

★ **Roll Call Number**

Agenda Item Number

51 B ✓

Date February 24, 2020

An Ordinance entitled, " 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 Sections 60-25 and 60-35, relating to short-term rental inspections",

presented. (Council Communication No. 20-081)

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Megan E. Norberg
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

SIB

ORDINANCE NO. _____

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 Sections 60-19 and 60-35, relating to rental certificates and 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 Sections 60-19 and 60-35, relating to rental certificates and inspections, as follows:

Sec. 60-19. Definitions.

Short-term commercial rental, also referred to as a short-term rental, means a household unit, or part of a household unit, other than a restaurant, hotel, motel, temporary shelter, or bed and breakfast, where commercial lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days, including owner occupied structures. Short-term commercial rentals are also regulated by Sections 134-3.5.12.C, 134-6.4, and all other applicable sections of Chapter 134 of this Code.

Sec. 60-35. Compliance and rental certificate.

- (a) Upon compliance, the division shall issue a rental certificate to the owner(s) or authorized management agent accompanied by a bill for all fees owed.
 - (1) Rental inspection fees and re-inspection fees will be charged in the amount set forth in the schedule of fees adopted by the city council by resolution.
 - (2) Costs due for fees, fines, penalties and costs imposed upon the owner in the enforcement shall be payable within thirty (30) days of the date of billing and if unpaid will be collected as a special assessment, personal judgment, or any other collection measure deemed appropriate.
 - (3) Structures referred to the legal department for prosecution will be inspected as necessary to enforce the code and associated costs, fees, fines, and penalties will be billed as set out in the schedule of fees adopted by the city council by resolution.
 - (4) The division shall not be required to issue a rental certificate to the owner(s) or authorized management agent in the event that the rental inspection indicates a violation in the rental unit(s) or the structure containing the rental unit(s) that said owner(s) or authorized management agent has not remedied and/or has no ability to remedy, such as a violation in a common area of a building, a violation of fire code or building code, or similar violation.
- (b) The rental certificate issued under this article shall contain the following information:
 - (1) The owner(s) name(s);
 - (2) The name of the authorized management agent;

- (3) Contact information for the owner(s) or the authorized management agent;
 - (4) The local address and type of structure;
 - (5) The number of units;
 - (6) The date of inspection;
 - (7) The date of issuance; and
 - (8) The expiration date.
- (c) Certificates will be issued for the following periods:

LICENSE CATEGORY I	
1 or 2 units — no violations on first inspection	Certificate length 3.5 years
3 plus units — no violations on first inspection	Certificate length 2.5 years
<u>Short-term commercial rental unit governed by Sections 134-3.5.12.C, 135- 6.4, and any other applicable sections of Chapter 134 of the code.</u>	<u>Certificate length 1.0 year</u>
1. Must have a valid application on file prior to inspection; 2. Must have had no founded maintenance complaints since the last inspection; 3. Must have no outstanding fees due or billings due the division for the property; 4. Must be current on property taxes and special assessments due the division for the property; and 5. Must have had no nuisance clean ups or impounds since the last renewal certificate was issued; and 6. <u>Short-term commercial rental units, governed by Sections 134-3.5.12.C, 135- 6.4, and any other applicable sections of Chapter 134 of the code, are subject to annual inspections.</u>	

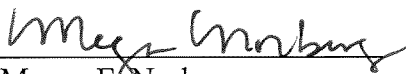
LICENSE CATEGORY II	
1 or 2 units Not more than 8 violations per unit	Certificate length 2.5 years
3 to 12 units—violations on renewal or initial not more than 1.5 violations per unit and common areas	Certificate length 1.5 years
13 plus units— violations on renewal or initial not more than 1 per unit and common areas	Certificate length 1.5 years
1. Must have a valid application on file before issuance of the certificate; 2. Must have had no more than one founded maintenance complaints since the last inspection; 3. Must have no outstanding fees due the division for the property; and 4. Must be current on taxes and special assessments due the division for the property.	

LICENSE CATEGORY III	
1 to 2 units—more than 8 violations on renewal or initial or HAB referral	Certificate length 1.5 years
3 through 12 units—more than 1.5 violations per unit per building and common areas on renewal or initial or HAB referral	Certificate length 9 months
13 plus units—more than 1 violation per unit per building and common areas on renewal or initial or HAB referral	Certificate length 9 months

- (d) A current rental certificate issued under this article shall not be invalidated by sale or transfer of the property.
 - (1) not be invalidated by sale or transfer of the property.
 - (2) automatically terminate in the event that the rental certificate was issued for a short-term commercial rental unit(s) governed by Sections 134-3.5.12.C, 135-6.4, and any other applicable sections of Chapter 134 of this code, and, in accordance with Section 134-6.4, the board of adjustment revokes the conditional use approval for said short-term commercial rental unit(s) or the conditional use approval for said short-term commercial rental unit(s) lapses.
- (e) The owner(s) of a multiple dwelling unit shall display a copy of the rental certificate in a common hallway of each building or in the on-site management office. The owner(s) of single-family and duplex dwellings must provide a copy of the rental certificate upon request.
- (f) Newly constructed or renovated rental structures issued a certificate of occupancy will be required to make application for a rental certificate, pay a registration fee in the amount set forth in the schedule of fees adopted by the city council by resolution when the certificate of occupancy is issued.
 - (1) Residential apartment buildings will be issued a rental certificate valid for 2.5 years.
 - (2) Single-family dwellings, duplex structures, mobile homes, condominiums, and townhomes will be issued a rental certificate valid for 3.5 years.
 - (3) Thereafter applications and re-inspections will occur in accordance with this article.

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

FORM APPROVED:


 Megan E. Norberg
 Assistant City Attorney