

★ **Roll Call Number**

Agenda Item Number

70

Date September 12, 2016


An Ordinance entitled, "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 60-35, 60-47, 60-85, 60-104, 60-116, 60-132, 60-141 and 60-169, and by adding and enacting new Sections 60-183 and 60-184, relating to the housing code",

presented.

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

FORM APPROVED:

(First of three required readings)


 Jessica D. Spoden
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

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.

 City Clerk

ORDINANCE NO. _____

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 60-35, 60-47, 60-85, 60-104, 60-116, 60-132, 60-141 and 60-169, and by adding and enacting new Sections 60-183 and 60-184, relating to the housing code.

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 60-35, 60-47, 60-85, 60-104, 60-116, 60-132, 60-141 and 60-169, and by adding and enacting new Sections 60-183 and 60-184, relating to the housing code, as follows:

Sec. 60-35 Compliance and rental certificate.

(c) Certificates will be issued for the following periods:

LICENSE CATEGORY I

1 or 2 units no violation on inspection:	Certificate length 3.5 years
3 plus units no violations on inspection	Certificate length 2.5 years
1. Must have a valid application on file prior to inspection; 2. Must have had no founded maintenance complaints since the last inspection; 3. Must have no outstanding fees due or billings due the Division for the property; 4. Must be current on property taxes and special assessments due the Division for the property; and 5. Must have had no nuisance clean ups or impounds since the last renewal certificate.	

LICENSE CATEGORY II

1 or 2 units 1 but not more than 8 violations on inspection	Certificate length 2.5 years
3 to 12 units Not more than 1 violation per unit on inspection	Certificate length 1.5 years

1. — Must have a valid application on file prior to inspection;
2. — Must have had no more than one founded maintenance complaint since the last inspection;
3. — Must have no outstanding fees due or billings due the Division for the property; and
4. — Must be current on property taxes and special assessments due the Division for the property.

LICENSE CATEGORY III

1 or 2 units More than 8 violations on inspection Referral to Housing Appeals Board	Certificate length 1.5 years
3 to 12 units Not more than 1.5 violation per unit on inspection Referral to Housing Appeals Board	Certificate length 9 months
(a) — Must have a valid application on file prior to inspection.	

LICENSE CATEGORY I

<u>1 or 2 units — no violations on first inspection</u>	<u>Certificate length 3.5 years</u>
<u>3 plus units — no violations on first inspection</u>	<u>Certificate length 2.5 years</u>
<ol style="list-style-type: none"> 1. <u>Must have a valid application on file prior to inspection; and</u> 2. <u>Must have had no founded maintenance complaints since the last inspection; and</u> 3. <u>Must have no outstanding fees due or billings due the Division for the property; and</u> 4. <u>Must be current on property taxes and special assessments due the Division for the property; and</u> 5. <u>Must have had no nuisance clean ups or impounds since the last renewal certificate was issued.</u> 	

LICENSE CATEGORY II

<u>1 or 2 units</u> <u>Not more than 8 violations per unit</u>	<u>Certificate length 2.5 years</u>
<u>3 to 12 units—violations on renewal or initial</u> <u>not more than 1.5 violations per unit</u> <u>and common areas</u>	<u>Certificate length 1.5 years</u>
<u>13 plus units— violations on renewal or initial</u> <u>not more than 1 per unit and common areas</u>	<u>Certificate length 1.5 years</u>

1. Must have a valid application on file before issuance of the certificate; and
2. Must have had no more than one founded maintenance complaints since the last inspection; and
3. Must have no outstanding fees due the Division for the property; and
4. Must be current on taxes and special assessments due the Division for the property.

<u>LICENSE CATEGORY III</u>	
<u>1 to 2 units—more than 8 violations on renewal or initial or HAB referral</u>	<u>Certificate length 1.5 years</u>
<u>3 through 12 units—more than 1.5 violations per unit per building and common areas on renewal or initial or HAB referral</u>	<u>Certificate length 9 months</u>
<u>13 plus units—more than 1 violation per unit per building and common areas on renewal or initial or HAB referral</u>	<u>Certificate length 9 months</u>

Sec. 60-47. Civil actions; alternative relief.

- (a) Any person who fails to perform an act required by this Chapter or who commits an act prohibited by this Chapter shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of the Municipal Code.~~this Chapter.~~
- (b) Proceeding with the administrative hearing, civil action, or emergency action as authorized in this Chapter does not preclude the city from seeking alternative relief from a court in the same action or as a separate action, including but not limited to an order for abatement or injunctive relief.
- (c) In addition to other remedies set forth in this Chapter, when it is determined by the department that a nuisance exists and/or that a person is a habitual violator, the city may file a civil action in the district court seeking an order enjoining the person from further violation of this article on real property owned or controlled by such person or real property where such person acts as an agent, tenant, or lessee of any residential dwelling, commercial establishment and/or real property within the city. The city may further request that upon entry of the injunction the court allow the city to abate further violations without notice and/or seek an order of contempt.

Sec. 60-85. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

- (1) Handrails shall have minimum and maximum heights of 34 inches and 38 inches respectively, measured vertically from the nosing of the treads and shall be

provided on at least one side of the stairway. All required handrails shall be continues the full length of the stairs for four or more risers from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Continuous handrails shall be permitted to be interrupted by newl posts at turns and at one location in a straight stairs when the rail terminates into a wall or ledge and is offset and immediately continues. Ends shall be returned to shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have space of not less than one and one-half inches between the wall and the handrail.

- (2) Handrail grasp ability. Handrails with circular cross section shall have an outside diameter of at least one and one-quarter inches and not greater than two inches or shall provide equivalent grasp ability.
- (3) Guard required. One- and two- family dwellings with porches, balconies or raised floor surfaces located more than 30 inches above the floor or below grade shall have guards not less than 36 inches in height. Multiple family dwellings with porches, balconies or raised floor surfaces located more than 30 inches above the floor or below grade shall have guards not less than 36 inches in height. Multiple family dwellings with porches, balconies, or raised floor surfaces located more than 30 inches above the floor or below grade shall have guards not less than 42 inches in height. Open guards shall have balusters or ornamental patterns such that a four-inch diameter sphere cannot pass through.

Sec. 60-104. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

- (1) Handrails shall have minimum and maximum heights of 34 inches and 38 inches respectively, measured vertically from the nosing of the treads and shall be provided on at least one side of the stairway. All required handrails shall be continues the full length of the stairs for four or more risers from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Continuous handrails shall be permitted to be interrupted by newl posts at turns and at one location in a straight stairs when the rail terminates into a wall or ledge and is offset and immediately continues. Ends shall be returned to shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have space of not less than one and one-half inches between the wall and the handrail.
- (2) Handrail grasp ability. Handrails with circular cross section shall have an outside diameter of at least one and one-quarter inches and not greater than two inches or shall provide equivalent grasp ability.
- (3) Guard required. One- and two- family dwellings with porches, balconies or raised floor surfaces located more than 30 inches above the floor or below grade shall have guards not less than 36 inches in height. Multiple family dwellings with porches, balconies or raised floor surfaces located more than 30 inches above the floor or below grade shall have guards not less than 36 inches in height. Multiple

family dwellings with porches, balconies, or raised floor surfaces located more than 30 inches above the floor or below grade shall have guards not less than 42 inches in height. Open guards shall have balusters or ornamental patterns such that a four-inch diameter sphere cannot pass through.

Sec. 60-116. Ventilation.

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 60-115~~38~~ of this article.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation opening to the outdoors shall be based on a total floor area being ventilated.

Sec. 60-132. Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reason, the Administrator shall require the defects to be corrected to eliminate the hazard.

Sec. 60-141. Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any ~~new~~ bathroom receptacle outlet shall have ground fault circuit interrupter protection. All electrical outlets shall have the appropriate faceplate over of the location.

Sec. 60-169. Basement egress.

A basement dwelling or rooming unit shall provide two means of exit with minimum dimensions as described in section 60-154-~~168~~ of this article, Emergency escape or rescue opening.

Subdivision XII. Mechanical

Sec. 60-183. General.

Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

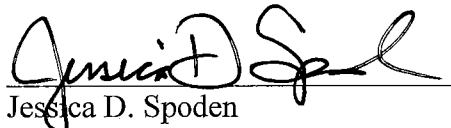
Sec. 60-184. Heating equipment.

When the winter temperature is below 60 degrees Fahrenheit, every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees at a point of three feet above the floor and two feet from exterior walls in all habitable rooms, bathrooms and toilet rooms.

Secs. 60-1835—60-189 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:



Jessica D. Spoden
Assistant City Attorney