City of Carroll

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MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MPW

DATE: December 9, 2020

SUBJECT: Rental Housing Code – Amendment

On November 23, 2020, the City Council approved the third reading and approved the final adoption of the Rental Housing Code.

It was noted after the first reading of the ordinance at the October 26th meeting and during the second and third readings of the ordinance that a scrivener's error was found in the text. In section 158.07 paragraph 9.E(1) of the ordinance the second sentence reads:

> Unenclosed floor and roof openings, open and glass sides of landings and ramps, balconies or porches which are more than thirty (30) inches above grade or above the floor below.

This section was changed in March of 2020 based on comments and unfortunately a few key words were left out leaving it an incomplete sentence. The sentence should have read:

> Unenclosed floor and roof openings, open and glass sides of landings and ramps, and balconies or porches which are more than thirty (30) inches above grade or above the floor below shall be provided with a substantial and safe guardrail.

Since a change to the ordinance after the first reading would have required a new first reading staff suggested the Council proceed with the error in place and then follow up with an ordinance that corrects this error after adoption. The ordinance being presented tonight makes that correction.

RECOMMENDATION: Mayor and City Council consideration and possible approval of Ordinance to amend the Rental Housing Code for the City of Carroll.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARROLL, IOWA, BY AMENDING CHAPTER 158 RENTAL HOUSING CODE FOR THE CITY OF CARROLL, IOWA.

BE IT ENACTED by the City Council of the City of Carroll, Iowa:

SECTION 1. SECTION MODIFIED. Section 158.07 paragraph 9.E(1) of the Code of Ordinances of the City of Carroll, Iowa, is repealed and the following adopted in lieu thereof:

> (1) Handrails. All stairways comprised of four (4) or more risers shall be provided with a substantial and safe handrail. Unenclosed floor and roof openings, open and glass sides of landings and ramps, and balconies or porches which are more than thirty (30) inches above grade or above the floor below shall be provided with a substantial and safe guardrail.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the Council the _____ day of _____ ___, 2020.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

By: _____
Eric P. Jensen, Mayor

ATTEST:

By: _____
Laura A. Schaefer, City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2020.

_____
Laura A. Schaefer, City Clerk