

ORDINANCE NO. 15,521

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 1-2, 26-605, 118-61, 118-62, 118-63, 118-64 and 118-72, and by repealing Sections 2-64 and 2-167 relating to deletion of references to the board of health.

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 1-2, 26-605, 118-61, 118-62, 118-63, 118-64 and 118-72, and by repealing Sections 2-64 and 2-167 relating to deletion of references to the board of health, as follows:

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the intent of the city council or the context clearly requires otherwise:

Sec. 2-64. (Repealed by Ord. No. 15,521)

Sec. 2-167. (Repealed by Ord. No. 15,521)

Sec. 26-605. Authority of building official.

The building official is responsible for the enforcement of the plumbing code, city and county ordinances and the rules and regulations of the city, county board of health and state board of public health governing plumbing. When used in this article, the term "administrative authority" shall mean the building official or his or her duly authorized representative.

When it is impossible or impractical to install plumbing in strict compliance with the provisions of the plumbing code or any other applicable law, ordinance, rule or regulation, the building official may, with the approval of the state department of public health, permit minor variations which are safe and reasonable.

Sec. 118-61. Removal and disuse of outside water closet.

The city council, whenever it deems it necessary for the preservation of the public health or welfare that any outside water closet, privy, privy vault or septic tank system be abandoned and removed, where there is a sanitary sewer in the street or alley abutting the property upon which an outside water closet, privy, privy vault or septic tank system is located, may order that

it be abandoned and removed and that a sanitary toilet and toilet facilities or sanitary sewer connection be installed and connected with the sanitary sewer.

Sec. 118-62. Notice of order to remove outside water closet.

When the city council shall order the removal and disuse of any outside water closet, privy, privy vault or septic tank system and shall order that a sanitary toilet and toilet facilities or sanitary sewer connection be installed on any property and connected with the sanitary sewer or water, notice thereof shall be served upon the owner of such property personally or, if the owner cannot be found, by mailing a copy of the notice by registered mail to his or her last known address and posting a copy thereof on the property affected.

Sec. 118-63. Condemnation and penalty for failure to comply with order to remove outside water closet.

If the order referred to in section 118-61 of this division is not complied with within 30 days from the service of notice thereof, the city council may order the property condemned for human habitation, and any person thereafter using it or authorizing its use for human habitation, until such time as the order is complied with, shall be guilty of a misdemeanor, punishable by fine or imprisonment as provided in section 1-15 of this Code.

Sec. 118-64. Installation of toilet and toilet facilities by city when owner unable to pay.

After the service of notice provided in section 118-62 of this division, if upon application by a property owner, the city council shall determine that he or she is unable to pay for the installation of a sanitary toilet and toilet facilities, including water and sewer connections, the city council may have the necessary toilet installed and assess the cost against the property benefitted, which shall be a special assessment and collection made as provided in I.C. ch. 364.

Sec. 118-72. Cleaning of privy vaults by city.

If, within three days after service of the notice referred to in section 118-70 of this division, the privy vault or cesspool has not been cleaned, the environmental health officer shall report the condition to the city council. Thereafter, the city council may cause the privy vault or cesspool to be cleaned and certify the cost thereof to the county treasurer for the purpose of assessing it against such property to be collected as other taxes.

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

FORM APPROVED:

Lawrence R. McDowell, Deputy 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. 16-1843), passed by the City Council of said City at a meeting held October 24, 2016 signed by the Mayor on October 24, 2016 and published and provided by law in the Business Record on November 11, 2016. Authorized by Publication Order No. 9800.

Diane Rauh, City Clerk