

★ Roll Call Number

Agenda Item Number

16

Date January 5, 2009

An Ordinance entitled, "AN ORDINANCE amending Ordinance No. 14,797 passed September 8, 2008, to extend the temporary waiver of permit and application fees for the repair, renovation or replacement of structures damaged by flooding within the City of Des Moines",

presented.

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

FORM APPROVED:

(First of three required readings)

[Signature]
Michael F. Kelley
Assistant City Attorney

(Council Communication No. 09-011)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

CERTIFICATE

I, DIANE RAUH, 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.

MOTION CARRIED APPROVED

Mayor

City Clerk

ORDINANCE NO. _____

AN ORDINANCE amending Ordinance No. 14,797 passed September 8, 2008, to extend the temporary waiver of permit and application fees for the repair, renovation or replacement of structures damaged by flooding within the City of Des Moines.

WHEREAS, the flooding that occurred within the City of Des Moines in June of 2008 severally damaged or destroyed a number of dwellings, places of business and other structures and improvements in the City creating an emergency situation; and

WHEREAS, it is in the public interest to assist in the efforts of the affected property owners and tenants to repair, renovate, relocate, demolish or replace the flood damaged structures and improvements; and

WHEREAS, the imposition and collection of permit fees on such activities would add a further impediment to recovery by the affected property owners and tenants; and

WHEREAS, for the public safety and welfare all repairs, renovation, relocation, demolition and construction work should be performed by qualified persons with appropriate permits and inspections; NOW, THEREFORE,

BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa, that sections 1, 2 and 3 of Ordinance No. 14,797 passed September 8, 2008, are hereby amended to read as follows:

Section 1. Fees Waived.

A. The following fees imposed by the Municipal Code of the City of Des Moines for licenses and permits are hereby waived and shall not be collected for activities undertaken to repair, renovate, relocate, demolish or replace structures and improvements damaged by flooding or the surcharge of the sanitary and storm sewer systems:

Section 26-138 - building, demolition, obstruction, sign, electrical, mechanical and plumbing permit fees. However, inspection fees are not hereby waived.

Section 42-89 - grading permit fees

Section 82-3 and 134-153 – certificate of occupancy and compliance fees

Section 82-207 – site plan application and amendment fees

B. The rental inspection fees imposed by Section 60-54 of the Municipal Code of the City of Des Moines are hereby waived for inspections prompted by flooding or the surcharge of the sanitary and storm sewer systems.

C. The Board of Adjustment application fees imposed by Section 82-2 of the Municipal Code of the City of Des Moines are hereby waived for any relief necessary to repair a

structure or improvement damaged by flooding or the surcharge of the sanitary and storm sewer systems, or to replace such a structure at the same location.

D. The waiver of fees provided for by this ordinance shall apply only to activities undertaken to repair, renovate, relocate, demolish or replace structures and improvements damaged by flooding or the surcharge of the sanitary or storm sewer systems that has occurred in the month of June, 2008. The Community Development Director may require the party requesting the waiver of fees pursuant to this ordinance, provide such information as may be necessary to verify that the activities being undertaken by the party qualify for the waiver of fees.

Sec. 2. Duration of Waiver.

This waiver of fees shall permit applications and inspections applied for and requested between June 10, 2008 and June 30, 2009, both dates inclusive.

Sec. 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication as required by law. This ordinance and any waiver of fees allowed pursuant to this ordinance shall lapse and be of no further force and effect from and after June 30, 2009.

APPROVED AS TO FORM:



Michael F. Kelley
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. 09-____), passed by the City Council of said City at a meeting held January 5, 2009 signed by the Mayor on January __, 2009 and published as provided by law in the Business Record on January __, 2009. Authorized by Publication Order No. ____.

Diane Rauh
City Clerk