

CITY OF DE SOTO

ORDINANCE NO. 340

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DE SOTO, IOWA, 2009, BY ADDING CHAPTER 161 HOUSING CODE

BE IT ENACTED by the City Council of the City of De Soto, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of De Soto, Iowa, 2009, is amended by adding Chapter 161 HOUSING CODE as follows:

The purpose of this chapter is to protect and promote the health, safety and welfare of those persons renting residential property and renting hotel/motel rooms as well as the general public. This will be accomplished by establishing reasonable minimum requirements for rental property within the City limits.

This description of Chapter 161 is a summary and the complete Housing Code may be reviewed at the De Soto City Hall located at 405 Walnut Street, De Soto, Iowa, between the hours of 7:30 A.M. and 4:00 P.M.

The provisions of this chapter apply to all residential rental property and hotel/motel property within the City limits, used or intended to be used for human occupancy. Regular inspections of rental dwelling units and hotels and motels shall be required within the first two years of the adoption of this Housing Code. Inspection fees will be set by the rental inspector and established by resolution of the City Council.

No person shall rent, lease, operate, or otherwise allow the occupancy of any dwelling unless such person holds a valid inspection certificate as is required by this chapter. In case any notice or order issued by the Rental Inspector or City is not complied with, the Rental Inspector may recommend that the City apply to the District Court for an order authorizing the City to execute and carry out the provisions of the notice or order to correct any violation specified in the notice or order or to abate any nuisance in or about the dwelling. The owner of any dwelling or of any building or structure upon the same lot with a dwelling, or of the lot, or any violation of this chapter or where a nuisance as defined in this Code of Ordinances exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty to be recovered for the use of the City in a civil action brought in the name of the City by the Rental Inspector. Such person or persons and also the premises shall be liable in such case for all costs, expenses, and disbursements paid or incurred by the City and Rental Inspector including attorneys' fees, paid or incurred by the City, by any officers, agents, or employees thereof, in the removal of any such nuisance or violation.

Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this Code shall also be subject to a civil penalty. For the recovery of such penalties,

costs, expenses or disbursements, an action may be brought in the Courts of Dallas County.

The Board of Adjustment serves as the appeals board for any disputes regarding notices of violations issued during rental inspections.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval, posting and publication as required by law.

Introduced this 17th day of November, 2020, and adopted by the City Council of the City of De Soto, Iowa on this 19 day of January, 2021.

Butch Ostrander
Mayor, Butch Ostrander

Attest:

Marcia Thomas
City Clerk, Marcia Thomas

I certify the foregoing was posted and published as Ordinance No. 340 on the 28 day of January, 2021, as required by law.

Marcia Thomas
City Clerk, Marcia Thomas