

ORDINANCE NO. 14,417

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,224, passed April 21, 2003, by amending Section 26-440 thereof, regarding maintenance, repair, equipment, use and occupancy of all residential rental buildings and structures by providing an exception for single-family dwellings and duplexes occupied by the owner or members of that owner's immediate family.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,224, passed April 21, 2003, is hereby amended by amending Section 26-440 regarding exceptions to the maintenance, repair, equipment, use and occupancy of all residential rental buildings and structures by providing an exception for single-family dwellings and duplexes occupied by the owner or members of that owner's immediate family, as follows:

**Sec. 26-440. Scope, applicability and exceptions**

The provisions of Division I through IV of this article shall apply to the maintenance, repair, equipment, use and occupancy of all residential rental buildings and structures now in existence or hereafter constructed, rehabilitated, renovated

or converted to residential use within the corporate limits, except those buildings and structures specifically excluded from the provisions of this article and public nuisance structures as defined in Division 8. Any structure that was in compliance on the day previous to the adoption of this code will be allowed to remain.

EXCEPTIONS:

- The provisions of this article do not apply to:
- (1) Buildings, structures and uses owned, licensed and operated by any governmental unit or governmental agency;
  - (2) Single-family dwellings occupied by the owner, as defined in this chapter or members of that owner's immediate family. Such members are defined as parents, grandparents, children and grandchildren. Owners must register the names of the immediate family members who reside in the dwelling on an annual basis and whenever there is a change in occupancy;
  - (3) Transient shelters and group homes subject to state inspection;
  - (4) Residential structures in which ownership passes to a governmental unit;
  - (5) Where a nonresidential business or activity or a state-licensed or state-approved use occupies a portion of a building and the building contains premises which would otherwise be subject to this article, this article shall be and remain applicable to the residential and common or public areas of such building and premises.
  - (6) A duplex, at least one of the units of which is occupied by the owner, as defined in this chapter, and the other unit is occupied by a member of that owner's immediate family, as defined in subsection (2) of this section.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Michael F. Kelley, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-571), passed by the City Council of said City at a meeting held March 7, 2005 signed by the Mayor on March 7, 2005 and published as provided by law in the Business Record on March 21, 2005, Authorized by Publication Order No. 4574.

Diane Rauh, City Clerk