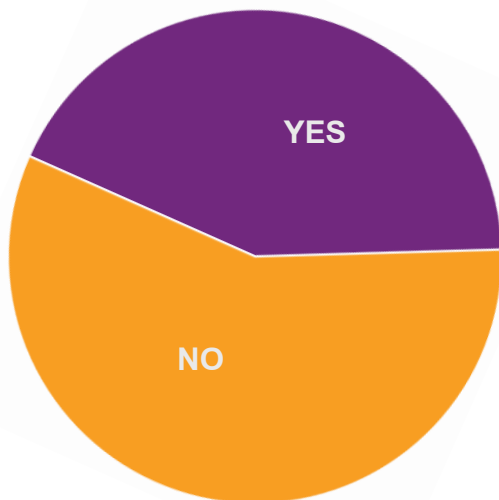
Full Survey Results Cont.

A total of twenty-eight (28) responses were received from members of the general public.

Q1 HAVE YOU LIVED IN RENTAL HOUSING WITHIN THE CITY OF INDIANOLA PREVIOUSLY?

ANSWERED: 28 SKIPPED: 0

Responses	Count	%
Yes	12	42.9
No	16	57.1



MEMBERS OF THE GENERAL PUBLIC

Q2 HOW WOULD YOU RATE THE FOLLOWING ON A SCALE OF 0-5?

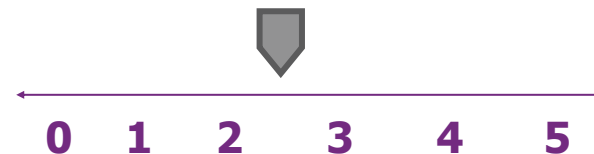
Q.2.1 OVERALL RENTAL HOUSING QUALITY WITHIN THE CITY OF INDIANOLA



Q.2.2 CITY OF INDIANOLA RENTAL MARKET



Q.2.3 RENTAL PROPERTIES PROXIMITY TO GOODS AND SERVICES



Q.2.4 MAINTENANCE OF RENTAL PROPERTIES WITHIN THE CITY



Q.2.5 MANAGEMENT OF RENTAL PROPERTIES



Q3 WHAT CODES COULD BE ADDED TO THE CITY RENTAL HOUSING CODE THAT WOULD IMPROVE THE OVERALL QUALITY OF RENTAL HOUSING IN THE CITY OF INDIANOLA?

ANSWERED: 28 SKIPPED: 0

- Maintenance
- Repair, painting, and maintenance plus cut down dead and dying trees and mow yard
- None (2 responses)
- Rental properties must be maintained where tenants are not allowed to "store" their belongings outside the rental property propped up against the building. Limit the number of cars per property. Commitment to rental inspections as well as follow through for issues not complying with the code
- Inspections, fines, enforcement
- Must have an annual inspection
- On site managers for complexes with more than a couple rental units, on site parking in addition to driveways regardless of size, playground requirements for large complexes/ development areas, green space requirements, fence requirements for

Full Survey Results Cont.

neighbor properties in addition to landscaping requirements between adjacent properties, and dog park requirements for over 2 rental units

- *Limit of cars per tenant although that should be for everyone, enforcement of junk in yards, all landlords no matter the number of units need to adhere to the code*
- *International Property Maintenance Code*
- *Exterior upkeep such as free of weeds, loose trash, and adequate private parking*
- *Mind your own business and let free market run the bad landlords out. If someone doesn't want to rent from a slum lord, it is a free country and they can move. City governments make themselves "sanctuary cities" from all other types of laws. Cost to the city and inefficiency of all government makes adding any agency or department ridiculous*
- *Fire and smoke alarms*
- *Preventative maintenance—periodical painting, replacing carpets and floors,*

appliances, taking care of hallways & stairs, and common areas

- *Must have parking limit, number of cars and have play areas for children*
- *Limit number of units to owners who live more than 59 miles from Indianola*
- *Codes requiring higher efficiency, especially given the high rate of negotiated municipal utilities in Indianola. We would want to encourage energy savings, and make us a greener environment as a city (For example, setting a higher insulation, HVAC, and window efficiency rating)*
- *Proper notification on rent increases; keep rent rates at a rate for our size of town; keep properties up and maintain properties if things need fixed in a timely fashion*
- *Better management*
- *Requiring onsite property manager of any multifamily housing development of over 20 units would help ensure the property is being maintained and the tenants have a point person on site to quickly address issues. Being*

MEMBERS OF THE GENERAL PUBLIC

surrounded by multifamily housing, we see the impact of not having one vs the benefits of having one. The complex that has one is neat and maintained, whereas the other two are not as much

- *Management does not keep up on apartments. The one on Hwy 92 and South D is a mess. The management would not fix issues and keep up appearances. I had a friend live there and it was a mess and still is a eyesore*
- *Frequency of inspections. Beautification subsidies*
- *More low income housing options*
- *Regular annual inspections, formal complaint process, consolidated site with listing of all rental properties & owners/managers*
- *I am not an expert on what can be enforced, but the conditions of the mobile home parks are terrible. Some code that would require the parks to keep the trailers in better condition*
- *Handicap accessible properties are difficult to find in town*
- *Yearly inspections for all rental units and on site managers for rental*

Full Survey Results Cont.

properties

- *Maintenance, complaint-based inspections*
- *Safety first, but in the case of some, exteriors need to improve*

Q4 ARE THERE ANY COMMENTS/INPUT THAT YOU WOULD LIKE TO LEAVE REGARDING THE RESIDENTIAL RENTAL CODE?

ANSWERED: 28 SKIPPED: 0

- *No (3 responses)*
- *These codes are long overdo and much needed. Thank you!*
- *Make it tough*
- *Needed*
- *Must be enforced by the city*
- *Many dilapidated structures need to come down and land cleared. Clear clutter and debris hoarding that presents safety and health hazards and provides shelter to rodents. Clean up our city!*
- *Keep up on absent landlords so they are accountable*
- *Electrical, plumbing, mechanical work to be done by licensed contactors. Work needs to be inspected by*

certified inspectors

- *Hopefully management will be held responsible for repairs*
- *We need more affordable housing. Especially affordable housing that is not run down*
- *Requiring on-site management and yearly inspection of all rental properties, require off-street parking in addition to driveways for rentals, require privacy fencing and landscaping be*
- *Focus on maintenance of these properties and tenant satisfaction. Provide resources and trainings when able to for both landlords and tenants*
- *Need more affordable handicap accessible housing*
- *Our community needs vested property owners that are willing to be a positive factor to keep our community at it's best. Not allowing in those that see the community as an inexpensive way to reap financial gain with very little oversight & governance*
- *Make Indianola a sanctuary city. Keep government out of everyone's homes and lives and let people be*

MEMBERS OF THE GENERAL PUBLIC

free. Quit adding program and wasting our tax money

- *Maintenance code*
- *I think it's important that landlords are required to install and maintain smoke alarms in their units*
- *Slumlords around the city of Indianola have too much leeway*
- *Overall, property maintenance needs to be enforced*
- *Had to live 25 minute out of town because of the limited amount of options in my price range. There needs to be more options that are pet friendly and affordable*
- *It's great to see the City of Indianola taking this step of inspecting properties. Two years is a great first step, however I wonder if it should be annual*
- *Make sure landlords have proper rental certificates and properties are up to code*
- *Rates seem high for families that don't have a lot of money*
- *I think it's great, and should improve appearances*

Full Survey Results Cont.

A total of two (2) responses were received from realtors.

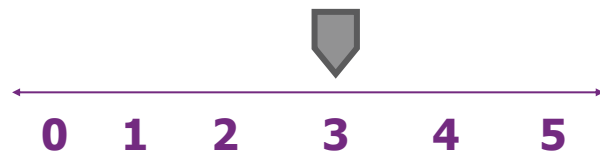
Q1 IN THE PAST THREE (3) YEARS, HAS DEMAND FOR RENTALS IN INDIANOLA INCREASED OR DECREASED?

ANSWERED: 2 SKIPPED: 0

Responses	Count	%
Increased	2	100
Decreased	0	0

Q2 HOW WOULD YOU RATE THE FOLLOWING ON A SCALE OF 0-5?

Q.2.1 OVERALL RENTAL HOUSING QUALITY WITHIN THE CITY OF INDIANOLA



Q.2.2 CITY OF INDIANOLA RENTAL MARKET



Q.2.3 RENTAL PROPERTIES PROXIMITY TO GOODS AND SERVICES



Q.2.4 OVERALL CONDITION OF THE PROPERTIES YOU CURRENTLY ASSIST IN LEASING



Q3 WHAT CODES COULD BE ADDED TO THE CITY RENTAL HOUSING CODE THAT WOULD IMPROVE THE OVERALL QUALITY OF RENTAL HOUSING IN THE CITY OF INDIANOLA?

ANSWERED: 2 SKIPPED: 0

- Safety first (mold remediation, fire detectors, properly installed railings). Careful though, don't go overboard or the problem of not having enough homes for rent could get worse
- Codes that require properties to meet all safety codes in regards to electrical, sewer, and water

REALTORS

Q4 ARE THERE ANY COMMENTS/INPUT THAT YOU WOULD LIKE TO LEAVE REGARDING THE RESIDENTIAL RENTAL CODE?

ANSWERED: 1 SKIPPED: 1

- We need more family rental houses, not just duplexes and townhomes that are not large enough for families. The grounds need to be kept clean in these larger developments so it doesn't develop a stigma amongst the people of the town. Keep any code simple though

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF
INDIANOLA, IOWA CREATING REGULATIONS RELATED TO A
RESIDENTIAL RENTAL CODE AND MAKING CERTAIN RELATED
AMENDMENTS TO THE PROPERTY MAINTENANCE CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1. The following chapter and sections be and is hereby added by inserting the language as follows:

**CHAPTER 147
RESIDENTIAL RENTAL CODE**

- 147.01 PURPOSE.**
- 147.02 ADOPTION OF CODE.**
- 147.03 APPLICABILITY.**
- 147.04 DEFINITIONS.**
- 147.05 INTERPRETATION.**
- 147.06 CODE ENFORCEMENT OFFICER.**
- 147.07 REGISTRATION AND INSPECTION CERTIFICATION REQUIRED.**
- 147.08 INSPECTION PROCEDURES.**
- 147.09 MOBILE HOMES**
- 147.10 COMPLAINTS.**
- 147.11 REVOCATION AND SUSPENSION OF CERTIFICATES**
- 147.12 WITHHOLDING OR DENIAL OF CERTIFICATES**
- 147.13 VIOLATIONS AND PENALTIES**
- 147.14 FEES**
- 147.15 RENT COLLECTIONS**
- 147.16 APPEALS**
- 147.17 VARIANCES**
- 147.18 INJUNCTION; MANDAMUS**

147.01 TITLE AND STATEMENT OF PURPOSE

The ordinance codified in this chapter is entitled as the “Residential Rental Code”. The purpose of this chapter is to establish minimum regulations regarding the conditions and maintenance of rental properties, buildings, and structures. Standards outlined in Chapter 147 are to ensure that rental structures, buildings, and properties are safe, sanitary, and fit for occupation and use. Provisions with this chapter are to meet compliancy with Iowa Code 364.17 “*City Housing Codes*”. This ordinance may be cited as “The City of Indianola, Iowa Residential Rental Code”

147.02 ADOPTION OF CODE

For purposes of this Residential Rental Code, Chapter 154 Property Maintenance Code of the City of Indianola Code of Ordinances therein along with other provisions within this Chapter are adopted and shall be further be known as the City of Indianola Residential Rental Code.

147.03 APPLICABILITY

Provisions within this chapter shall be applicable to the maintenance, repair, equipment, use and occupancy of all residential rental buildings and accessory dwelling structures that are now in existence or hereafter constructed, habilitated, renovated, or converted to residential use within the corporate limits of the City of Indianola. Provisions within this chapter include, but are not limited to single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes regulated under 562A of the Iowa Code, accessory dwelling units and/or rooming/sleeping units with the following exceptions:

- a) Single-family dwellings which are occupied by the owner
- b) Transient shelters, group homes and college dormitories subject to state licensing
- c) Hotels, motels, extended stay hotels and other similar uses subject to state licensing

Provisions within this chapter shall also be applicable to the land and common areas that provide services to individual owner-occupied units where said land and common area is under the ownership of someone other than that of said owner occupied unit, including, but not limited to, mobile home parks, horizontal property regimes pursuant to Iowa Code 499B, and multiple housing cooperatives pursuant to Iowa Code 499A.

147.04 DEFINITIONS

The following terms are defined for the purposes of Chapter 147:

1. "Designated Agent" means an individual that is designated by a landlord or property owner/manager to provide access onto a rental property or is otherwise the designated point of contact
2. "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation
3. "Group homes" means those dwelling units which provide for the care of a group of persons, such as but not limited to a nursing home or treatment facility that are subject to state licensing
4. "Inspection" means a review of a dwelling unit, building or structure for its compliance to adopted and relevant city codes
5. "Minor" means an individual under the age of 18
6. "Multi-family dwelling" means a building designed for or occupied exclusively by three or more families. This includes condominiums or individual dwelling units within the structure that are being rented or leased
7. "Owner" means any person who, alone or jointly or severally with others shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or shall have charge care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus

representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the owner

8. "Rental inspection certificate" means a certificate issued upon the inspection and certification of a dwelling unit and allows for that dwelling unit to be rented and occupied
9. "Single-family dwelling" means a building designed for or occupied exclusively by one family.
10. "Tenant/Occupant" means any individual residing in a rental dwelling unit or having possession of a space within a rental dwelling
11. "Transient shelters" means those units providing temporary or transitional residence for a period of thirty-one (31) days or less
12. "Two-family dwelling" means a building designed for or occupied exclusively by two families. This includes condominiums or individual dwelling units within the structure that are being rented or leased

147.05 INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

147.06 CODE ENFORCEMENT OFFICER

It shall be the duty of the code enforcement officer, or other officially delegated and/or appointed by the Director, who shall administer and enforce the provisions within this chapter and to conduct any required inspections or tests.

147.07 REGISTRATION AND INSPECTION CERTIFICATION REQUIRED

After the effective date hereof, no person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unit or any portion of any dwelling unit (including sleeping rooms) unless they hold a valid rental inspection certificate.

- a) Issuance: Following the submission of a rental registration application, on forms provided by the City of Indianola Community Development Department, and review of the residential unit for compliance with the provisions within this chapter, the Community Development Department shall issue a rental certificate to the owner and/or agent. No certificate shall be issued until all inspections, registration and other fees have been passed, completed, and paid.
- b) Owner and/or Agent Information Required: Owners of residential rental properties in the City, who reside in Warren County or any county contiguous thereto, shall provide the Community Development Department with their contact information including but not limited to:
 - a) Mailing addresses
 - b) Telephone numbers

- c) Fax numbers; and
- d) E-mail addresses

Owners of residential rental properties in the City who reside in any area other than described above, shall provide the department with the contact information of an individual over the age of eighteen (18) who shall reside in Warren County or any county contiguous thereto, and who shall be designated as agent for scheduling inspections, receiving notice, and service of process.

- c) Rental Inspection Certificate: Certificates shall be readily available for examination by prospective tenants, tenants, and the Code Enforcement Officer at all times.
- d) Certificate Duration and Validation: Certificate shall expire at the end of two (2) years following its date of issuance, or from the listed expiration date, unless suspended or revoked as hereinafter provided.
- e) Certificate Renewal: Certificates shall be revoked if not renewed within thirty (30) days from the date of expiration. Renewal shall include an inspection of rental property for compliance to provisions within this chapter.
- f) Transfer of Ownership: A notice to the Community Development Department is required from the owner within ninety-six (96) hours after a rental property is sold, transferred, conveyed, or otherwise disposed of ownership, interest, or control. Notices shall include the name and address of the person succeeding to the ownership and control thereof. Certificates are transferable as long as the succeeding property owner re-registers the rental property under their name and contact information. The succeeding property owner will have thirty (30) days to re-register said property at no cost. If the succeeding property owner fails to re-register the rental property within thirty (30) days, rental certification shall be revoked or suspended.
- g) New Units: New construction projects, which have received final inspection approval and have been issued a Certificate of Occupancy, need not complete an inspection for a period of two (2) years from the issue date but shall register their property and provide their contact information to the City in order to be compliant with provisions in this chapter.
- h) The Code Enforcement Officer may issue a rental housing certificate for dwelling units inspected yearly pursuant to the Uniform Physical Conditions Standards (UPCS) as established by the Department of Housing and Urban Development (HUD) if the property owner/agent submits a valid inspection report from HUD.

147.08 INSPECTION PROCEDURES

The owner and/or agent shall schedule an inspection to be conducted by the Community Development Department to ensure compliance with the requirements of this chapter.

- a) Appointments: Appointments for inspections shall be scheduled by the applicant through the City during regular business hours and shall provide at minimum one (1) business day notice. The City may request for the appointment to be rescheduled. The owner and/or 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 rental certificate and

thus compliance with the law. The owner and/or agent shall notify all tenants of the inspection in accordance with Chapter 562A, *Uniform Residential Landlord and Tenant Law*, of the Code of Iowa. Failure to notify tenants shall result in reinspection.

- b) Inspection Schedule: The Community Development Department shall seek to inspect every residential rental dwelling within the corporate limits of the City of Indianola every two (2) years. As part of the inspection process, the City may determine to extend or shorten the timeframe to the next scheduled inspection. Factors that may influence the City to inspect more or less frequently include, but are not limited to the following:

- a) Age and condition of dwelling
- b) Inspection history
- c) Tenant/management complaints
- d) Natural disasters such as flooding
- e) Timely inspection scheduling, follow-up, and fee payment by the owner
- f) In-house inspection and maintenance program by the owner that includes specific life/safety provisions

It shall be the responsibility of the owner and/or agent to ensure that their rental properties have a valid rental inspection certificate. The City may schedule inspection appointments with the owner and/or agent of the property by regular mail and/or email, a minimum of thirty (30) days in advance of the inspection. It shall be the owner and/or agent's responsibility to notify all tenants of the inspection date and time, in accordance with Iowa law.

- c) Inspections shall not be conducted under the following circumstances and shall result in a reinspection:
 - a) When a minor is serving on the behalf of the owner and/or agent
 - b) When the inspection is against the will of the tenant without the building owner and/or agent present
 - c) When no prior notice is given to the tenant, as is required by state law
 - d) Without either the owner and/or agent, tenant of the dwelling, or the designated agent being present
- d) Administrative Search Warrants: When under any section of this code it is necessary to enter in or upon any building, structure, land or other premises for inspection purposed or when there is reasonable cause to believe there exists in, at or upon a building, structure, land or other premises within the jurisdiction of the city a violation of any section of this Code enacted under police powers related to health or safety and a city officer or employee is authorized to conduct inspections has attempted to gain entry to any building, structure, land or other premises for the purpose of such inspection and has been refused such entry, the council in the exercise of its home rule powers authorizes the city attorney or their designee to make an application for an administrative search warrant in the name and authority of the city as provided by law

147.09 MOBILE HOMES

Mobile homes shall be regulated and inspected in accordance with the following classifications:

- a) The class of mobile homes denoted as manufactured homes, as defined in 42 USC 5402(6), shall bear a data plate, serial number and certification label as required by Manufactured Home Construction and Safety Standards, Department of Housing and Urban Development (1985) sections 3280.5, 3280.6 and 3280.8, or shall meet the requirements of section 3280.7.
- b) Mobile homes manufactured from March 1973 through May 1976 shall bear the seal of the state.
- c) Mobile homes manufactured prior to March 1973 shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems, and general construction.
- d) All other mobile homes not included in the classifications in sections (1) through (3) of this section shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems, and general construction.
- e) A mobile home showing no evidence of modification and generally well-maintained as set forth in this article, shall be issued an inspection certificate in the same manner as any other dwelling unit subject to this article.

147.10 COMPLAINTS

Unless there are significant health, safety, or general welfare issues, a tenant shall first file a written complaint to the owner or agent. Complaints shall be submitted in writing and if desired, tenants may use a written complaint form made available from the Community Development Department.

- a) An owner or agent shall seven (7) days to address the complaint.
- b) If the complaint is not remedied to the tenant's satisfaction within seven (7) days of receiving said complaint, or if the complaint is of a significant health, safety, or general welfare issue, the Code Enforcement Officer shall schedule an inspection with the tenant and owner.
- c) No person shall pursue an action for eviction in retaliation for a complaint.
- d) No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off, or discontinued in retaliation for a complaint

147.11 REVOCATION AND SUSPENSION OF CERTIFICATES

Any rental inspection certificate may be summarily revoked and/or suspended by the Code Enforcement Officer upon the review of a notice of violation of any provision of this chapter or upon any outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Indianola

147.12 WITHHOLDING OR DENIAL OF CERTIFICATES

Any rental inspection certificate may be withheld or denied by the Community Development Department if an owner has outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Indianola

147.13 VIOLATIONS AND PENALTIES

Any person who fails to comply with any provisions of this chapter or other applicable code or regulation shall be subject to a fine as set forth in Chapter 4. In the instance that a rental property fails to meet the requirements within this chapter, The Community Development Department may issue an order requiring for the property owner or agent to correct violations within a reasonable amount of time.

Whenever the City determines that a violation of this chapter exists, the City shall give notice of the violation. The notice shall be in writing and shall describe with reasonable detail the violation(s) to allow the property owner to correct said violation(s)

147.14 FEES

All fees due to the City for registration, and/or rental housing certificates, as determined by City Council resolution, shall be collected in prior to issuance of a certificate.

147.15 RENT COLLECTIONS

Rent shall not be recoverable by the owner or lessor of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the City gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the City gives written notice to the owner and tenant that such dwelling unit has been issued a valid inspection certificate as required by this chapter

147.16 APPEALS

Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time, not exceeding 60 days, by filing with the Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appeal from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee as set by the Resolution of the City Council shall be paid to the Administrative Officer at the time the notice of appeals is filed.

147.18 VARIANCES

Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions in establishing a rental housing unit because of natural or physical conditions or limitations not created by the owner, agent or developer, the property owner may apply for a variance to the standards or requirements established in this chapter. The Community Development Department may create a recommendation for approval and the Board of Adjustment may grant such variances from these standards or requirements as may be necessary to permit the reasonable certification of a rental property and/or unit while preserving the intent of this chapter.

147.19 INJUNCTION; MANDAMUS

If rent on any residential building or structure or sleeping unit is being collected of which is not lawfully or legally certified or licensed to do so, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation

Section 2. The following sections be and is hereby amended by adding the underlined language as follows:

154.02 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The following sections of the *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, are hereby revised:

1. Section 101.1. Insert: City of Indianola, Iowa
2. Delete Code Section: IMPC103.5. Replace with the following language:
103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be found in the Fee Schedule adopted annually by resolution of the City Council.
3. Delete Code Section: IMPC112.4. Replace with the following language:
112.4 Failure to comply. Any person who 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, shall be liable to a fine as outlined in Chapter 4.

4. Insert Definition into Section 202. Add the following language:

STORED MATERIALS. Includes a supply of materials such as firewood, maintenance equipment, and construction items and is intended for future usage

5. Add Code Section 301.4. Insert the following language:

Section 301.4 Mold, Dampness and Moisture. Interior and exterior surfaces and coverings shall be free of visible mold or chronic/persistent excessive dampness and/or moisture

6. Add Code Section 301.5. Insert the following language:

Section 301.5 Methamphetamine. If it is determined that a dwelling unit or building has been previously used for methamphetamine manufacture or is currently being used to manufacture methamphetamine, the building shall be vacated until certified as safe by the Code Enforcement Officer.

4.7. Section 302.4. Insert:

Grass, weeds or brush on private property shall be cut, mowed and maintained so as not to exceed the following height specifications:

- A. Developed Areas – not to exceed eight inches.
- B. Undeveloped Areas – not to exceed 12 inches.
 - i. This section does not apply to grasses grown as agricultural crops on undeveloped property or to prairies, wetlands, or similar areas of naturalized perennial vegetation grasses growing on undeveloped property as determined by the City Council.
- C. All undeveloped properties adjacent to a developed property - not to exceed eight inches for a distance of 10 feet measured horizontally into the property from the property line.
- D. Grass, weeds or brush on undeveloped properties adjacent to the curb line or outer boundary of any street shall be cut, mowed and maintained so as not to exceed eight inches for a distance of 25 feet measured horizontally into the property from the property line.

5.8. Section 304.14. Insert: (from date) April 1 (to date) October 31

9. Add Code Section 304.18.4. Insert the following language:

Section 304.18.4 Building Security

- 1. Following each change in tenancy, locking devices on dwelling unit entry doors shall be changed or rotated.
- 2. Primary egress doors in multi-family housing units shall be equipped to provide the occupant with a clear view of the area immediately outside of the door. This view may be provided by a one-way door viewer designed to provide a one hundred eighty (180) degree field of view. Such viewer shall not be mounted in excess of 60 inches.

10. Add Code Section 304.20. Insert the following language:

Section 304.20 Building Openings. If openings are identified that penetrate exterior walls, the opening shall be sealed with low-VOC caulk or closed-cell insulation

11. Add Code Section 305.7. Insert the following language:

Section 305.7 Lead Paint

- 1. Deteriorated paint or surfaces that are in need of resurfacing at a property built before 1978 shall be repaired in accordance with applicable state and federal renovation requirements. The underlying cause of deteriorated paint at a property built before 1978 shall be corrected.
- 2. If disturbance to a painted surface is proposed, methods including open-flame burning or operating a heat gun at a temperature of 1,100 degrees Fahrenheit power sanding, grinding, power planing, needle gun, abrasive blasting and sandblasting unless with a high-efficiency particulate air vacuum attachment, shall not be permitted. Dust clearance shall be performed at the conclusion of renovation work.

12. Add Code Section 305.8. Insert the following language:

Section 305.8 Asbestos. Asbestos containing material shall be in good repair, free from any defects and shall be maintained non-friable. Any renovation, demolition, or other activity that will disturb asbestos shall be performed by a certified asbestos professional.

13. Add Code Section 305.9. Insert the following language:

Section 305.9 Radon. Radon at or above the level of four picocuries radon per liter of air (4 pCi/L) in the lowest habitable space of the dwelling shall be deemed as hazardous and be mitigated by a Radon Mitigation Specialist certified by the State of Iowa.

14. Add Code Section 305.10. Insert the following language:

Section 305.10 Building Renovation and Maintenance

1. Any renovation that is completed must use building materials certified to meet the following formaldehyde maximum emission standards:
 - a. Hardwood with a never core, 0.05 ppm
 - b. Medium-density fiberboard, 0.11 ppm
 - c. Thin medium-density fiberboard, 0.13 ppm
 - d. Particleboard, 0.09 ppm
2. Building materials used in maintenance and renovations shall be certified as having no volatile organic chemicals (VOCs) or low-VOC emissions

15. Add Code Section 309.6 Insert the following language:

Section 309.6 Pest Elimination Methods. Pesticide usage shall be used in accordance with Integrated Pest Management (IPM) methods and shall use the least-toxic pesticide with demonstrated efficacy for the identified pest. Foggers and organic phosphates shall not be used to eliminate pest infestation unless approved by the Code Enforcement Officer.

16. Add Code Section 402.4. Insert the following language:

Section 402.4 Light Switches. Light switches that control ceiling or wall-type electric light fixtures shall be located conveniently for safe use within 12 inches.

17. Add Code Section 403.6. Insert the following language:

Section 403.6 Air Filters. Forced-air systems should have a clean air filter with minimum efficiency reporting value of eight (MERV-8) unless the system is not equipped to use one.

18. Add Code Section 403.7. Insert the following language:

Section 403.7 Exhaust Fans. Air exhausted from the bathroom, toilet room, kitchen, laundry, and basement shall not discharge near any intake on the building's exterior.

19. Add Code Section 403.8. Insert the following language:

Section 403.8 Separation. Walls, ceilings, and floors that separate a dwelling unit from neighboring units, corridors, chases, stairwells, and other openings shall be sealed to limit air exchanges between interior spaces.

20. Add Code Section 503.5. Insert the following language:

Section 503.5 Watertight Seal. Corners or edges where the water-resistant floor and wall materials meet each other, or the bathtub/shower shall have a watertight seal.

21. Add Code Section 601.3. Insert the following language:

Section 601.3 Facilities. If facilities for heating and ventilation control becomes inoperative, they shall be replaced by an alternative safe source within 48 hours after failure due to a mechanical problem or power failure other than a utility outage.

22. Add Code Section 601.4. Insert the following language:

Section 601.4 Equipment. Mechanical, utility and heating equipment shall be separated from habitable rooms. Equipment rooms in multi-family buildings shall be locked.

~~6-23.~~ Section 602.3. Insert: (from date) September 15 (to date) May 15

~~7-24.~~ Section 602.4. Insert: (from date) September 15 (to date) May 15

25. Add Code Section 602.6. Insert the following language:

Section 602.6 Protective Cover/Barrier. A protective cover/barrier shall be installed on and maintained for exposed surfaces in dwellings with heating appliance/equipment utilizing steam or hot water with a temperature of 110 degrees or greater.

26. Add Code Section 602.7. Insert the following language:

Section 602.7 Wood Stoves. A wood stove manufactured after June 1988 shall contain a manufacturer's label certifying compliance with the emission standard at 40 C.F.R 60-part AAA and shall provide a heat shield which provides clearance between combustible materials and the stove.

27. Add Code Section 702.5. Insert the following language:

Section 702.5 Fire Safety Requirements

1. Egress shall lead outside without passing through another dwelling unit.
2. Every multi-family dwelling unit shall have at minimum two means of egress that serve as emergency escapes and rescue openings.
3. Stored materials shall be six inches above the ground, at least six inches away from the wall and shall not block egress

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021, and approved

this _____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of Indianola, Iowa, on _____, 2021, and was published on _____, 2021.

Andrew J. Lent, City Clerk

RENTAL INSPECTION CHECKLIST

City of Indianola | Community Development Department • 110 N 1st St P.O Box 299
comdev@indianolaia.gov • Ph: (515) 961-9430 • Fx: (515) 961-9402



Property Owner / Manager				Inspection Date
Property Address				Unit(s)
Tenant Notified Prior?	Y	N	N/A	Inspection Type

PROPERTY INFORMATION

Address		Zone
# Units	# Buildings	Year Constructed
Total Common Areas (sq.ft.)		Total Living Areas (sq. ft.)

EXTERIOR

Y	N	N/A	
			Are house numbers clearly visible and legible from the street or road fronting the property? Are they a minimum of 4" and of contrasting color? (R319, IPMC 304.3)
			Are exterior windows screened? (IPMC 304.14)
			Are all exterior windows, penetrations, and openings caulked? (402.4.1.2; R703.1.1)
			Are there handrails at stairs with more than 4 risers? Are they secure? (R311.7.8)
			Handrail minimum 34" to maximum 38" above nose of tread to top of handrail (R311.7.8.1)
			Top landing of exterior stairs provided with artificial light source (R303.8)
			Are roof drains, gutters, and downspouts in good repair and free of obstructions?
			Are exterior outlets GFCI protected and rated for outdoor use? Are they protected by an approved enclosure? (NEC 210.8(A+B); E4002.8)
			Is the property free from the accumulation of rubbish or garbage? (IPMC 308.1)
			Are sidewalks, patios, and driveways in safe and sound condition? (ORD 136.04; IPMC 302.3)
			Is the property free from debris, weeds, and tall grasses over the height of 8 inches? (IPMC 302.4)
			If the building is multi-family use, is the building ADA accessible (if constructed after 1992, the building is subject to accessibility guidelines)? (24 CFR Part 100)

INTERIOR

Y	N	N/A	
			Working smoke alarms at every floor, in each sleeping room (R314.3, NFPA 72)
			Working carbon monoxide alarms at each floor, within 10' of each sleeping room (R315.1)
			Handrail minimum 34" to maximum 38" above nose of tread to top of handrail (R311.7.8.1)
			Handrails return to wall with maximum 4-1/2" projection & minimum 1-1/2" clear space from inside of rail to wall (R311.7.1, R311.7.8.2)
			Handrails are graspable (R311.7.8.3)
			Interior stairway has proper illumination, ie. all treads and both upper and lower landings) (R303.7)
			Do the entry doors which provide access to the dwelling unit contain a deadbolt lock with a minimum lock throw of 1 inch? (ORD 154.02.09)
			Are interior surfaces such as windows, doors, walls, and floors in good, clean and sanitary condition and free from peeling, chipping, and/or flaking? (ORD154.02.11)
			Are all operable window sills over 24in in height? (R312)

			Does emergency escape and rescue openings below grade have a window-sill less than 44" from floor to bottom of window opening? Is the opening at least 5.7 square feet? 20x24? (R310.2.1; R310.2.2)
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KITCHEN

Y N N/A

			Is there a switched ceiling or wall type light fixture? (E3903)
			Are all appliances in safe working condition? (IPMC 603.1)
			Are outlets GFCI protected? (NEC 210.8; E3902.6)
			If a garbage disposal is supplied, is it in operable condition? (E4101.3; IPMC 308.3.1)
			Is the electrical whip secured to the bottom of the disposal with a proper electrical connector? (E4101.3)
			Is the outlet the disposal is plugged into properly grounded? (E4001.5; E4002.2; E 4006.13; E4006.13.1)

BATHROOM

Y N N/A

			Is an operable window with a screen or a mechanical ventilation fan provided? (R303.3; IPMC 403.1 (Amended))
			Are public toilet facilities in safe, sanitary, and working condition? (IPMC 502.5)
			Is there at least one ground fault electrical outlet? (NEC 210.8)

MECHANICAL, PLUMBING & ELECTRICAL

Y N N/A

			Are all habitable rooms and bathrooms supplied with heat able to maintain a minimum temperature of 68 degrees F? (IPMC 602.2; IPMC 602.3)
			Do all habitable rooms contain a switched light fixture and 2 duplex outlets (IPMC 605.2)
			Do all outlets, switches and junction boxes contain a cover plate? (IPMC 605.2)
			Are all plumbing fixtures properly trapped and vented? (IPMC 504.1; IPMC 504.3; UPC)
			Are all plumbing fixtures properly installed and maintained in working order? (IPMC 504.1; IPMC 502.1)
			Are anti-scald valves maintained and in working condition? (UPC 408.3)
			Is there a smoke and carbon monoxide alarm within the mechanical/electrical room? (R314.3; NFPA 720; IFC 1103.9; IPMC 705.1)
			Are all of the return air ducts located in areas outside of kitchens, bathrooms and mechanical rooms? (IMC 601.5; IPMC 403.4)

FIRE SAFETY

Y N N/A

			If a multi-family dwelling, are there smoke alarms located every 30 feet in common corridors and at the top of each interior stairway? (704.6.1.2)
			Is there a minimum one 1A10BC minimum rated fire extinguisher provided in a properly mounted, readily accessible location? (NFPA10)
			Is the fire extinguisher less than 10 years old? (NFPA10)
			Is the fire extinguisher current on the inspection tag? (NFPA10)

MISCELLANEOUS

Y N N/A

			If there is a swimming pool containing water more than 24 inches in depth, is there a self-closing and self-latching mechanism for gates and doors? (IPMC 303.1; IPMC 303.2)
			If there is a swimming pool containing water more than 24 inches in depth, is there a 6 foot, unclimbable fence surrounding the pool? (IPMC 303.2)
			If there is a swimming pool, is it in clean and sanitary condition? (IPMC 303.1)

RENTAL INSPECTION CHECKLIST

City of Indianola | Community Development Department • 110 N 1st St P.O Box 299
comdev@indianolaiowa.gov • Ph: (515) 961-9430 • Fx: (515) 961-9402



WATER HEATER

Fuel Source:	Gallons:				
T&P Relief Hard piped:	Y	N	Water heater flue a minimum 3' away from fresh air intakes:	Y	N
Manufacturer Spec	Manufacturer Spec				
Is there enough clearance inside mechanical room to remove the appliance without having to disconnect or remove any other appurtenance?	Y	N	Is enough clearance provided in front of the appliance to make repairs if needed? (30x30)	Y	N
Notes:					

Furnace

Fuel Source	Y	N	Furnace flue clearance per manufacturers specifications:	Y	N
Is there enough clearance inside the furnace room to remove the appliance without having to disconnect or remove any other appurtenance?	Y	N	Is enough clearance provided in front of the appliance to make repairs if needed? (30x30)	Y	N
Condition of the furnace filter:	☐ Good ☐ Okay ☐ Bad				
Notes:					

INSPECTION RESULTS

☐

Failed

☐

Temporary Pass

☐

Full Pass

Reasoning:

This image shows a full page of blank, lined paper. It features approximately 28 horizontal blue or grey lines spaced evenly apart, typical of notebook paper. The lines extend across the entire width of the page, leaving small margins at the top and bottom. There are no vertical lines, text, or other markings on the page.