

ORDINANCE NO. 15,680

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, as heretofore amended, by amending Section 60-41, and by repealing Article IV, Real Estate Contract Sales Inspections, which includes Sections 60-220 through 60-230, relating to Real Estate Contract Sales Inspections.

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, as heretofore amended, is hereby amended by amending Section 60-41, and by repealing Article IV, Real Estate Contract Sales Inspections, which includes Sections 60-220 through 60-230, relating to Real Estate Contract Sales Inspections, as follows:

Sec. 60-41. Powers and duties.

The Housing Appeals Board shall:

- (1) Hold monthly hearings of appeals filed with the Administrator under Article II and concerning properties referred to the board by the Administrator.
- (2) Decide whether to grant variances and modifications.
- (3) Rule on requests for additional time, provided that the granting of such additional time does not endanger the life, health, or safety of the occupants or the integrity of the structure.
- (4) Impose fines for any violation of Article II in the amount set forth in the schedule of administrative penalties adopted by the City Council by resolution. The Board shall have the authority to impose the maximum fine, a lesser fine, or to waive the fine upon good cause shown.
- (5) Direct that legal action be brought to enforce Article II when such action is deemed necessary.
- (6) Hear appeals of the amount of a penalty fine or assessment of a penalty fine.
- (7) Find that an owner(s) or authorized management agent is a habitual violator. A habitual violator is:
 - a. An owner(s) or authorized management agent who fails to correct a violation within the time period given by the notice and who has been required to appear before the Housing Appeals Board for such failure three times or more on three separate occasions during a 12-month period shall be deemed a habitual violator if found by the board to have failed to correct the violations without good cause. Upon finding that the owner(s)

is a habitual violator, an authorized management agent may also be deemed a habitual.

- b. The Housing Appeals Board is authorized to order the unified inspection of all properties owned or managed by a habitual violator. The fee for this unified inspection will be charged at regular inspection rates as set forth in the schedule of fees adopted by the City council by resolution. The owner(s) or authorized management agent will be placed on an accelerated inspection schedule by the Board, a category III certificate will be issued for each property. The fees as set forth in the schedule of fees adopted by the City Council by resolution shall be charged for such inspections.
- (8) Make specific recommendations to the City Council regarding matters pertaining to Article II.

ARTICLE IV. Reserved.

Secs. 60-220 through 60-230. Reserved.

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

FORM APPROVED:

Jessica D. Spoden, 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. 18-1175), passed by the City Council of said City at a meeting held July 9, 2018 signed by the Mayor on July 9, 2018 and published and provided by law in the Business Record on July 27, 2018. Authorized by Publication Order No. 10418.

Diane Rauh, City Clerk