

ORDINANCE NO. 15,502

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 70-211 and 70-213, and by adding and enacting new Section 70-220, relating to specified crime property.

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 70-211 and 70-213, and by adding and enacting new Section 70-220, relating to specified crime property, as follows:

Sec. 70-211. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bootlegging means the illegal sale or service of alcoholic liquor, wine, or beer in violation of chapter 10 of this Code or I.C. ch. 123.

Chief of police means the person who has the responsibility to supervise and direct the police department, as defined by section 86-27 of this Code, and for purposes of this division may include his or her designee.

Controlled substance means a drug, substance or immediate precursor as defined by I.C. ch. 204.

Gambling means games of skill or chance as defined by I.C. ch. 99B and prohibited by I.C. ch. 725.

Owner means any person, agent, firm, corporation, association, or a partnership, including a mortgagee in possession, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and the right to present use and enjoyment of the premises.

Person means any natural person, association, partnership, corporation, or other legal entity capable of owning or using property.

Prostitution, pimping, and pandering means those acts or activities as defined by section 70-176 of this chapter or by I.C. ch. 725.

Specified crime property means any structure, including the real property upon which it is situated, in which activity involving the unauthorized delivery, possession or manufacture of a controlled substance, illegal gambling, bootlegging, prostitution, pimping or pandering, disorderly house under section 70-35 of this chapter, or any criminal activity involving a weapon such as but not limited to discharging, carrying concealed, or assault with a weapon is occurring or has occurred, except when a resident, owner, tenant, or landlord sought law enforcement assistance or other emergency assistance for the victim of abuse, a victim of a crime, or an individual in an emergency, if it is established that either: (1) the resident, owner, tenant or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary

to prevent the perpetration or escalation of the abuse, crime, or emergency, or (2) in the event of abuse, crime, or other emergency, the emergency assistance was actually needed.

Structure means any building, building complex or structure, including but not limited to edifice, units, or any portion thereof, and the real property upon which such building, building complex or structure is situated.

Sec. 70-213. Penalties.

Any person who violates the provisions of section 70-212 or section 70-220 of this division shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.

Sec. 70-220. Right to summon emergency assistance – landlord prohibitions.

- (a) A landlord shall not prohibit or limit a resident’s or tenant’s rights to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.
- (b) A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident’s or tenant’s right to summon law enforcement assistance or other emergency assistance.
- (c) Penalties prohibited by this subsection include all of the following:
 - (1) The actual or threatened assessment of penalties, fines, or fees.
 - (2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.
- (d) This subsection shall not be construed to prohibit a landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.
- (e) This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when such action is premised upon grounds other than the resident’s or tenant’s exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.
- (f) For purposes of this section, “*resident*” means a member of a tenant’s family and any other person occupying the dwelling unit with the consent of the tenant.

Secs. 70-221--70-245. 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:

Douglas P. Philip, 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. 16-1434), passed by the City Council of said City at a meeting held August 22, 2016 signed by the Mayor on August 22, 2016 and published and provided by law in the Business Record on September 9, 2016. Authorized by Publication Order No. 9718.

Diane Rauh, City Clerk