

ORDINANCE NO. 14,340

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, by adding and enacting a new paragraph (5) to Section 134-92 of the Zoning Ordinance, to authorize the Zoning Enforcement Officer to issue written zoning determinations and to allow the collection of a fee for such determinations.

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, be and is hereby amended by adding and enacting a new paragraph (5) to Section 134-92 of the Zoning Ordinance, to authorize the Zoning Enforcement Officer to issue written zoning determinations and to allow the collection of a fee for such determinations, as follows:

**Sec. 134-92. Powers and duties.**

The zoning enforcement officer shall exercise the following powers and duties:

- (1) He and she and his or her designees shall exercise all enforcement powers under section 134-31, including but not limited to the investigation of complaints of zoning violations, issuance of notices and municipal infraction citations to violators, and the preparation and submission to the legal department of reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement, for such legal action as the facts of each report may require.
- (2) In all cases in which the city commences court action, he or she shall cooperate with the assistant city attorney by performing such additional investigative work as the assistant city attorney shall require.
- (3) He shall attend the meetings of the plan and zoning commission and the zoning board of adjustment as requested by those bodies, shall investigate and review all cases presented to the zoning board of adjustment, and shall advise that body on those cases upon request.
- (4) If the legal department, after analysis of the report, institutes legal proceedings, the zoning enforcement officer will cooperate fully with the legal department in the perfecting of such proceedings.
- (5) The zoning enforcement officer or the officer's designee may provide a written determination regarding the application of this chapter and related land use regulations in this Code to a specific site to any person requesting such information upon receipt of a fee in the amount set in the schedule of fees adopted by the city council by resolution.

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

FORM APPROVED:

Roger K. Brown, 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. 04-1067), passed by the City Council of said City at a meeting held May 17, 2004 signed by the Mayor on May 17, 2004 and published as provided by law in the Business Record on May 31, 2004 Authorized by Publication Order No. 4048.

Diane Rauh, City Clerk