

ORDINANCE NO. 13,827

AN ORDINANCE recodifying the ordinances of the City of Des Moines, Iowa, as the Municipal Code of the City of Des Moines, Iowa, 2000; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and, providing when this ordinance and such Code shall become effective.

WHEREAS, the City Council of the City of Des. Moines, Iowa proposes to adopt a revised code of ordinances containing existing ordinances of the City of Des Moines of a general and permanent nature and certain special ordinances, with amendments to certain of those ordinances to correct typographical and technical errors, and to correct conflicts with state or local law found in those ordinances, said revised code of ordinances to be known as the Municipal Code of the City of Des Moines, Iowa, 2000; and,

WHEREAS, the revision of the code of ordinances has now been completed, and said revised code of ordinances, to be known as the Municipal Code of the City of Des Moines, Iowa, 2000, is now on file in the office of the City Clerk; and,

WHEREAS, after due notice of public hearing published as required by law, a public hearing has been held on the proposal to adopt a revised code of ordinances, and the City Council has determined that the revised code of ordinances should be adopted as the Municipal Code of the City of Des Moines, Iowa, 2000; NOW, THEREFORE,

BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa, as follows:

Section 1. The Municipal Code of the City of Des Moines, Iowa, 2000, published by Municipal Code Corporation and consisting of chapters 1 through 134, each inclusive, and Appendix A through G, each inclusive, which is on file in the office of the City Clerk is hereby adopted pursuant to Iowa Code §380.8(2)(b). The said Code and all supplements to the said Code hereafter adopted by resolution of the City Council pursuant to Iowa Code §380.8(1) shall collectively be known as the "Municipal Code of the City of Des Moines, Iowa, 2000", and also as the "Des Moines City Code, 2000".

Sec. 2. All ordinances enacted on or before April 17, 2000, and not included in and continued in force by the Municipal Code of the City of Des Moines, Iowa, 2000, including all provisions of the Municipal Code of the City of Des Moines, Iowa, 1991, are hereby repealed.

Sec. 3. The repeal provided for in section 2 of this ordinance shall not affect any of the following:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

- b. Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city.
- c. Any franchise granted by any ordinance of the city.
- d. Any ordinance dedicating, accepting the dedication of, naming, establishing, locating, opening, paving, widening, vacating, etc., any street, alley, public way or public park in the city.
- e. Any ordinance adopting or amending a zoning map or rezoning specific property or any amendment thereto.
- f. Any ordinance establishing or prescribing street grades in the city.
- g. Any ordinance extending or contracting the boundaries of the city.
- h. Any temporary ordinance or ordinance not of general application.
- i. Ordinances establishing or modifying election precinct or ward boundaries.
- j. Ordinances establishing or amending the city limits.
- k. Ordinances No. 9454 as amended by Ordinance No. 10,565 establishing the hotel and motel tax.
- l. Any resolution or motion of the City Council not in conflict with or inconsistent with the provisions of the Municipal Code of the City of Des Moines, Iowa, 2000.
- m. Any ordinance levying or imposing a tax or assessment.
- n. Any ordinance designating an urban revitalization area pursuant to Iowa Code Chapter 404.
- o. Any ordinance establishing a self-supported municipal improvement district pursuant to Iowa Code Chapter 386.
- p. Any ordinance providing for the division of revenue from taxation within an urban renewal area pursuant to Iowa Code Section 403.19.

Sec. 4. The repeal provided for in section 2 of this ordinance shall not be construed to revive any ordinance or part thereof that has been repealed by any subsequent ordinance that is repealed by this ordinance.

Sec. 5. Additions or amendments to the Municipal Code of the City of Des Moines, Iowa, 2000, when passed in such form as to indicate the intention of the City Council to make the same a part of the Municipal Code of the City of Des Moines, Iowa, 2000, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Sec. 6. Ordinances adopted after April 17, 2000, that amend or refer to ordinances that have been codified in the Municipal Code of the City of Des Moines, Iowa, 2000 shall be construed as if they amend or refer to like provisions of the Code.

Sec. 7. An official copy of the Municipal Code of the City of Des Moines, Iowa, 2000, as adopted by this ordinance, including a certificate of the City Clerk as to its adoption and effective date, shall be placed on file in the office of the City Clerk.

Sec. 8. Copies of the Municipal Code of the City of Des Moines, Iowa, 2000, shall be kept available in the City Clerk's office for public inspection.

Sec. 9. Copies of the Municipal Code of the City of Des Moines, Iowa, 2000, shall be furnished to the State Law Library, to the Des Moines Public Library, and to the Polk County District Court.

Sec. 10. The City Clerk is hereby authorized and directed to cause publication of this ordinance to be made as provided by Section 380.8 of the Code of Iowa, 1999.

Sec. 11. Municipal Code Corporation is hereby authorized and empowered to sell the Municipal Code of the City of Des Moines, Iowa, 2000, to the public under the terms and conditions provided in its contract with the City, until otherwise directed by this City Council. All moneys received from the sale thereof shall be credited to the general fund.

Sec. 12. This ordinance and the Municipal Code of the City of Des Moines, Iowa, 2000, hereby adopted shall be in full force and effect from and after July 1, 2000.

FORM APPROVED:

Bruce E. Bergman, City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna Boetel-Baker, 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. 00-1680), passed by the City Council of said City at a meeting held June 5, 2000, signed by the Mayor on June 5, 2000, and published as provided by law in the Business Record on June 19, 2000. Authorized by Publication Order No. 2052.

Donna Boetel-Baker, CMC/AAE, City Clerk