

the new
Iowa Bystander

Iowa's Only Black Weekly Newspaper — Serving Iowans Since 1894

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Des Moines, Iowa

Thursday, December 25, 1980

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1st & Locust
Des Moines, Ia. 50309

Black Republicans Vie For President-Elect Reagan's Ear

WASHINGTON, D.C.: James C. Cummings, Jr., Chairman of the National Black Republican Council, last week asked leaders of President-Elect Ronald Reagan's campaign to protect the interests of Blacks who endorsed Mr. Reagan early and worked hard for his election.

In a letter to the "Reagan For President" chairmen and their subordinates in all 50 states, Mr. Cummings

asked that they recruit Black Reagan supporters in their individual states who have interest in positions in the Reagan administration, and support their applications.

"It would be unconscionable for the coming administration to ignore the hundreds of qualified Blacks who came out early for Mr. Reagan and supported his candidacy and give the top jobs to Blacks who

remained silent until after the victory", Cummings warned.

He pointed out that already Blacks "who did absolutely nothing to help Mr. Reagan get elected" are courting persons close to the President-Elect's transition team for consideration for high government posts, including Cabinet positions.

Cummings charged that the movement to place "undeserving opportunists" in positions ahead of Republican workers is led by a clique of Washington, D.C. bureaucrats who never supported Mr. Reagan but have strategized to exploit the incoming administration.

The National Black Republican Council is the official auxiliary of the Republican Party. The group is organized in 26 states and boasts more than 8,000 members.

Members of NBRC formed the core of the National Blacks for Reagan-Bush Committee, operating from one-third of the positions on the steering group. NBRC leaders directed the Reagan effort in 22 states, heading and directing the Blacks for Reagan-Bush committees in the states.

"There is no dearth of qualified Black Reagan supporters", Cummings informed the Reagan leaders. "We can provide you with a number of

applicants for every position. And every person whose name we supply will be qualified".

The NBRC chairman asked the Reagan leaders to support a patronage system which will guarantee future growth of Black Republican efforts and aid the Republican Party. If Blacks at the local level witness rewards flowing to persons known to support Republican candidates, more Blacks are likely to work for Republicans, he promised.

No person being considered for a position in the new administration should be hired without the approval of the following persons, Cummings advised:

1. The Chairman of the Reagan for President Committee in the state in which the applicant lives.

2. The Chairman of the Republican state committee in the state in which the applicant lives.

3. The chairman of the Blacks for Reagan and/or the Black Republican Council in the state in which the applicant lives.

Cummings advocated that the same rules apply to Washington, D.C., where many former high-ranking employees of Republican administrations live. He noted that very few members of this group came out for Mr. Reagan prior to November 4th.

Cummings was elected chairman of NBRC in 1976 in a heated battle at Kansas City. He built the

organization to national prominence and in 1980 was re-elected chairman without opposition.

Logan Area News

The Neighborhood Priority Board meeting for tonight, Thursday, December 18, has been canceled. Next board meeting will be January 8, 1981 when the newly elected board members will be seated.

1980 ENERGY PROGRAM

The Logan office is now taking applications for Energy Assistance to low-income people. The program is set up this year to help people only with their fuel bills and not electric bills.

If you qualify for this program incomewise, and live in the Logan Area, bring in a recent bill showing your fuel supplier (natural gas, fuel oil, etc.) and one of our Outreach Workers will fill out an application for you.

WELL ELDERLY CLINIC

A Well-Elderly Clinic will be held in the Logan Center on Thursday, January 15. All four appointments are open. If you are interested in having one of these complete physicals, please call the Logan Site Office at 283-4149.

The only requirement for this service is that you are 60 years of age or older.

BLOOD PRESSURE CLINIC

48 Blood Pressures were taken at the Logan Center last Monday by Colleen Lemkuil, Public Health Educator and Nurse. This service is free to all ages. The next Blood Pressure Clinic will be held on Thursday, January 22.

Willkie House News

Willkie House will be having a woodsculpture class Mondays and Wednesdays evenings from 7:00 p.m. to 8:30 p.m. beginning January 5, 1981. Make beautiful, unusual projects out of wood.

Come to class that first week, January 5th or 7th and register. Tools and equipment will be furnished.

Beginning Tuesday, January 6, from 1:00 p.m.-3:00 p.m. Willkie House will have a Modern Dance/Exercise Class for women and children of all ages. If needed, a babysitter is available. This is free and open to all.

An excellent opportunity to join with your children in a contemporary exercise program. The instructor

is a well-trained young artist from Chicago with years of experience.

We need kids for Kid Power, Tuesday and Thursday 3:30-4:30 p.m. Come and sign up SOON!

Join the "SUPER SATURDAYS CLUB" and come to the Willkie House January 17 at 9:00 a.m., will be back by 11:00 a.m. or stop by Willkie House and get a schedule of our field trips and registration form. You will have a good time.

Older Americans — join our Senior Stretch program Thursday mornings 10:30-11:30 a.m. A program full of enjoyable, relaxed exercises especially designed for you. Transportation is available, just call us at 243-7817 and we will set up final details.

Named Outstanding Young Women

The Board of Advisors for the Outstanding Young Women of America awards program announced for inclusion in the 1980 edition of OUTSTANDING YOUNG WOMEN OF AMERICA.

They are: Ruth M. Braswell, Iowa City; Niambi D. Webster, Iowa City; Veola Perry, Des Moines; Peggy M. Spates Johnson, Des Moines; Billy Jean Jackson, Des Moines; Twyla G. Winters-Woods, Des Moines; Mary Lynne Jones, Des Moines.

The Outstanding Young Women of America

program is designed to honor and encourage exceptional young women between the ages of 21 and 36 who have distinguished themselves in their homes, their professions and their communities. Accomplishments such as these are the result of dedication, service and leadership — qualities which deserve to be recognized and remembered.

This is the goal of the many leading women's organizations, college alumni associates and public officials who nominate deserving young women to

participate in the program. Serving as chairman of the program's Advisory Board is Mrs. Dexter Otis Arnold, honorary president of the General Federation of Women's Clubs.

The women listed, along with approximately 15,000 fellow Outstanding Young Women of America from across the United States, will be presented in the prestigious annual awards volume. In addition, they are now being considered for one of the fifty-one state awards to be presented to those women who have

made the most noteworthy contributions in their individual states. From these fifty-one state winners, the Ten Outstanding Young Women of America will be chosen. The ten national winners will then be honored at the annual awards luncheon to be held this fall in Washington, D.C.

Our Board of Advisors and Editors salutes all those honored as Outstanding Young Women of America. We take great pride in bringing their accomplishments to the attention of the American public.



THE PARLIAMENTARY LAW & CULTURE CLUB'S "CROWNED PRINCE & PRINCESS"

We are happy to introduce to our Des Moines friends crowned Prince, Leonard Johnson, Jr. Crowned Princess, Linda Riley. They were crowned December 14, 1980, at the Corinthian Baptist Church. The attendances of the Prince and Princess were second place boy, Stephen Duncan, second place girl was Tan Jean Price. Other contestants were Johnte Mae Harris, Jenaue McClendon and LaSheeda Smart.

All contestants received a gift of their choice. The Parliamentary Law and Culture Club members wish to thank everyone for their support and hope for all of you a Merry Christmas and a Happy New Year.

Mrs. Edna Morris, President
Mrs. Lois Hunt, Chr. of the "Doll Show"

IEWS and REVIEWS

by Allen Ashby

Events moved so fast world-wise in 1980 that I feel the least qualified person in the world to talk about them. We had our hands full here in Iowa and Des Moines, and had one hell of a time keeping up with them.

The state and city elections were something. Willie Glanton made a good fight to become a member of the city council, but she was beaten by a guy who expressed just about all of the things the late Russ Levine stood for. People asked me if I thought that the argument of racism was a cop out to account for Glanton's loss.

I certainly said no, that racism was there and is in every Des Moines election with a black running. Mrs. Glanton said everything that would have gotten her elected if she hadn't been black. I also would have to think that the late Mr. Levine and the newly elected mayor ganged up on Councilwoman Syzmoniak to beat her out of the mayor's seat.

Even then one could sense the conservative trend among the voters. I was afraid that this trend might beat Nolden Gentry out of his seat on the school board, but he survived because he has some of the most powerful white people in the city on his side.

One thing that I would liked to have had back was the appearance before television station WOI last spring. Earlier I had appeared before the Iowa Association of radio newscasters and answered a number of questions on subjects dealing with black unemployment to black relations with the police.

I must have said something right because I got a chance to appear on the tube with about the same line of questioning. Well, it just so happened that the day I was to be taped, I had seen what I considered a clear cut case of unnecessary force by the police on a black man. When I told them I was from the Iowa Bystander, the officer said he hoped this would get in the paper.

Well, after a few words I had to leave to keep out of jail, and then came this interview. I was so mad I was shaking, and I blew the thing. That was the extent of my being a spokesman for blacks.

If only the interview hadn't started out with police relations.

Here in the city was another happening that made me wonder. I thought about the vast amount of publicity about the Gateway Center and it's director, Arzaina Williams. The initial stories made it sound as if he had his hand in the money bag up to his elbow. Then it came out that his worst crime was using

money earmarked for one fund to pay another one.

Anyhow, the place has been shut down and lots of kids who used to have a place to go now find themselves wondering what they are going to do. And Williams? I don't know what has happened to him. But it made news stories for a while.

I would have to give a place to Kalonji Sadiq for his ravings and ranting every so often. I don't think he ever considered himself a leader, but the media really wanted to put the title on him. The most one could say for that guy is that he really spoke his mind.

I was very happy to have had a small part in the organization of a reunion of former YMCA campers of the 1919-1946 years, and the result was certainly worth the effort. That was the high point of my year, and maybe for a few others. Never have I seen or felt so much emotion in a gathering of fellows ranging in age from around forty to eighty, and all they wanted to do was talk over old times. Now everybody wants a repeat performance.

Now we have just finished a trial that made headlines for several weeks and involved Bob King. They couldn't find the guy guilty, but they don't want to let him off. Do you think that might happen to anybody else?

The presentation by Watson Powell of the John Estes basketball courts to Good Park was a fine step, and I would think that he may have been in on the rebuilding of the swimming pool. He did say, "This pool will be rebuilt." It was quite a year even in Des Moines.

Thoughts and Comments



By James B. Morris III

Plaintiff Clark's petition sets forth: (1) that she was born in the city of Muscatine and has continued to reside there to the present time; (2) that she is now twelve years of age, and brings suit by her next friend, her father, Alexander Clark, who is a resident freeholder and taxpayer in Muscatine and has so been for many years; (3) that the city of Muscatine is an independent school districts and the defendants, the board of directors have established and maintained schools in that independent district;

(4) that one of those schools is called "Grammar School No. 2" and that plaintiff resides within the neighborhood thereof, that portion of the district from which resident youth (white) of the requisite age attend that school as pupils, and that she is duly qualified for admission into said school in that status;

(5) that it is the duty of said school board, in their positions, to admit her to that school;

(6) that on September 10, 1867, with that school in session, she presented herself and demanded admission thereto under the common school law, and, (7) that defendants refused to receive or admit her as a pupil, but illegally excluded her therefrom. She requests that the Court order the officials of the school district to admit her to the abovementioned school.

The answer of the defendant to the allegations of the plaintiff admits that part of plaintiff's petition relating to birth, residence, age, application for admission, and their refusal to admit her. The defendants then stated: (1) that the plaintiff is of "negro" extraction and belongs to the "colored race"; (2) that since the organization of the school district there has been (when the plaintiff applied for admission) and is now a separate school for colored children in a comfortable building with proper furniture and provided with a competent teacher;

(3) that plaintiff had attended that school for colored children up to the time she demanded admission to "Grammar School No. 2"; (4) that before this suit was commenced, defendants proposed to the plaintiff's father to create a grammar class in the existing "colored" school for the instruction of the plaintiff under the direction of a competent teacher;

(5) that public sentiment in that independent school district is opposed to the intermingling of white and colored children in the same schools, and the best interests of both races require them to be educated in separate schools; (6) that by the power to establish additional schools; (7) that the discretionary power in relation to that statute, given them by the school law, they had and continue to have the right to require the colored children to attend that separate school.

The plaintiff, in her answer to the defendants, disputed the sufficiency in law of the defendant's answer, because it did not constitute a legal defense to her claim. The Muscatine County District Court sustained the plaintiff's answer, which constituted a motion to dismiss the defendant's claims, and found in her favor. The defendant's appealed the District Court's ruling to the Iowa Supreme Court, which issued a decision thereon during its June term of 1868. The counsel for the respective parties agree that the question presented by the record here, the point upon which the Iowa Supreme Court's ruling must rest its decision, and the point upon which the wish a decision of that court is requested is: Whether the board of directors of a school district has the right to require "colored" children to attend a separate school?

The court's ruling and reasoning will be discussed next week.

Getting Ahead



Robert V. Morris

Last week the Bystander published an article entitled "Black Business Group Acts on Unemployment Problem". The article was about an effort being made by a group of minority business owners to help solve the problem of unemployment among black youths.

I heartily salute this move by minority business owners, and feel that we should all support their efforts in any and all ways possible, because black people aged 14-30, especially black males, are the highest unemployed, most oppressed, most brutalized and discriminated-against group in this country.

This age group constitutes over 50 percent of black America, and yet currently maintains an extremely low participation rate in America's or Iowa's black political structure.

Why is this political participation factor so low for black youths?

The primary reason for this state of affairs is that blacks, especially males, represent a real political and social power in this country. Unfortunately, this "power" is to this day left unharnessed, and thus blatantly underdeveloped. The energy, intensity and most of all "creativity" of this group, as well as their reknowned physical domination, makes it the most potentially powerful group in black America.

White racist America realizes this and thus makes these young blacks the main target of systematic discrimination as well as constant socio-economic and political repression.

The lack of "togetherness" by this age group is obvious. Young black men remain disorganized and

oppressed, in no way viable political threat to challenge the white-racist power structure.

The major portion of the blame for this condition rests on the shoulders of black Iowans and black Americans in general. I feel that many older blacks are the root of this growing problem with their attitudes that young people "should be seen, not heard." Growing up in Des Moines, I have personally experienced the fact that the predominately white public schools don't teach black students about politics or how to successfully bargain with the "system" to advance black interests.

This leaves to black parents, churches, social and civil rights groups the job of "socializing" black youths. The problem remains that these groups are not doing this job effectively. Whites don't want black youths to learn how to work within the political system — political ignorance undercuts any potential political threat these blacks might have.

Learning the Arts and ACT-SO competition is "cute", but meaningless in the real world, and

therefore should be placed far behind other priorities. In Des Moines, putting a black face on the City Council, "forcing" the adoption of a legitimate affirmative action program by the city government, fighting against rising black unemployment and police brutality should be the top priorities. Unless young blacks (14-30) are educated (by their black peers) in manipulating the political system, black Des Moines will never have the political "muscle" necessary to stimulate legitimate progress.

Regardless of what you may assume — middle class, older blacks operating by themselves have never and will never have the power to make any significant progressive change in Iowa's or America's political system, and the 1960's showed us that. The most visible change to occur in this country came only when younger blacks participated in the Civil Rights movement, including the militant movement.

Along with the lack of political education being given black youths, they face age discrimination within the black political structure. Whites have long

ELK NEWS

Hawkeye Lodge No. 160 and Rose Temple No. 33 Annual Childrens Party was held Sunday morning with Santa and Elk members hosting.

Rose Temple No. 33 will not meet Dec. 26th. Have Happy Holidays and come and join us!

Sick and shut-ins Sadie Witt No. 318 — Thelma Calderon, Ia. Meth. Hellen Powell No. 465, Calvin Pruitt Veterans 3B. Other friends and relatives we wish you all well and a better 1981.

Reporter Bernice M. Carter.

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Allen Ashby.....Editor
Niambi Webster.....Associate Editor

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Credo of the Black Press

The Black Press believes that America can best lead the world away from racial and national antagonisms when it accords to every man regardless of race, color or creed, his human and legal rights.

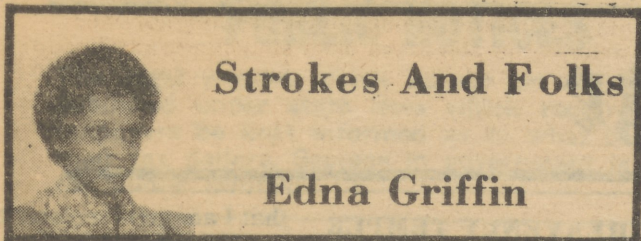
Hating no man, fearing no man, the Black Press strives to help every man in the firm belief that all are hurt as long as anyone is held back.

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MEMBER NATIONAL NEWSPAPER ASSOCIATION Founded 1893



Strokes And Folks

Edna Griffin

Here are some interesting figures from the 1980 election returns which have not, to the best of my knowledge, received attention in the news. Every Black member of Congress was re-elected and two new members were elected from Illinois.

This is also true for Blacks elected to state legislative bodies. This happened in spite of the fact a number of Black members of Congress were on 'hit lists'.

This may be understood in my opinion as due to the fact that the Congressional Black Caucus concentrated on the issues facing the poor such as child care, programs for senior citizens, employment and national health care. On the other hand, disappointment and disgust with the Carter administration's failure to deliver attracted many voters to such ideas as "the oppressed middle class", "the government is spending too much" without questioning the bloated budget for the military in the name of "a strong national defense program".

It is not yet understood that not even America can have both guns and butter. The American people and people all over the world do not want war.

This, in my opinion, is why President-elect Reagan soft-pedaled his focus on a stronger military force and talked about cutting taxes, and getting waste out of national government. There seems to be a growing uneasiness with the proposed appointment of General Haig as Secretary of State. This, I think is an expression of concern for peace.

The rise of two new movements in the 1980 election campaigns caused much misleading confusion. The evangelical, religion-based movements like the fanatic fundamentalist Jerry Falwell's Moral Majority is a serious development. The followers, however, may very well discover as time passes that the movement does nothing to combat inflation or unemployment.

A second unique feature of the election campaign is the development of Political Action Committees (PAC) by national corporations as legal means of pouring unlimited funds into the election campaign beyond that provided by the U.S. government for presidential candidates receiving 15 percent of the vote. This, in my opinion, created the impression of a landslide for Reagan.

While it is undoubtedly true President-elect Reagan received the overwhelming number of electoral

college votes, the following figures indicate he received less than overwhelming support of the American people.

Here are a few figures by way of illustration. There are an estimated 160 million potential voters in the United States. Only 84 million showed up at the polls. 30 percent of eligible voters didn't register. 7½ million who went to the polls voted outside the two-party system. It is estimated that of those voting within the two-party system, there were forty to fifty-one percent who voted for Reagan.

I must admit I do not quite understand how Reagan received the most electoral votes if union members did not vote for him in large numbers. Election statistics are not one of my strong points.

The points which I believe I do understand are the following; The single issue supporters are going to find that their problems will not be solved by for example, putting anti-abortion into the constitution. It

CHURCH WOMEN UNITED IN THE DES MOINES AREA

The January Annual Meeting for both the Evening and Afternoon Sections will be held January 5, 1981, 5:30 p.m., Calvary Baptist Church, E. 9th and Des Moines Sts. Speaker Rev. Faith Ferre'.

The new Officers for 1981 are: President Elizabeth Hamilton, President - Elect Wanda Newell, First Vice - President Rosemary Strittmatter, Second Vice - President Lois Halfhill, Secretary & Historian

Ruth Longden, Treasurer Regina Young. Committee Chairwomen: Ecumenical Action Sr. Margaret Drain; Ecumenical Celebrations Frances Bates; Enabling Services Frances Bible, News Sheet Billie Johnson; Public Relations Harriett Scales; Year Book & Delegates List Carmen Kinker. Installing Officer will be Mrs. Miriam Cline.

For dinner reservations, call Helen Wilkin at 279-4219. Mrs. McCeil Clinton, Publicity Chairwomen.

has nothing to do with inflation! Religion in the public schools is not likely to improve the serious problems within the judicial system. In my opinion, the rise of the Ku Klux Klan as a technique for blaming minorities, especially Blacks for economic problems, is a much greater threat to our country by drawing into its folds many of the single issue people who will become disillusioned with the new administration.

Don't forget the national leader of the KKK endorsed Reagan. While it is true the KKK is a terrorist organization, it should be remembered where ever it has operated openly, it has been rejected by a majority of a community. I am one of the people who believes the KKK should be outlawed because it is a terrorist organization.

GIVES GROCERY BASKETS

The Knights of Pythias & Court of Calanthe was able to give baskets of groceries to three families, hoping it will help make their Christmas merry.

The officers & members of the Pythian Family would like to thank all the people for the support that they have given to the Pythian organization during the many projects throughout the year.

Also wishing each and everyone a very Merry Christmas and a prosperous New Year.

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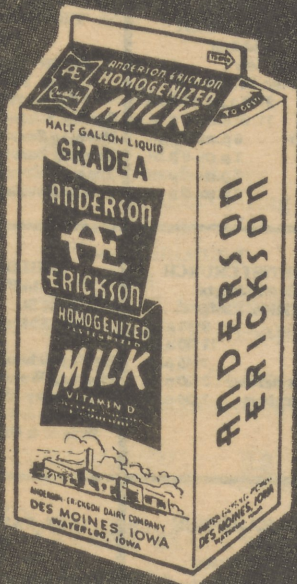
GETTING AHEAD

encouraged older blacks to suppress black youths, and many older blacks have "unconsciously" done just that. The NAACP is a prime example of an organization infested with both age and social-class prejudice.

In the majority of branches in Iowa and the nation, young blacks are absent from any positions of influence. The NAACP is the dominant Civil Rights group in this country — yet it has been noticeably impotent, of late.

I love the NAACP, but it must change or it will not be able to adjust to the political demands of the 1980's. It must incorporate young blacks into its organizational hierarchy.

Next week, the topic will be leadership — where are the young black leaders?



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The Church Page

BETHEL A.M.E. CHURCH

Together, We Love
Together, We Serve
Together, We Build
From the Pastor's desk:
The Bethel family wishes you all the joy of Christmas, and may the coming year be your best ever.

Sunday past, a special presentation from the Sunday School, Children's choir, and Sr. Choir; focused upon the birth of Christ during the 11:00 a.m. morning worship hour. Nativity reader was Ms. Kimberly Kemp, preparers: Ms. Mildred Miller, Ms. Shirley Whiteside, and Ms. Ann Jones.

Pastor Jones in his Christmas message ask "Where Is Your Christmas Joy?" He told the congregation that if your faith is not deep enough to find peace, joy, and love within yourself, you will not find these things through outside sources.

If there is joy within it will spread out. The true spirit of giving must be to spread peace, joy, and love throughout the land.

Pray for all sick and shut-ins.
Merry Christmas and Happy New Year.

MACEDONIA BAPTIST CHURCH

Dec. 28 ... Go to Mt. Hebron at 7:30 p.m.
Jan. 4 ... Fellowship week Prayer Faith 7:30 p.m.
Jan. 8 ... Go to Mt. Hebron at 7:30 p.m.
Jan. 18 ... Mt. Hebron here at 7:30 p.m.
Jan. 25 ... Go to Mt. Hebron at 7:30 p.m.

Sunday's Sermon was giving by visiting minister Rev. Brown titled "Jesus the answer to the World's needs." Scripture from Isaiah 40:1-7 and Matthew 3:3.
The Pastor and members of Macedonia wish everyone a Merry Christmas and a Happy New Year.

MORNINGSTAR BAPTIST CHURCH

Pastor Alex Crawford; Reporter Nancy Hickman
The Morningstar Bapt. Church members, choir & Pastor are to be with Shiloh Bapt. Dec. 28, at 4 p.m. to install their officers for 1981. Rev. Crawford will bring the inspirational message and the Sr. Choir will sing.

On Dec. 31, our church will join the other west side churches to have watch nite services at Kyles A.M.E. Church. Pastor Crawford will do the honors of ministering the New Year in.

We also will on the road for Mt. Hebron Bapt's. mortgage burning services, on January 9, 1981. On that Friday evening the youth

choir will bring the musical numbers for the service. Miss Patricia and her brother Mike Welch will be playing for the choir. They are 2 very fine musicians. Pastor Crawford will bring the message.

On Sunday Jan. 4, at 6 p.m. The Sr. Choir will present the Gospel Harmonettes of Iowa in a dynamic musical program. Don't miss the Harmonettes!!

The prayers of the righteous availeth much: Our sick are T.L. Hickman - Mercy Med. Center; Terry Shane (non-member) Mercy Med. Center; Rosie Powers (non-member) Broadlawns Med. Center; Jeff Hickman (non-member) Broadlawns Med. Center; Louise Brannon-home; Deloris Fields-home.

Praying for all those we know, and those we don't know, are bringing a closer and warm feeling in our Christian family.

By nature we are sinners! Christ only puts one request on us - to make a choice of either serving Him or satan!! It's a freedom of choice, do it!!! Victory only comes in pleasing the Holy Spirit!!

UNION BAPTIST CHURCH

Henry I. Thomas Pastor
A. C. Crawford, Assistant Pastor
Larry L. Harris, Associate Pastor.
In the belief "If You Move Self, Then God Can Use You" Union opens wide it's doors to all those in need of Christian friendliness.

Prayer and Bible study each Wednesday at 7:00 p.m. Sunday morning worship at 10:40 A.M. Oh come let us adore Him.

Think about it "Union Baptist Church - Soul Saving Business since that first church organizational meeting, 1912."

SHILOH BAPTIST CHURCH

This Sunday December 28, 1980, Rev. Brown will bring the message and the Shiloh-Aires will sing.

Last Sunday Rev. Brown brought us a very fine message entitled "Christmas Myths".

On Sunday December 28th at 4:00 p.m. will be the Installation of Officers. The Rev. A. Crawford and members of the Morning Star Baptist Church will be our guest.

The Watch Services will be held on December 31. Rev. Brown will bring the message and the Combined Choir will sing. A Social Hour will begin at 9:30 p.m., at this time we will be honoring Sis. Roberta Frazier one of our Charter Members.

From the Pastor
For unto us a Child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, the everlasting Father, the Prince of Peace. Isaiah 9:6 verse.

PROGRESSIVE MISSIONARY BAPTIST CHURCH

History of Christmas
Once again the length of time has expired and man's days have run out

again. Whatever we have failed to do in 1980 will not be done if it isn't done by twelve o'clock mid-night Dec. 31. Our time will be expired and our year of 1980 will no longer exist.

We might would like to recall those days, but they are gone. This brings us to the new memorial and the new governor that many of us deny and hate to call his name. The governor that every knee shall bow to and every tongue shall confess to, the governor that when time had run out on man, that God lost his own name and power and placed it into his hand.

"For unto us a child is born, unto us a son is given; and the government shall be upon his shoulder; and his name shall be called wonderful, counsellor, the might God, the everlasting Father, the Prince of Peace.

Of the increase of his government and peace there shall be no end, upon the throne of David, and upon his Kingdom, to order it, and to establish it with judgement and with justice from henceforth even for ever. The zeal of the Lord of hosts will perform this." Isaiah 9:6-7.

Jesus was born a human to become a King, unlimited, to establish the Kingdom of God, to rule the whole earth with the government of God. Christmas is a memorial which most people don't know and don't think that man was dead and could not have lived if Christ had not been born and died on calvary's cross and rose the third day.

HEAVENLY TEMPLE COGIC

2110 Carpenter Avenue
Des Moines, Iowa 50311
Bishop A.B. Carter Sr.

Because he lives ... I can face tomorrow ... Bishop Carter stood and cried aloud on Sunday morning ... I am concerned about the Church! For this is our only hope. We look upon people who are about to depart from this earth and they have no mind no concern for the church, it makes you feel so sad to know that these people are not concerned about their souls ... I am so glad I have a mind, to see Jesus and to see him for myself.

Yes! I want to see his face in peace. I am just kind-a talking to you today saints. And I'm not seeking your sympathy, but your prayers ... I am not worried about tomorrow, this bank account, or that bank account, but I am worried about my soul. Each time I feel a pain ... I realize

that I am getting closer to the Judgement.

When people mistreat me, dig ditches for me, talk about me, turn their backs on me just remember they did the same thing to my Jesus. I realize that I am a gifted person, but I am more sincere about my soul than I am gifted. I am trying to prepare you for his coming saints.

It takes a big man, and a big woman to say I'm wrong, ... but it takes just that ... the ability to be able to say I am wrong ... to get anything from God. It takes a big person to separate this old fleshly body, from self and be able to say I am sorry. It takes every day of your life to try to get ready to meet Jesus when he comes ...

You don't have time to worry about what this sister is doing or what that brother is doing ... It takes every moment of the day for you to keep your skirts clean ...

Careful, Sympathetic and Efficient Service, Thorough Attention to Deceased



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Complete Modern Rolling Stock
Licensed Embalmers
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Funeral Director

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Service with dignity, confidence and understanding - since 1917

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Richard Williams, Jr. Larry Fowler, Sr.

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Phone 262-2713

MACEDONIA BAPTIST CHURCH
920-31st Street
Sunday School 10:00 a.m.
Morning Worship 11:15 a.m.
Prayer Meeting Wed. 6:30 p.m.
Bible Study Wed. 7:30 p.m.
Mission Meeting Tues. 6:30 p.m.

KING OF KINGS
Undenominational
619 S.E. 15th Street
Rev. Jess B. Daniels
Sunday School 9:45 p.m.
Church Service 11:00 a.m.
Bible & Prayer meeting Wednesday 7:00 p.m.

UNION BAPTIST CHURCH
"The Friendly Church"
E. University at McCormick
Rev. Henry Thomas
1200 McCormick
Sunday School 9:30 a.m.
Morning Worship 10:40 a.m.
Evening Service 6:00 p.m.
Prayer Service Wednesday 7:00 p.m.

EVANGELISTIC MISSIONARY COGIC
1340 E. 18th Street
Rev. Pastor Arthur Bush
Sunday School 10:00 a.m.
Sunday Worship 1:30 a.m. & 8:00 p.m.
YPWW 7:00 p.m.
Sunday Evening Worship 8:00 p.m.
Tuesday Prayer & Bible Study 8:00 p.m.
Thursday Consecration & Healing 8:00 p.m.

MESIAH TEMPLE
2603 Center
Elder Jacob J. Reed, Pastor
Order of Services
Sunday School 10:30 a.m.
Morning Worship 11:30 a.m.
Choir Rehearsal Sat. 2:00 p.m.
The Book of Acts 7:00 p.m.
Prayer Meeting Wed. 7:00 p.m.

NEW FRIENDSHIP CHURCH OF GOD IN CHRIST
1317 Forest
Pastor Elder R. L. Daye
Sunday Services
Sunday School 9:30 a.m.
Church Worship 11:30 a.m.
YPWW 6:30 p.m.
Weekday Services Tues. & Fri. 7:30 p.m.

TRUE BIBLE BAPTIST CHURCH
1440 DeWolf Street
Rev. Esell Wiggins, Pastor
266-8212
Sunday School 9:45 a.m.
Morning Worship 11:00 a.m.
Bible Class 6:00 p.m.
Evening Worship 7:00 p.m.
Prayer Meeting, Wed. 7:00 p.m.

EAST UNIVERSITY CHURCH OF GOD IN CHRIST
1639 East University
Pastor Jurisdictional
Bishop H. Basset
Sunday School 9:45 a.m.
Morning Worship 11:30 a.m.
Y.P.W.W. 6:30 p.m.
Tuesday Prayer & Bible Band 7:30 p.m.
Friday Evening Worship 7:30 p.m.
Saturday Youth Services 7:30 p.m.

PILGRIM MISSIONARY BAPTIST CHURCH
1732 Walker Street
Rev. Wayland Heath, Pastor
Sunday School 9:45 a.m.
Morning Service 11:00 a.m.
Youth Meeting Weekly 7:30 p.m.
Prayer Meeting Wed. 7:30 p.m.

CORINTHIAN BAPTIST CHURCH
9th & School Streets
Rev. F. W. Strickland
Sunday School 9:45 a.m.
Morning Worship 11:00 a.m.
BTU 6:00 p.m.
Evening Service 7:00 p.m.
Prayer Service Wed. 8:00 p.m.

HEAVENLY TEMPLE CHURCH OF GOD IN CHRIST
2110 Carpenter at 21st
Des Moines, Iowa
Bishop A.B. Carter, Sr., Pastor
Sunday School 9:30 a.m.-11 a.m.
Morning Worship 11:30 a.m.-1 p.m.
YPWW (Sun. Eve.) 6 p.m.-7 p.m.
Evening Worship 7 p.m.-9 p.m.
Tues. Bible Study 7 p.m.-9 p.m.
Thursday Worship 7 p.m.-9 p.m.

PRAYER OF FAITH COGIC
131-9th, WDM
Pastor, Supt. Elder Eddie Davis
Asst. Pastor M.D. Eppright
Assoc. Minister Jerry Woods
Sunday School 9:45 a.m.
Morning Service 11:15 a.m.
Evening Service 8:00 p.m.
Tuesday Evening Service 8:00 p.m.
Friday Evening Service 8:00 p.m.

MISSION TEMPLE C.O.G.I.C.
Elder James McNear, Pastor
Assistant Pastor Minister E. Bell
Sunday School 9:30 a.m.
Sunday Morning Service 11:00 a.m.
YPWW 6:30 a.m.
Evening Services 8:00 p.m.
Tuesday & Thursday Nights 7:30 p.m.

MAPLE STREET BAPTIST CHURCH
E. 16th & Maple Street
Rev. Geo. Parish
Minister - 266-8910
Sunday School 9:45 a.m.
Sunday Morning Worship 11:00 a.m.
Morning Worship 11:00 a.m.
Bible Class 6:30 a.m.
Evening Service 7:30 p.m.
Prayer Service Wed. 8:00 p.m.

MORNINGSTAR BAPTIST CHURCH
1150 W. 13th
Rev. Alex Crawford, Pastor
Sunday School 9:45 a.m.
Morning Worship 11:00 a.m.
Sunday Broadcast 9:30 a.m. to 10:00 a.m.

MT. OLIVE BAPTIST CHURCH
S.E. 4th & Scott Streets
Rev. H.R. Fields, Pastor
Sunday School 9:45 a.m.
Morning Service 11:00 a.m.
Evening Service 7:45 p.m.
Wednesday Prayer Service 7:30 p.m.
Choir Rehearsal Fridays 7:30 p.m.

SHILOH MISSIONARY BAPTIST CHURCH
1213 Scott St. 255-6333
Rev. Sherman L. Brown Pastor
223-8883
Sunday School 9:30 a.m.
Morning Worship 11:00 a.m.
Wednesday-Mid-Week Services
Mission & Brotherhood 6:30 p.m.
Prayer & Bible Study 7:00 p.m.

MT. HEBRON BAPTIST CHURCH
1600 East Capitol Street
Des Moines, Iowa 50316
Rev. James Harris, Pastor
Sunday School 9:00 a.m.
Morning Service 11:00 a.m.
Prayer Meeting Wed. 7:30 p.m.

BIG BETHEL AME CHURCH
1528 E. University
Rev. Ralph S. Jones, Pastor
Rev. Wilbert Coleman
Associate Pastor
Sunday School 9:30 a.m.
Youth Service 11-11:15 a.m.
Church Service 11:15 a.m.
Bible Study-Wed. 8-9 p.m.
Pastoral Counseling By Appointment
Church Phone 266-1205
Everyone Welcome

NEW BETHANY CHURCH OF GOD IN CHRIST
16th and Mondamin
Pastor Andrew E. Johnson
Sunday School 10:00 a.m.
Morning Worship 11:30 a.m.
Sunday Youth Service 6:45 p.m.
Sunday Evening Service 8:00 p.m.
Mid-week Service Wed & Fri 7:30 p.m.
Everyone Welcome

KYLES TEMPLE AME ZION CHURCH
Dr. James Milton, Pastor
907-15th Street
Sunday School 9:45 a.m.
Morning Service 11:00 a.m.
Evening Worship 7:00 p.m.
Prayer Service Wed. 7:30 p.m.

ST. PAUL AME CHURCH
1201 Day Street
Rev. Lewis F. Grady
Church School 9:30 a.m.
Church Service 10:45 a.m.
Vespers Service 6:30 p.m.-7:30 p.m.
Prayer Service, Wed. 7:30 p.m.
Youth Fellowships 5:30 p.m.

PUBLIC NOTICES

The legal notices which appear on this page are published under state laws which require that all taxpayers be kept informed as to what becomes of their tax dollars. Secrecy in government is never in the public interest.

CORRECTED PUBLICATION OF ORDINANCE NO. 9860, SAID PUBLICATION HAVING APPEARED NOVEMBER 27, 1980.

ORDINANCE NO. 9860

AN ORDINANCE designating an Area of Des Moines, Iowa, as a revitalization area which shall be known as the Capitol Square Urban Revitalization Area.

WHEREAS, pursuant to the provisions of House File 81 of the Acts of the 68th General Assembly of the State of Iowa (the "ACT"), the governing body of a city may, by ordinance, designate an area of the city as a revitalization area upon the completion of procedures specified in the Act; and

WHEREAS, pursuant to the provisions of the Act, the City Council of Des Moines, Iowa, has by Roll Call 4698, dated September 15, 1980, determined, with respect to an area within the City, described by metes and bounds as;

Beginning at the northwest corner of Lot 1, Block B, Griffith's Addition; thence southerly along the easterly right-of-way line of E. 4th Street to the northerly right-of-way line of Court Avenue; thence easterly along the northerly right-of-way line of Court Avenue to the westerly right-of-way line of E.

7th Street; thence northerly along the westerly right-of-way line of E. 7th Street to the southerly right-of-way line of E. Walnut Street; thence westerly along the southerly right-of-way line of E. Walnut Street to the point of origin; all now included in and forming a part of the City of Des Moines, Polk County, Iowa

and known as the Capitol Square Urban Revitalization Area as follows:

A. That the area falling within the area so described meets the criteria of Section 1 of House File 81, Acts of the 68th General Assembly of the State of Iowa

B. That the redevelopment of the area so described is necessary in the interest of the public health, safety, or welfare of the residents of the City of Des Moines, Iowa.

WHEREAS, pursuant to the provisions of the Act, the City prepared a Proposed Plan for said Revitalization Area, filed a copy thereof with the City Development Board by the fourteenth day before the first scheduled public hearing, and mailed notice thereof to all owners of record of property within said Revitalization Area and to all tenants of addresses within said

Revitalization Area at least 30 days prior to the scheduled hearing; and

WHEREAS, pursuant to the provisions of the Act, the City held a public hearing on the Proposed Plan for said Revitalization Area; and

WHEREAS, pursuant to the provisions of the Act, the City has adopted the Proposed Plan for said Revitalization area; NOW, THEREFORE, Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That in accordance with the Act and in consideration of the recitations set out in the Preamble hereof, the area formed by the contiguous real estate parcels with a metes and bounds legal description as follows:

Beginning at the northwest corner of Lot 1, Block B, Griffith's Addition; thence southerly along the easterly right-of-way line of E. 4th Street to the northerly right-of-way line of Court Avenue; thence easterly along the northerly right-of-way line of Court Avenue to the westerly right-of-way line of E. 7th Street; thence northerly along the westerly right-of-way line of E. 7th Street to the southerly right-of-way line of E. Walnut Street; thence westerly along the southerly right-of-way line of E. Walnut Street to the point of origin; all now included in and forming a part of the City of Des Moines, Polk County,

be and the same is hereby designated as a revitalization area under the Act, which shall be known as the Capitol Square Urban Revitalization Area.

Sec. 2. This ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed November 17, 1980

Signed November 17, 1980

Pete Crivaro,
Mayor

Form approved
R. Michael Hayes
City Solicitor

Intergovernmental Programs

Attest: Helen W. Barlow, City Clerk

I, Helen W. Barlow, City Clerk of the City of Des Moines, Iowa, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of said City at a meeting held November 17, 1980, signed by the Mayor November 17, 1980 and published in the Iowa Bystander November 27, 1980.

Helen W. Barlow,
City Clerk

CORRECTED PUBLICATION OF SECTION 27-920 OF ORDINANCE NO. 9849, SAID PUBLICATION HAVING APPEARED OCTOBER 30, 1980.

Sec. 27-920. TWENTY-NINTH STREET — FOREST DRIVE TO AURORA AVENUE. (6941)

Twenty-ninth Street, on the east side, from Forest Drive to Woodland Avenue, no parking any time.

Twenty-ninth Street, on the west side, from Grand Avenue to a point 75 feet south thereof, no parking any time.

Twenty-ninth Street, on the west side, from Ingersoll Avenue to a point 50 feet north thereof, no parking any time.

Twenty-ninth Street, on the west side, from a point 218 feet north of Grand Avenue to Ingersoll Avenue, two hour parking, 9:00 A.M. to 4:00 P.M.

Twenty-ninth Street, on the west side, from High Street to a point 150 feet north thereof, no parking any time.

Twenty-ninth Street, on the west side, from School Street to Kingman Boulevard, no parking any time.

Twenty-ninth Street, on the west side, from a point 50 feet south of Rutland Avenue to a point 50 feet north of Rutland Avenue, no parking any time.

Twenty-ninth Street, on the east side, from Kingman Boulevard to University Avenue, no parking any time.

Twenty-ninth Street, on the west side, from University Avenue to Carpenter Avenue, no parking any time.

Twenty-ninth Street, on the east side, from University Avenue to a

point 145 feet north thereof, no parking any time.

Twenty-ninth Street, on both sides, from Forest Avenue to a point 50 feet north thereof, no parking any time.

Twenty-ninth Street, on the west side, from Clark Street to a point 600 feet north thereof, no parking any time.

Twenty-ninth Street, on the east side, from a point 400 feet south of Madison Avenue to Aurora Avenue, no parking any time.

Corrected publication of Ordinance No. 9853, passed October 27, 1980, said publication having appeared November 13, 1980.

ORDINANCE NO. 9853

AN ORDINANCE to amend the Municipal Code of Des Moines 1979, as amended by Ordinance No. 9840, passed September 15, 1980, by repealing Section 27-563 thereof and enacting a new Section 27-563, relating to the regulation of traffic.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines 1979, as amended by Ordinance No. 9840, passed September 15, 1980, be and is hereby amended by repealing Section 27-563 thereof and enacting a new Section 27-563, relating to four-way stop intersections, as follows:

Sec. 27-563. LOCATIONS DESIGNATED.

The following intersections are hereby designated as four-way stop intersections. Stop signs shall be installed and maintained at the following intersections and the driver of a vehicle approaching these intersections from all directions shall stop in accordance with this chapter before entering the intersections:

- (1) Southeast Fifth Street and East Park Avenue.
- (2) Southeast Fifth Street and East Watrous Avenue.
- (3) Southeast Fifth Street and East McKinley Avenue.
- (4) Southeast Fifth Street and East Porter Avenue.
- (5) Southeast Sixth Street and Granger Avenue.
- (6) Southeast Sixth Street and Hartford Avenue.
- (7) Southeast Sixth Street and Scott Avenue.
- (8) Seventh Street and College Avenue.
- (9) Southeast Eighth Street and East Park Avenue.
- (10) Ninth Street and Forest Avenue.
- (11) Ninth Street and College Avenue.
- (12) East Ninth Street and Fremont Street.
- (13) East Ninth Street and Arthur Avenue.
- (14) Southeast Tenth Street and Maury Street.
- (15) Southeast Twelfth Street and Park Avenue.
- (16) Thirteenth Street and Forest Avenue.
- (17) Southwest Fourteenth Street and Hackley Avenue.
- (18) Southwest Fourteenth Street and Porter Avenue.
- (19) Southwest Fourteenth Street and Watrous Avenue.
- (20) East Twenty - Third Street and Des Moines Street.
- (21) East Twenty - fourth Street and Hull Avenue.
- (22) Twenty - fifth Street and Carpenter Avenue.
- (23) Twenty - eighth Street and Woodland Avenue.
- (24) East Twenty - ninth Street and East Douglas Avenue.
- (25) East Twenty - ninth Street and Easton Boulevard.
- (26) East Thirty - eighth Street and East Douglas Avenue.
- (27) Forty - First Street and Forest Avenue.
- (28) Forty - third Street and Shawnee Avenue.
- (29) Forty - fourth Street and Beavercrest Drive.
- (30) Forty - eighth Street and Franklin Avenue.
- (31) Fiftieth Street and Madison Avenue.
- (32) Bel - Aire Road and Lower Beaver Road.
- (33) Cornell Street and East Madison Avenue.
- (34) Cornell Street and East

Sheridan Avenue.

(35) Delaware Avenue and Hull Avenue.

(36) Hull Avenue and Cornell Street.

(37) Merklin Way, Franklin Avenue and Fifty - sixth Street.

(38) Merle Hay Road and Franklin Avenue.

(39) Polk Boulevard and Ingersoll Avenue.

(40) South Union Street and Leach Avenue.

(41) South Union Street and McKinley Avenue.

(42) South Union Street and Park Avenue.

(43) South Union Street and Porter Avenue.

(44) South Union Street and Watrous Avenue.

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

Passed October 27, 1980

Signed October 27, 1980

Form approved

Pamela Sulzbach

Assistant City Attorney

Elaine Szymoniak

Mayor Pro Tempore

Attest: Helen W. Barlow, City Clerk

I, Helen W. Barlow, City Clerk of the City of Des Moines, Iowa, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of said City at a meeting held October 27, 1980, signed by the Mayor Pro Tempore October 27, 1980 and published in the Iowa Bystander November 13, 1980.

Helen W. Barlow, City Clerk

ORDINANCE NO. 9862

AN ORDINANCE to amend the Municipal Code of Des Moines 1979, adopted by Ordinance No. 9616, passed July 23, 1979, by repealing Section 27-1485 thereof and enacting a new Section 27-1485 and by adding thereto a new section to be known as Section 27-1615, all relating to the regulation of traffic.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines 1979, adopted by Ordinance No. 9616, passed July 23, 1979, be and is hereby amended by repealing Section 27-1485 thereof and enacting a new Section 27-1485, relating to prohibited parking and limited parking restrictions, as follows:

Sec. 27-1485. WALNUT STREET FIFTH AVENUE TO SIXTH AVENUE. (.4431)

Walnut Street, on the north side, from Fifth Avenue to Sixth Avenue, no parking any time.

Walnut Street, on the south side, from Sixth Avenue to a point 100 feet east thereof, no parking any time.

Sec. 2. That said Code, be further amended by adding thereto a new section to be known as Section 27-1615, relating to time zones in Parking Meter District No. I, as follows:

Sec. 27-1615. WALNUT STREET — FIFTH AVENUE TO SIXTH AVENUE. (.4431)

Walnut Street, on the south side, from Fifth Avenue to a point 100 feet east of Sixth Avenue, one hour meters, 8:00 A.M. to 6:00 P.M.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed December 15, 1980

Signed December 15, 1980

Form approved

Pete Crivaro

Mayor

Assistant City Attorney

Attest: Helen W. Barlow, City Clerk

I, Helen W. Barlow, City Clerk of the City of Des Moines, Iowa, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of said City at a meeting held December 15, 1980, signed by the Mayor December 15, 1980 and published in the Iowa Bystander December 25, 1980.

Helen W. Barlow

City Clerk

ORDINANCE NO. 9863

AN ORDINANCE to amend the Municipal Code of Des Moines 1979, as amended by Ordinance No. 9640, passed September 17, 1979, by

We are continuously looking for good, dependable workers to fill various clerical positions throughout the bank. If you have general clerical experience, typing, keypunch, or adding machine skills, please call us to inquire about open positions.

Our benefit package includes paid vacations, free health and life insurance, a retirement plan, and a bus subsidy program. For more information call Personnel Dept. 245-7256.



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Glennwood, Iowa

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Topeka, Kansas
1-913-232-1245
Larry Snyder
For More Information

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repealing Section 27-850 thereof and enacting a new Section 27-850 and by adding thereto a new section to be known as Section 27-651.01, all relating to the regulation of traffic. Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines 1979, be and is hereby amended by adding thereto a new section to be known as Section 27-651.01 relating to truck routes, as follows:

Sec. 27-651.01. HULL AVENUE. Hull Avenue, from Dixon Street to Delaware Avenue.

Sec. 2. That said Code, as amended by Ordinance No. 9640, passed September 17, 1979, be further amended by repealing Section 27-850 thereof and enacting a new Section 27-850, relating to prohibited parking and limited parking restrictions, as follows:

Sec. 27-850. TWELFTH STREET — KEOSAUQUA WAY TO AURORA AVENUE. (.5801)

Twelfth Street, on the east side, from Keosauqua Way to Crocker Street, taxicab stand twenty-four hours per day.

Twelfth Street, on the west side, from Keosauqua Way to a point 130 feet north thereof, two hour parking 9:00 A.M. to 4:00 P.M.

Twelfth Street, on the west side, from a point 130 feet north of Keosauqua Way to Crocker Street, no parking any time.

Twelfth Street, on both sides, from Crocker Street to a point 25 feet north thereof, no parking any time.

Twelfth Street, on the west side, from a point 125 feet south of School Street to a point 340 feet south thereof, two hour parking 9:00 A.M. to 4:00 P.M.

Twelfth Street, on both sides, from School Street to a point 125 feet south thereof, no parking any time.

Twelfth Street, on the west side, from Day Street to Enos Avenue, no parking any time.

Twelfth Street, on the east side, from Oak Park Avenue to Aurora Avenue, no parking any time.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed December 15, 1980

Signed December 15, 1980

Form approved

Pete Crivaro,
Mayor

Assistant City Attorney

Attest: Helen W. Barlow, City Clerk
I, Helen W. Barlow, City Clerk of the City of Des Moines, Iowa, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of said City at a meeting held December 15, 1980, signed by the Mayor December 15, 1980, and published in the Iowa Bystander December 25, 1980.

Helen W. Barlow
City Clerk

ORDINANCE No. 9864

AN ORDINANCE relating to the regulation of housing in the City of Des Moines, and to adopt the American Public Health Association, Recommended Public Health Service, Housing Maintenance and Occupancy Ordinance, 1975 Revision, all as provided in Section 380.10, Code of Iowa, and to amend the Municipal Code of Des Moines 1979, as amended by Ordinance No. 9743, passed April 28, 1980, by repealing Subchapter 1 of Chapter 14 thereof, being Sections 14-1 to 14-139, both inclusive, and enacting a new Subchapter 1 of Chapter 14, being Sections 14-1 to 14-69, both inclusive, relating to Housing Maintenance and Occupancy, and repealing Ordinance No. 9743.

WHEREAS, it is deemed necessary to revise the housing regulations heretofore adopted by the City of Des Moines in certain respects, including the adoption of the American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision, with specific exceptions thereto which are deemed necessary for the health and safety of residents of this City, the housing conditions, maintenance and preservation of housing stock, and the orderly enforcement of this Ordinance; and

WHEREAS, after due notice

published as required by law and public hearing held on said proposed changes and the adoption of a housing code, the City Council of the City of Des Moines, Iowa, has determined that the "American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision", be adopted by reference as a portion of Subchapter 1 of Chapter 14 of the Des Moines Municipal Code, relating to Housing Maintenance and Occupancy, and that the remainder of said Subchapter 1 of Chapter 14 shall be and contain housing code provisions which are necessary and proper for this City.

Be it Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That pursuant to published notice and public hearing as required by Section 380.10 of the Code of Iowa, 1979, that volume entitled, "American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision", published by the United States Department of Health, Education and Welfare, is adopted by reference as a portion of Subchapter 1 of Chapter 14 of the Des Moines Municipal Code, relating to Housing Maintenance and Occupancy, with the exception of those sections and numbered paragraphs thereof specifically deleted therefrom in this Ordinance.

An official copy of the "American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision", as herein adopted, and a certified copy of this ordinance, are on file in the office of the City Clerk. A copy of the "American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision" and a copy of this ordinance have been furnished to the state law library and to the municipal library.

Sec. 2. That the Municipal Code of Des Moines 1979, as amended by Ordinance No. 9743, passed April 28, 1980, be and is hereby amended by repealing Subchapter 1 of Chapter 14 thereof, being Sections 14-1 to 14-139, both inclusive, and enacting a new Subchapter 1 of Chapter 14, being Sections 14-1 to 14-69, both inclusive, relating to Housing Maintenance and Occupancy, as follows:

SUBCHAPTER 1. HOUSING MAINTENANCE AND OCCUPANCY CODE

Article I. General Provisions

- 14-1. Short title.
- 14-2. Adoption of American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision.
- 14-3. Deletions.
- 14-4. Amendments and additions.
- 14-5. Scope and applicability.

Article II. Definitions

- 14-6. Definitions.
- Article III. Responsibilities of Owners and Occupants
- 14-7. Heating equipment and facilities.

Article IV. Minimum Standards for Basic Equipment and Facilities

- 14-8. Cooking in rooming units.
- 14-9. Flush water closets.
- 14-10. Handrails.
- Article V. Minimum Standards for Light and Ventilation
- 14-11. Ventilation of habitable rooms.
- 14-12. Electric service.
- 14-13. Lighting stairways.

Article VI. General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units

- 14-14. General maintenance.
- 14-15. Lead-based paint.
- 14-16. Screens.
- 14-17. Fences.
- 14-18. Fire protection.
- Article VII. Maximum Density, Minimum Space, Use and Location Requirements
- 14-19. Basement space.

Article VIII. Rooming House, Rooming Units, Dormitories, Dormitory Rooms

- 14-20. Rooming house, rooming units, dormitories, dormitory rooms.

Article IX. Urban Homesteading

- 14-21. Urban homesteading.

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SUBCHAPTER 1. HOUSING MAINTENANCE AND OCCUPANCY CODE

ARTICLE I. GENERAL PROVISIONS.

Sec. 14-1. SHORT TITLE.

This subchapter shall be known as the "Housing Maintenance and Occupancy Code" and as the "Housing Code", may be cited as either such and will be referred to herein as this "sub-chapter".

Sec. 14-2. ADOPTION OF AMERICAN PUBLIC HEALTH ASSOCIATION, PUBLIC HEALTH SERVICE, RECOMMENDED HOUSING MAINTENANCE AND OCCUPANCY ORDINANCE, 1975 REVISION.

(a) Pursuant to published notice and public hearing, as required by law, the American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision published by the United States Department of Health, Education and Welfare is hereby adopted in full except for such portions as are hereinafter specifically deleted.

(b) An official copy of the aforementioned ordinance and a certified copy of this subchapter are on file in the office of the city clerk.

Sec. 14-3. DELETIONS.

The following sections and numbered paragraphs are hereby deleted from the American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision, and are of no force or effect herein.

- (1) 1.03 from Section I.
- (2) 2.06, 2.09, 2.10, 2.14, 3.16, 2.18, 2.22, 2.25, 2.27, 2.28, 2.29, 2.32, 2.34, 2.41, 2.42, 2.47, 2.49, 2.51, 2.54, 2.56,

2.57, and 2.59 from Section II.

(3) 3.14 from Section III.

(4) 4.06, 4.07, and 4.08 from Section IV.

(5) 5.01, 5.02, 5.02.01, 5.03, 5.04.01, 5.04.02, 5.04.03, 5.04.04, 5.04.05, and 5.05 from Section V.

(6) 7.01, 7.02, 7.03, 7.04, 7.05, 7.05.01, 7.05.02, 7.07, and 7.13 from Section VII.

(7) 8.01.02, 8.04, 8.05, and 8.08 from Section VIII.

(8) In its entirety Section IX.

9) In their entirety, Sections XI to and including Section XIX.

(10) Section 20.01 from Section XX.

(11) In its entirety Section XXI.

Sec. 14-4. AMENDMENTS AND ADDITIONS.

The remaining sections in this subchapter are and represent additions to the requirements contained in the remaining sections and numbered paragraphs of the American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision.

Sec. 14-5. SCOPE AND APPLICABILITY.

The provisions of this subchapter shall apply uniformly to the maintenance, repair, equipment, use and occupancy of all residential buildings and structures now in existence or hereafter constructed, rehabilitated or converted to such residential use within the corporate limits, irrespective of when or under what code or codes such buildings or structures are or were originally constructed or rehabilitated, excepting those buildings and structures specifically excluded from the provisions of this subchapter by section 14-22.

ARTICLE II. DEFINITIONS.

Sec. 14-6. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, for the purposes of this subchapter, the following terms shall have the meanings in this section and shall be so construed wherever they appear in this subchapter and in the American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Edition: "APHA Ordinance" means the American Public Health Association, Public Health Service, Recommended Housing Maintenance and Occupancy Ordinance, 1975 Revision.

"Annual inspection" means the inspection conducted no less than once each year by a representative of the housing inspection division of a rental dwelling, dwelling unit, or rooming unit, excepting single-family dwellings and duplexes, as required by article XI of this subchapter.

"Appropriate authority" means the housing code enforcement officer or his duly authorized representative, except that in Section IV of the APHA Ordinance, such term means the city engineer.

"Basement space" means a portion of a building between floor and ceiling, which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

"Cellar space" means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

"Central heating plant" or "heating plant" means heating equipment installed in a manner to supply heat by means of ducts or pipes to areas other than the room or space in which equipment is located and shall include the chimney and all required vents.

"Corporate unit" means the City of Des Moines.

"Duplex" shall mean a building containing two dwelling units under the same ownership.

"Dwelling" means any building or structure wholly or partly used or intended to be used for living or sleeping by human occupants.

"Exit" means a continuous and unobstructed means of exit to a public way, and shall include

intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke proof enclosures, horizontal exits, exit passageways, exit courts, and yards.

"Grade" (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, then between the building and a line five feet from the building.

"Housing code enforcement officer" means the supervisor of the housing inspection division. He shall be the authorized representative of and responsible to the director of building for the enforcement of this subchapter and for the administration of the division.

"Housing inspection division" means the division of the building department charged with the duty of inspection of dwelling units, rooming houses, rooming units, premises and structures for compliance with this subchapter and may also mean, as the context indicates, a member of that division.

"Lead-based paint" means any liquid substance applied or intended for application to surfaces containing more lead by weight than the percentage allowed by federal regulations now existing or hereafter adopted, calculated as lead metal in the total nonvolatile content of such liquid substance or in the dry film of such liquid substance after application.

"Multiple dwelling" means any dwelling containing more than two dwelling units or rooming units. For purposes of this subchapter the area of common ownership in a condominium, and the area in any single apartment unit rented, let or leased to and occupied by other than its owner for housing purposes in a condominium, shall be deemed a multiple dwelling or multiple dwelling unit, as appropriate.

"Owner-occupied single family dwelling" means any residence, no part of which is being rented or leased to others, which is being occupied by the record titleholder thereof and that person's family, household employees, and guests. Record titleholder shall mean any person holding title of record by deed, contract of sale, or judicial determination and shall include a bona fide contract purchaser of such dwelling, for value.

"Plumbing" means and includes the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities; the venting system and the public or private drainage or storm drainage facilities and the public or private water supply systems within or adjacent to any building, structure or conveyance; the practice and materials used in the installation, maintenance, extension, or alteration of the storm-water, liquid wastes, or sewerage, and water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

"Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living (excluding cooking) and sleeping, which may or may not have access to a kitchen in that building, external to such room or group of rooms.

"Shall" means, (1) with respect to the functions and powers of the director of building, the housing code enforcement officer and that officer's subordinates, any employees and agents of the city and any board authorized and empowered hereunder, a direction and authorization to act in the exercise of sound discretion, good faith and reasonable judgment;

(2) with respect to the obligations upon owners and occupants of premises and their agents, a mandatory requirement to act in compliance with this subchapter at the risk of civil and criminal liability upon failure so to act.

"Space heater" means a self-contained heating appliance or

either the circulating type or the radiant type and designed primarily to heat only one room.

"Triennial inspection" means the inspection conducted no less than once each every three years by a representative of the housing inspection division of a single-family dwelling or a duplex as required by Article XI of this subchapter.

ARTICLE III. RESPONSIBILITIES OF OWNERS AND OCCUPANTS
Sec. 14-7. HEATING EQUIPMENT AND FACILITIES.

(a) Every space heating, cooking and water heating device located in a building or structure shall be properly installed, connected, and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the mechanical code.

(b) Except where heating facilities are contained in each dwelling unit every owner of a dwelling containing two or more dwelling or rooming units shall supply enough heat to all dwelling or rooming units during occupancy so that each room can be heated at all times to a temperature of at least 68 degrees Fahrenheit at a distance of 18 inches above floor level.

ARTICLE IV. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

Sec. 14-8. COOKING IN ROOMING UNITS.

In buildings with rooming units, cooking shall be permitted in one central kitchen only. Cooking in individual rooming units is prohibited, and such rooms shall contain no facilities for storage, preparation or consumption of food.

Sec. 14-9. FLUSH WATER CLOSETS.

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each six persons or fractional number thereof residing within a rooming house, including members of the owner's family wherever they share the use of the facilities; provided:

(1) That in a dwelling containing rooming units where such units are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets.

(2) That all such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities.

(3) That every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.

Sec. 14-10. HANDRAILS.

(a) Structurally sound handrails shall be provided beside any steps having four or more risers. Handrails are to be placed not less than 30 inches or more than 34 inches above the nosing of the treads. If a stairway is enclosed, handrails shall be provided on the unenclosed side(s), and balusters shall conform to the requirements of subparagraph (b) hereinbelow.

(b) Porches or balconies located more than 30 inches above the adjacent ground or the floor below shall have structurally sound and protective guardrails 42 inches high and if unenclosed, balusters no more than nine inches apart so that a nine inch sphere cannot pass through. Guardrails which were installed prior to the passage of this subchapter and were in conformance with the Health and Safety Housing Code then in effect may be allowed to remain if in structurally sound condition.

ARTICLE V. MINIMUM STANDARDS FOR LIGHT AND VENTILATION

Sec. 14-11. VENTILATION OF HABITABLE ROOMS.

(a) All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the floor area of such rooms with a minimum of ten square feet. All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings

with an area not less than one-twentieth of the floor area of such rooms; such openings shall have a minimum of one and one-half square feet.

(b) All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the floor area of such rooms with a minimum of five square feet.

(c) In lieu of such required exterior openings or natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing two air changes per hour in each guest room, dormitory and habitable room. In bathrooms, water closet compartments, laundry rooms, and similar rooms such mechanical ventilation system shall be connected directly to the outside and shall be capable of providing five air changes per hour.

(d) For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

Sec. 14-12. ELECTRIC SERVICE.

(a) Every dwelling unit shall have electrical service and branch circuits capable of providing at least three watts per square foot of total floor area and each habitable room (except kitchen) shall contain at least two separate and remote electrical receptacle outlets.

(b) Every kitchen shall contain at least two separate and remote electrical receptacle outlets, which shall be supplied by separate 20 ampere branch circuits. Outlets whose receptacles are rendered inaccessible by stationary appliances will not be considered as such required outlets.

(c) Every water closet compartment, bathroom, kitchen or kitchenette, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture.

Sec. 14-13. LIGHTING STAIRWAYS.

Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof an adequate amount of light to see treads or floor level. Every public hall and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

ARTICLE VI. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

Sec. 14-14. GENERAL MAINTENANCE.

Every footing, foundation, roof, wall, door, window, skylight, ceiling, floor, plumbing fixture, heating apparatus, chimney vent, electrical equipment, and screen must be maintained in sound condition, rodent-proof and in good repair. All exterior foundation walls shall be properly graded and drained so as to be kept free of stagnant water. All exterior wood surfaces other than decay resistant woods shall be painted or protected by covering or treatment using non-toxic materials where readily accessible to children. All work shall be done in a workmanlike manner and maintained in a safe and sanitary condition. All exterior stairways, porches, and other appurtenances shall be kept in sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon. All stairs shall have uniform risers and treads.

Sec. 14-15. LEAD BASED PAINT.

(a) No person shall apply lead-based paint to any surface of any dwelling or accessory structure within the city, nor shall any person apply lead-based paint to any surface of an structure or portion thereof used occasionally or during

part of the day or night as a school, nursery, day care center, clinic, treatment center, or other facility catering to the needs of children under six years of age, but which during the remainder of the day or night is subject to the provisions of this subchapter.

(b) Lead-based paint found in the following condition on a dwelling or accessory structure is hereby declared to be a nuisance and an immediate health hazard, and the housing code enforcement officer shall order its removal whenever so found. All surfaces on which the paint is cracking, scaling, chipping, peeling or loose shall be thoroughly cleaned, washed, sanded, scraped, wire brushed, or otherwise corrected so as to remove all cracking, scaling, peeling, chipping, and loose paint, and then the surfaces that have been so treated shall be repainted with two coats of a suitable paint. Where the paint film integrity of any such surface cannot be maintained by such treatment, the paint shall be removed to the base surface, or the surface completely recovered with a suitable material such as hardboard, plywood, drywall or plaster, before any repainting is undertaken.

(c) Lead-based paint found on the following surfaces shall be removed to the base surface to the extent indicated before repainting:

- (1) Interior window sills - complete removal.
- (2) Handrails - complete removal.
- (3) Those portions of stair treads not completely covered by carpeting or other suitable material - complete removal four inches back from lip on top of tread and from lip to riser on the bottom side.

(4) Any other area where there is demonstrable evidence of chewing activity or evidence that paint has been removed by lifting, peeling, pulling, or other means from the painted surface.

(d) The presence of lead-based paint shall not prevent occupancy of a structure or issuance of an inspection certificate therefor if the structure is not in violation of subsections (b) or (c) of this section.

(e) The housing advisory board is hereby granted jurisdiction to consider complaints filed by owners of existing dwellings from decisions of the housing inspection division as described in section 14-46 of this subchapter, on the reasonableness of the time allowed for correction of violations of this section and, upon review, shall file its recommendations with the housing code enforcement officer, who shall consider such before making final determination on the time allowable to bring the premises involved into compliance with this section. Such jurisdiction shall not extend to those cases wherein a child who normally resides at the premises has been found to have an abnormally high level of lead ingestion.

Sec. 14-16. SCREENS.

From April 15th to October 15th of each year, as protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outside space and used for required ventilation shall have supplied properly fitting screens having at least 16 mesh, and a self-closing device; and every window or other device with openings to outdoor space used for ventilation shall likewise be supplied with such screens.

Sec. 14-17. FENCES.

Wherever any exit from a dwelling opens into a fenced area, there shall be an approved means of exit from the premises to any public way adjacent thereto.

Sec. 14-18. FIRE PROTECTION.

(a) All construction materials, ways and means of exit, and installation and use of equipment shall conform to Chapter 103, Code of Iowa and other applicable state and local laws dealing with fire protection.

(b) Every dwelling unit shall have at least one means of exit, one with minimum head room of six feet six inches, leading to safe and open space at ground level; every dwelling unit in a multiple dwelling shall have access to two or more means of exit from second floor and above floors. Where two means of exit are required, one shall be deemed the emergency exit and

shall be remote from the primary means of exit or shall be separated by one-fifth of the perimeter of the area served and have a clear unobstructed opening leading to a safe open space at ground level. If the opening is a window or a hatchway, the size of the opening must be a minimum of 28 inches wide and 42 inches high. If the opening is a door, the size of the opening must be a minimum of 24 inches wide and six feet six inches high.

(c) All knock-out panels in approved exit openings shall be a minimum of ten inches by ten inches in size, shall have only single strength glass, and shall be labeled directly on the panel "Emergency Exit - Break Glass", in contrasting colors at least one inch in height, and one quarter inch stroke. Knock-out panels shall be located not more than 36 inches from the floors and shall permit the lock or latch on the inside of the exit door to be operated quickly and easily. No more than one lock or latch shall be permitted on any approved exit door. No more than one intervening door containing a knock-out panel shall be permitted in the exit way from any unit.

(d) Every exit doorway or change of direction of a corridor shall be marked with a lighted exit sign or other approved exit sign, having letters of contrasting color, at least five inches high.

(e) Every exit way, hall, corridor, or exit door shall be kept completely clear of anything which might prevent easy and rapid exit from the building in the event of fire.

(f) (1) Type 2A rated fire extinguishers shall be provided on each floor, so located that they will be accessible to the occupants, and spaced so that no person will have to travel more than 75 feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in areas that constitute a special hazard. The type and number of portable fire extinguishers shall be determined by the state fire marshal or his designee.

(2) All hand fire extinguishers shall be maintained in proper working condition at all times. Fire extinguishers shall be inspected at least once a year and shall have an approved tag showing the date of the last inspection or recharge and the identity of the person inspecting or recharging it.

(3) No fire extinguishers in any building structure or room not used exclusively for private living quarters shall be inspected or recharged by any person unless that person has first obtained a permit for the inspection and recharging of fire extinguishers from the Fire Prevention Bureau. Such permit shall be issued to any person successfully passing the standard qualifying examination adopted by the Bureau.

(4) Inspection, testing and recharging of fire extinguishers shall be in accordance with instructions on each extinguisher and in conformity with nationally recognized standards.

(g) All fire alarm systems that have been installed shall be maintained in proper working condition at all times. Fire alarm systems shall be inspected at least once a year and shall have an approved tag showing the date of the last inspection and the identity of the person inspecting it. Only those persons who have successfully passed a written examination adopted by the Fire Prevention Bureau and obtained a permit from the Bureau shall be qualified to so inspect and tag fire alarm systems. All plans for the installation of the new fire alarm system shall be approved by the fire marshal before the system is installed.

(h) Combustible materials shall not be stored in furnace rooms or under stairways unless the stairway is protected by a one-hour fire separation.

ARTICLE VII. MAXIMUM DENSITY, MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

14-19. BASEMENT SPACE.

No basement space, except in a single family dwelling, shall be used as a habitable room, dwelling unit or

rooming unit unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;

(2) The basement dwelling or rooming unit is entirely sealed off from the central heating plant with a one-hour fire separation;

(3) The basement dwelling or rooming unit provides two means of exit as described in section 14-18.

(4) The minimum window area is equal to at least that required in section 14-11, except where artificial illumination is supplied sufficient to provide at least six footcandles of light at floor levels for all habitable areas.

(5) The total window area capable of being opened in each room is equal to at least the minimum as required under section 14-10, except where some other devices are provided which afford adequate ventilation (capable of producing a change of air every five minutes and connected directly to the outside) and humidity controls.

(6) No pipes, ducts or other obstructions less than six feet six inches above the floor level shall be installed, used or maintained.

ARTICLE VIII. ROOMING HOUSES, ROOMING UNITS, DORMITORIES, DORMITORY ROOMS

Sec. 14-20. ROOMING HOUSES, ROOMING UNITS, DORMITORIES, DORMITORY ROOMS.

Sections III, IV, V, VI, VII and VIII of the APHA Ordinance, excepting the numbered paragraphs thereof specifically deleted by section 14-3 of this subchapter, shall apply to rooming houses, rooming units, dormitories and dormitory rooms, as well as to dwellings and dwelling units.

ARTICLE IX. URBAN HOMESTEADING.

Sec. 14-21. URBAN HOMESTEADING.

(a) This section applies to those owner occupants qualifying under urban homesteading programs as described in sections 220.14 and 220.29, Code of Iowa 1979.

(b) A single family dwelling included in an urban homesteading program as authorized by state law may be occupied by the owner and his family, if any, under the following conditions:

(1) Such dwelling has been inspected by an officer of the housing inspection division within 30 days prior to initial occupancy and the report of such inspection clearly indicates that plumbing, heating, electrical and other violations of this subchapter which, in the opinion of the housing code enforcement officer, constitute a threat to life or health, have been corrected before such occupancy is allowed.

(2) All other violations of the housing code are corrected within the time schedule embodied in the purchase contract for the property, but in any event within a time not to exceed two years from date of such contract, except as such two-year period is extended by the appropriate authority.

(3) The purchaser shall notify the housing inspection division upon full compliance of the property with the housing code but no less than 20 days in advance of the expiration of the time schedule embodied in such purchase contract, as so extended, in order to provide for a reinspection of the premises and the issuance of a certificate of completion.

(c) Nothing contained in this section shall be deemed to expressly or impliedly warrant the safety of the dwelling, and the purchaser of the dwelling shall take all necessary action to protect the safety of occupants at all times.

(d) Failure on the part of the purchaser to comply with any conditions of the homesteading purchase contract or the homesteading program shall, upon the urban renewal board so finding, negate the application of this section and may subject the purchaser or other responsible occupants to penalties and proceedings provided by law.

(e) The purchaser may apply to the city council to obtain an extension of the period of occupancy under this section beyond the period set forth in the purchase contract for

the property. Such extension may be granted for good cause, but lack of reasonable effort by the purchaser or his agent to comply with the housing code shall negate good cause. All conditions and procedures applicable to the time period contained in such purchase contract shall remain in effect for the extended period of time.

(f) The exemption provided by this section is not assignable by the purchaser to any other person. A proposed successor in interest may initiate reinstatement of such exemption provided by this section by filing application therefor with the city council.

(g) Any person claiming to be aggrieved by the application of this section or by the time schedule embodied in the purchase contract for the property may file a written complaint with the city council. All other actions and proceedings under said contract shall remain in force and shall continue pending determination upon such complaint.

ARTICLE X. POWERS, DUTIES, EXCEPTIONS AND ENFORCEMENT

Sec. 14-22. POWERS, DUTIES, EXCEPTIONS, AND ENFORCEMENT.

(a) The housing inspection division of the building department shall cause inspections to be made to determine the condition of dwellings, dwelling units, rooming houses, and rooming units or similar dwellings and necessary structures and premises located within the corporate limits of the city and shall report their findings to the building director or his representative.

(b) The provisions of this subchapter shall not apply to:

(1) Buildings, structures and uses owned and operated by any governmental unit or agency.

(2) Buildings and structures licensed and inspected by the state for a particular use or uses, in which residential living is an incident to such use; provided, however, that if such building or structure or a portion thereof is used for a part of the day or night for purposes which would otherwise make it subject to this subchapter, then and to that extent the provisions of this subchapter shall apply.

(c) Where a non-residential business or activity, or a state-licensed or -approved use, occupies a portion of a building and premises which would be otherwise subject to this subchapter, the subchapter shall be and remain applicable to the residential and common or public areas of such building and premises.

(d) The provisions of this subchapter shall be enforced against owner-occupied single family dwellings and the occupants thereof only 1) upon receipt of a complaint made or filed with city officials by a person not in the city's employ or 2) when such dwelling is directly involved in a project or program of structural improvement which is subsidized in whole or in part by public funds, and then only to the extent defined in that project or program.

(e) The enforcement of this subchapter shall not be construed for the particular benefit of any individual or group of persons, other than the general public. In the event of a conflict between this section and any other section of this subchapter, this section shall govern insofar as applicable.

(f) The city or any employee is not liable for damages to a person or property as a result of any act or failure to act in the enforcement of this subchapter. This subchapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the city or any city employee be held as assuming any such liability by reason of the inspections authorized by this code or any approvals issued under this subchapter.

ARTICLE XI. DWELLING INSPECTION AND CERTIFICATION

Sec. 14-23. APPLICABILITY.

Nothing in this article shall be construed to apply to owner-occupied single family dwellings.

Sec. 14-24. INSPECTION CERTIFICATE REQUIRED.

No person shall rent, let, lease, or otherwise allow the occupancy of any dwelling, dwelling unit, or rooming unit unless that person holds a valid inspection certificate therefor.

Sec. 14-25. FREQUENCY OF INSPECTION.

(a) The housing inspection division of the building department shall inspect every single-family rental dwelling and every duplex within the corporate limits of the City no less frequently than once every three years.

(b) The housing inspection division shall annually inspect every other rental dwelling, dwelling unit, and rooming unit within the corporate limits of the City.

(c) Nothing in this section shall preclude the housing inspection division from inspecting a rental property more frequently where violations of this subchapter are found or believed to exist.

Sec. 14-26. FEES.

(a) For each annual or triennial inspection and, where applicable, each resulting subsequent inspection, performed under section 14-25, there shall be paid to the city treasurer the following fees:

(1) For each structure containing at least one rental dwelling unit or rooming unit, for the common areas in the structure and the first such unit \$7.50

(2) For the second and each additional dwelling unit or rooming unit in that structure, to a maximum fee of \$50.00 0.75

(3) For each subsequent inspection, resulting from an annual or, where applicable, triennial inspection, of the common areas in a structure or of a housing unit or rooming unit, necessitated by the existence of violations of this subchapter ascertained during such annual or triennial inspection:

(i) Structure and first unit 5.00

(ii) Second and each additional unit 0.50

(b) The units enumerated above shall include units used or occupied by the owner or the owner's representative. Provided, however, that neither the federal government or any agency thereof, or the State of Iowa or any political subdivision of the State of Iowa or any agency thereof, shall be required to pay the fees set forth herein for any inspection or certificate issued under this subchapter in the event any dwelling, dwelling unit or rooming unit is leased by any such governmental entity from a person and is being held out by such governmental entity for rent, lease, or is otherwise being let for residential occupancy under a government project or program. The owner of any such property shall be responsible for all fees and inspections required by this subchapter.

Sec. 14-27. PROCEDURE FOR INSPECTION AND CERTIFICATION.

(a) A person who shall lease out, rent out, let, permit or otherwise allow the occupancy of a dwelling, dwelling unit, or rooming unit, directly or through any such governmental project or program, without first obtaining a certificate of inspection shall be in violation of this subchapter. The owner or the authorized agent, manager, or other person in charge and control of such structure shall make application to the housing inspection division for inspection of such structure and the unit or units therein, which application shall be accompanied by a receipt issued by the city treasurer for the fee applicable to such structure set forth in subsections (a) and (b) of section 14-26. The housing code enforcement officer shall then promptly cause an inspection to be made of the premises in and about such structure, and each dwelling unit thereof, and shall:

(1) issue a certificate of inspection if the correct fee has been paid and if the premises and each unit in the structure and accessory structures on the premises are found to be in substantial compliance with the requirements of this subchapter, or

(2) formally notify the applicant by letter addressed to the applicant, at the address listed on the application, of violations of this subchapter found by such inspection and of the period of time which shall

be allowed for correction of each of such violations;

(3) in the event violations were found upon inspection and are found to have been corrected upon further inspection, then upon payment of all fees herein prescribed, issue a certificate of inspection;

(4) issue such certificate upon the payment of all such fees if the violations are not of a nature to leave the occupants of the premises in a physical situation which constitutes a threat to life or health and the applicant agrees to correct such violations within a time period acceptable to the housing code enforcement officer;

(5) upon continued failure of compliance, recommend such enforcement action as is deemed necessary for the safety of the occupants and the continued habitability and preservation of the structure.

(b) If the housing code enforcement officer has not received an application for inspection but nevertheless initiates the inspection process, the above procedures for notification, correction of violations and issuance of a certificate of inspection shall apply; provided, however, that the failure in such event of the owner, agent, manager, or other person in charge or control of such premises to have paid the requisite fee or to have made application for a certificate of inspection shall be deemed a violation of this subchapter by the owner.

Sec. 14-28. EXPIRATION DATE.

The annual inspection certificate issued under this article shall expire one year from the date of its issuance, unless sooner revoked or suspended. The triennial inspection certificate issued under this article shall expire three years from the date of its issuance, unless sooner revoked or suspended. Except that once issued, either such certificate may be suspended or revoked during the life of the certificate only for violations that have been determined by the housing code enforcement officer to be life-threatening to the occupants. The owner, agent, manager or other person in charge or control of any dwelling, dwelling unit or rooming unit which is currently certified under the provisions of this article may make application for inspection with the housing inspection division of the building department during the period commencing sixty days prior to expiration of such certification to determine whether certification shall be renewed. The procedure of section 14-27, above shall apply in reference to the application, inspections and issuance of the renewed inspection certificate. Failure to apply for renewal of certification before the date of expiration of the current inspection certificate shall be deemed a violation of this subchapter by the owner.

Sec. 14-29. CERTIFICATE DISPLAYED; TRANSFERABILITY.

An inspection certificate issued under this article shall not be invalidated by the sale or transfer of the property to succeeding owners. The owner shall display the certificate for a tenant to examine before the dwelling, dwelling unit, or rooming unit to which it applies may be rented, leased or otherwise occupied.

Every person owning a rental property under this subchapter shall give notice in writing to the housing code enforcement officer within 24 hours after having sold, transferred, conveyed or otherwise disposed of ownership of, interest in, or control of any dwelling. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

ARTICLE XII. UNFIT DWELLINGS - LEGAL PROCEDURE

Sec. 14-31. NOTICE OF VIOLATION.

Whenever the housing code enforcement officer determines that there are reasonable grounds to believe that premises are being kept or maintained in violation of any provision of this subchapter, that officer shall give notice of the alleged violation to the owner of the premises. Such notice shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification;

(3) Be a complete and accurate statement of those violations existing and the remedial action required;

(4) Allow a reasonable time for the performance of any act it requires;

(5) Be mailed to the owner of the premises and to the occupant if different from the owner. Such mailing shall be deemed sufficient service.

Sec. 14-32. NOTICE OF SUSPENSION.

(a) Whenever a notice of violation is issued as provided in section 14-27 of this chapter the housing code enforcement officer may give further notice in writing that unless the violations listed in such notice are complied with within a reasonable time, which time or times shall be stated in such notice, the inspection certificate, if any, will be suspended.

(b) At the end of such period the housing code enforcement officer shall cause the premises to be reinspected; and if he finds that any of the provisions of the notice have not been complied with he shall give five days' notice in writing by certified mail, return receipt requested, to the owner of record, and contract vendee of record, any mortgagee of record, and the operator that the inspection certificate is suspended.

Sec. 14-33. DESIGNATION OF UNFIT DWELLING.

The designation of dwellings as public nuisances and unfit for human habitation and the procedure for abating the nuisance shall be carried out in compliance with the following requirements.

Sec. 14-34. DEFECTS.

Any dwelling found to have any of the following defects shall be declared to be a public nuisance and unfit for human habitation, and shall be so designated and placarded by the housing code enforcement officer.

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

Sec. 14-35. TIME OF PLACARDING.

The owner of a dwelling which has been declared to be a public nuisance shall be notified personally or by certified mail, return receipt requested, at least ten days prior to the time the dwelling is placarded as being unfit for human habitation and at least ten days prior to the time the tenants, if any, are notified. Such notice shall contain the legal description of the subject property and its street address and the reason the dwelling has been declared to be a public nuisance.

Sec. 14-36. NOTICE.

(a) The owner of record, occupant, any contract vendee of record, and any mortgagee of record, of any dwelling, dwelling unit or rooming unit which has been declared to be a nuisance and placarded as unfit for human habitation shall be so notified in writing.

(b) The notice shall contain the name and last known address of the record titleholder, the legal description of the condemned property and its street address, if known, the name of the occupant, and the reason the dwelling has been declared to be a public nuisance.

(c) It shall be served personally upon said persons or their authorized agents, or shall be mailed to them by certified mail, return receipt requested.

Sec. 14-37. VACATION; RENDERED HABITABLE.

Any dwelling declared to be a public nuisance and unfit for human habitation, and so designated and placarded by the housing code enforcement officer, shall be vacated within a reasonable time if ordered by such officer, or rendered

habitable within 30 days after notice, or such dwelling shall be removed from the premises by the owner at his expense, or by the city, and the costs thereof assessed against the property. Additional time may be allowed by such officer upon good cause shown.

Sec. 14-38. APPROVAL FOR REHABILITATION.

The owner of any dwelling which has been declared to be a public nuisance and placarded as unfit for human habitation shall not allow it to be used again for human habitation until approval is secured from and such placard is removed by the housing code enforcement officer. Such officer shall remove such placard whenever the defect or defects upon which action was based have been eliminated.

Sec. 14-39. DEFACING AND REMOVING PLACARD.

No person shall deface or remove the placard from any dwelling except as provided in section 14-37 of this chapter.

Sec. 14-50. FILLING IN EXCAVATIONS.

All demolition, whether carried out by the owner or by the city, shall include the filling in of the excavation remaining on the property on which the demolished structure was located in such manner as to eliminate all potential danger to the public health, safety or welfare arising from it.

ARTICLE XIII. EMERGENCIES AND DANGEROUS HOUSING STRUCTURES

Sec. 14-41. EMERGENCIES.

(a) Whenever the housing code enforcement officer finds a public nuisance exists which requires immediate action to protect the public health, such officer may issue an order reciting its existence and requiring that action be taken as he deems necessary. If the owner does not comply with the order within 24 hours after receiving notice thereof, such officer may authorize the taking of that action specified in the order. Any costs incurred may be assessed against the property.

(b) A copy of the order shall be sent to all owners reasonably known to the housing code enforcement officer at their last known address. Notice of the order shall be given to all owners and tenants reasonably known to such officer by the method which such officer can give within the shortest period of time that will serve as notice to the owner, considering the nature of the emergency and any difficulties in notifying the owners.

Sec. 14-42. DANGEROUS HOUSING OR ACCESSORY STRUCTURE.

(a) When, in the opinion of the housing code enforcement officer, a housing structure, by reason of its condition, constitutes a public nuisance threatening to the health and safety of the public which cannot be reasonably abated except by demolition and removal, the following procedure shall commence forthwith:

(1) Such officer shall declare in a letter mailed by certified mail, return receipt requested, and addressed to each known owner and tenant, if any, of the real estate upon which such structure is located, that:

(i) Such structure constitutes a public nuisance threatening to the health and safety of the public and must be removed and the ground upon which it stands leveled.

(ii) Such action must be taken by the owner within a period of time set by such officer, who shall take into account the condition and deterioration of the structure and the severity and imminence of the threat to life or health in setting such time period.

(iii) In the event such structure is not so removed and the ground leveled within such time period, the matter of its removal shall be considered and voted upon at a public hearing by the board of health on a date which shall be set forth in such letter.

(iv) If an owner wishes to present evidence in resistance to the housing code enforcement officer's determination or to otherwise contest such intended action at such hearing, then such owner must file written statement with the city clerk within five days of receipt of such letter of determination, setting forth

the reasons why such action should not be ordered by the board of health. The city clerk shall distribute such filing to the board of health, the city manager, and the corporation counsel before the date of such hearing. Failure of the owner to so file such statement shall be deemed a waiver of such owner's right to present evidence in resistance to the housing code enforcement officer's determination, or to otherwise contest such action, at such hearing.

(2) If the board of health, upon such hearing, confirms the action of the housing code enforcement officer, it shall order prompt demolition and removal and the leveling of such property and shall direct that all of the costs attendant to such action, including administrative costs, shall be either assessed against the property or collected from the owner or owners thereof. Alternatively, if the board of health, upon such hearing, determines that further time should be allowed for the owner to demolish and remove the structure and level the property, it may extend the time within which such action shall be taken to a date certain but shall otherwise confirm the determination of the housing code enforcement officer and order the actions herein set forth.

(3) If the board of health, upon such hearing, determines that such property should not be demolished, it shall revoke such determination and direct such other action as it deems appropriate in the circumstances.

(b) Nothing in this section shall be construed to proscribe the procedure set forth in section 14-41 with respect to action by the housing code enforcement officer to abate a nuisance other than by demolition and removal of a housing structure or accessory structure.

Sec. 14-43. CERTIFICATION OF COSTS.

(a) When action has been taken pursuant to section 14-41 or section 14-42 the costs of such action shall be reported to the board of health.

(b) If such costs are to be certified to the county auditor for assessment against the property, then notice of the hearing on such proposed action and the council meeting at which it is to be taken shall be given to the owner or owners of the property, and after such hearing the board of health may certify such costs to the county auditor.

(c) If such costs are to be collected from the owner or owners of the property, then upon receipt of advice of such costs the legal department shall commence the appropriate action to do so.

ARTICLE XIV. HEARINGS.

Sec. 14-44. HOUSING ADVISORY BOARD.

(a) There is hereby established a board, known as the housing advisory board, which shall consist of seven members appointed by the mayor and confirmed by the city council.

(b) Of the seven first appointed, two shall be appointed for one year, two shall be appointed for two years, and three shall be appointed for three years; thereafter, all appointments shall be for three years.

(c) Any four members shall constitute a quorum.

(d) All members shall be broadly representative of the city and shall serve without compensation.

(e) In the event of the death, removal for just cause, or resignation of any member, that member's successor shall be appointed to serve for the unexpired period of the term of the member no longer serving.

Sec. 14-45. DUTIES.

The board shall:

(1) Hold hearings when necessary and issue specific recommendations to the city council;

(2) From time to time render to the city council a written report of its activities and general recommendations;

(3) Adopt such rules and regulations as may be necessary to expedite and effectuate the provisions of this subchapter;

(4) Elect a chairperson from among themselves to act as an administrative officer and sit at meetings and hearings as presiding officer;

(5) The board shall have authority to grant variances to this subchapter pursuant to section 14-47 of this chapter.

Sec. 14-46. COMPLAINTS FILED.

Any person claiming to be aggrieved by any notice served upon him under this subchapter may file with the housing code enforcement officer a written complaint, requesting a hearing before the housing advisory board; such complaint shall be accompanied by a receipt from the city treasurer for the non-returnable filing fee in the amount set therefor by resolution of the city council. A complaint must be filed within ten days after a person receives a notice. All notices served under this subchapter shall advise the persons served of their opportunity to be heard, the manner in which complaints under this section are to be filed, the amount of the filing fee set by the city council, that they have the right to produce witnesses in their own behalf, and that they have the right to be represented by counsel.

Sec. 14-47. PROCEDURE FOR PROCESSING COMPLAINTS.

After receiving a complaint filed under section 14-46 of this chapter the housing code enforcement officer shall forthwith notify the chairperson of the housing advisory board. The chairperson shall set a time, place, and date of hearing and notify the complainant and other board members of the time, place and date of hearing not less than three days before said date. The chairperson may change the time, place, and date for good cause shown.

Sec. 14-48. HEARING.

At the hearing the complainant shall be afforded a full opportunity to be heard, have the right to produce witnesses and to be represented by counsel. After hearing all relevant evidence, the board shall summarize the proceedings in writing and transmit a copy with a recommendation to the housing code enforcement officer within three days.

Sec. 14-49. EFFECT OF COMPLAINT; USE OF REPORT.

After a complaint is filed under this subchapter the housing code enforcement officer shall stay all proceedings under this subchapter, until he has received a report from the board. All such reports shall be submitted to the city council as attachments to any related request to proceed with legal action under this subchapter, or as separate reports if no further legal action is contemplated.

Sec. 14-50. POWER TO GRANT VARIANCES.

Upon application of an owner of an existing dwelling and after a hearing as provided in section 14-48, the housing advisory board shall have the power to grant a variance from the provisions of numbered paragraphs 8.03 (ceiling height) and 4.02 (flush water closet) of the APHA Ordinance, and sections 14-11 (windows), 14-10 (handrails) of this chapter, if the owner can show:

(1) That the burden on the owner to meet the requirements of the above mentioned sections outweighs any resulting benefit to the public health and safety; and

(2) That because of the design or construction of the dwelling it would be impractical to meet the requirements of above mentioned sections or that it would cause undue hardship to meet such requirements; and

(3) That strict adherence to the above mentioned sections would be arbitrary; and

(4) That such a variance would be in harmony with the intended spirit and general purpose of this subchapter to secure the public health, safety and welfare; and

(5) In addition to the above requirements, the owner shall satisfy the board that the specific requirements of sections 14-46, 14-50, and, where applicable, sections 14-51 through 14-54 are also met.

Sec. 14-51. FLUSH WATER CLOSET VARIANCE.

If an owner of an existing dwelling makes application to the housing advisory board for a variance to numbered paragraph 4.02 of the APHA Ordinance (flush water closet) the owner shall, in addition to meeting the requirements of section 14-50, show:

(1) That the occupancy of those dwelling units sharing a flush water closet is in the nature of a family occupancy; and

(2) That no more than three persons, all of the same sex, shall be served by the bathroom containing the flush water closet; and

(3) That the flush water closet is maintained in a safe and sanitary condition.

Sec. 14-52. CEILING HEIGHT VARIANCE.

If an owner of an existing dwelling makes application to the housing advisory board for a variance to numbered paragraph 8.03 of the APHA Ordinance (ceiling height) the owner shall, in addition to meeting the requirements of section 14-50, show:

(1) The number of occupants in a dwelling or dwelling unit as well as the nature of the occupancy; and

(2) The height of doorways into the habitable room in question; and

(3) The height above floor of light fixtures, pipes, ducts or other fixtures, if any, which may be attached to or hanging from the ceiling of the room in question;

(4) The likely use of the room in question;

(5) The adequacy of ventilation and lighting.

Sec. 14-53. WINDOW VARIANCE.

If an owner of an existing dwelling makes application to the housing advisory board for a variance to section 14-11 (windows) the owner shall, in addition to meeting the requirements of section 14-50, show:

(1) That there is sufficient artificial lighting for the room in question or sufficient indirect lighting originating from windows located in other rooms; and

(2) That there is adequate ventilation for the room in question.

Sec. 14-54. HANDRAILS VARIANCE.

If an owner of an existing dwelling makes application to the housing advisory board for a variance to section 14-10 (handrails) the owner shall, in addition to meeting the requirements of section 14-50, show:

(1) That the rise and run of the steps are such that handrails would serve no useful purpose; or

(2) That there is little or no use of the stairs, balcony or porch in question; or

(3) That there is no demonstrated need for handrails.

Sec. 14-55. LIMITATION OF VARIANCE.

(a) In granting any variance allowed by this subchapter, the housing advisory board may prescribe reasonable conditions and safeguards to promote the public health, safety, and welfare.

(b) The variance granted shall be subject to review by the board at least once annually and the variance may be revoked at any time by the board upon a showing that one of the grounds for granting the variance no longer exists or upon a showing that a condition of the variance has been violated.

(c) Before the board causes a variance to be revoked it shall notify the owner in the same manner as set forth in section 14-31 and proceed to a hearing as set forth in section 14-47 of this chapter.

ARTICLE XV. SEARCH WARRANTS

Sec. 14-56. DEFINITION.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following term shall, for the purpose of this subchapter, have the meaning in this section.

A search warrant is an order in writing, in the name of the city of Des Moines, Iowa, signed by a judge of the district court, directed to any peace officer of the city, commanding such peace officer to inspect a dwelling, dwelling unit, or rooming unit, or its premises, or any part thereof to determine its condition in order that the city may perform its duty of safeguarding the health and safety of the general public.

Sec. 14-57. USE OF EVIDENCE.

Evidence obtained by use of a search warrant may be used to effectuate the purposes and provisions of this subchapter in an ensuing action brought by the city for its violation.

Sec. 14-58. WHEN AUTHORIZED.

A search warrant may be issued for the inspection of property which

is being maintained or kept in a manner contrary to the provisions of this subchapter or related chapters of the Des Moines Municipal Code dealing with plumbing, building, electricity, fire prevention, rat and pest control, sewers or sewage disposal.

Sec. 14-59. INFORMATION.

Any creditable resident of this city may make application for the issuance of a search warrant by filing before any judge of the district court a written information, supported by that resident's oath or affirmation and alleging therein the existence of any ground specified in this subchapter for the issuance of a search warrant and that that resident believes and has substantial reason to believe that said ground exists in fact. The information shall describe with reasonable certainty the premises or property to be searched, and the person, if known, in possession.

Sec. 14-60. ISSUANCE OF WARRANT.

If the judge is satisfied from examination of the applicant and of other witnesses, if any, and from the allegations of the information of the existence of the grounds of the application, or that there is probable cause to believe their existence, the judge may issue a search warrant, signed by the judge with name of office, directed to any peace officer of the city, commanding such peace officer forthwith to search the property or premises specified.

Sec. 14-61. FORM OF WARRANT.

The warrant may be substantially in the following form:
City of Des Moines
State of Iowa
To any peace officer of this city:

Proof having been this day made before me as provided by law (here, with reasonable certainty and in accordance with the information and other proof obtained by the judge, designate the property or premises, its location, the person in possession thereof, if known, and the manner in which the property or premises is being maintained contrary to the provisions of this subchapter) and being satisfied that the foregoing recital relative to said premises or property is probably true, now, therefore, you are commanded to make an immediate search of the above described premises for the reasons stated herein.

Dated at Des Moines, Iowa, this _____ day of _____, 19____
Judge of the District Court of Polk County, Iowa.

Sec. 14-62. BY WHOM SERVED.

A search warrant may in all cases be served by any peace officer of the city, but by no other person, excepting a person aiding and assisting the officer in the performance of that officer's duty under the warrant, the officer being present.

Sec. 14-63. EXECUTION OF WARRANT.

The peace officer to whom such a warrant shall be delivered shall, in the daytime, forthwith obey and execute, as effectually as possible, the commands of the warrant.

Sec. 15-64. BREAKING IN TO EXECUTE WARRANT.

The peace officer may break open any outer or inner door or window of a building or dwelling or any part thereof:

(1) To execute the warrant, if, after notice of his authority and purpose, the officer is refused admittance.

(2) To liberate a person who, having entered to aid and assist the officer in the execution of the warrant, is detained therein.

(3) When necessary, for the officer's own liberation.

Sec. 14-65. RETURN OF WARRANT.

A search warrant must be executed and returned to the judge who issued it within ten days after its date. After expiration of such time the warrant unless executed is void.

Sec. 14-66. OFFICER EXCEEDING AUTHORITY.

A peace officer, who, in executing a search warrant, willfully exceeds that officer's authority or exercises it with unnecessary severity, is guilty of a misdemeanor.

Sec. 14-67. MALICIOUSLY PROCURING WARRANT.

Whoever maliciously and without probable cause procures a search warrant to be issued and executed is guilty of a misdemeanor.

ARTICLE XVI. ENFORCEMENT Sec. 14-68. RETALIATORY EVICTIONS.

(a) No person shall maintain an action for eviction of an occupant of property owned by such person, when seeking to evict the occupant because the occupant has reported a violation of this subchapter or a related provision of the Des Moines Municipal Code to the housing code enforcement officer or other city employee.

(b) If the housing code enforcement officer requires an owner, operator or lessee to repair a dwelling unit, nothing in this section shall prohibit the latter from increasing the rent charged for the dwelling unit within 90 days from the completion of the required repairs. If the rent is increased within the 90 day period, an amount not less than the increased rent must be charged for the rental of such repaired dwelling unit for 12 consecutive months following the effective date of rent increase.

(c) No owner, operator, occupant or utility company shall cause any service, facility, equipment or utility which is required under this subchapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or rooming unit, except for such temporary interruption as may be necessary, while actual repairs or alterations are in process, or temporarily during emergencies. However, a utility company may remove, discontinue, or shut off such service when the same may be done in accordance with established policy of the respective company relating to credit regulations.

Sec. 14-69. ACTIONS TO ENJOIN AND TO COLLECT COSTS.

(a) In addition to the penalties provided for in section 1-11 of the Des Moines Municipal Code, when any dwelling, building or structure is constructed, altered, converted or used or maintained in violation of any provision of this subchapter, or when a nuisance exists in any such dwelling, building or structure or upon the premises on which it is situated, or when there has been any other violation of the provisions of this subchapter, the city may bring suit in the district court 1) to prevent the unlawful construction, alteration, conversion, or maintenance, 2) to restrain, correct, or abate such violation or nuisance, 3) to prevent the occupation of the dwelling, building or structure, 4) to prevent any other violation of this subchapter, 5) to collect the costs to the city of such action as the city may take to correct any such violation in the event the owner, upon notice of such violation, fails to do so, or 6) to collect from an owner the costs to the city for the enforcement of the provisions of this subchapter against the owner's property.

Sec. 3. If any section, subsection, provision, sentence, clause, or phrase or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

Sec. 4. That Ordinance No. 9743, passed April 28, 1980, be and is hereby repealed.

Sec. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed December 22, 1980
Signed December 22, 1980

Pete Crivaro, Mayor
Form approved
Corporation Counsel
Attest: Helen W. Barlow, City Clerk
I, Helen W. Barlow, City Clerk of the City of Des Moines, Iowa, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of said City at a meeting held December 22, 1980, signed by the Mayor December 22, 1980 and published in the Iowa Bystander December 25, 1980.
Helen W. Barlow, City Clerk

Classified Ads

Mail all ads to
PO Box 65640, WDM, 50265

RENTALS

APT. FOR RENT
Unfurnished, 2 bedroom apartment, private bath, utilities paid, some carpeting, second floor. No pets. For information call William Jones, 255-9254 or 244-7723.
tf

HOUSE FOR RENT
Three rooms, bath, partially furnished. \$150.00 per month. No pets. Call 277-9173.
tf

FOR SALE

THE HOUSE THAT TECH BUILT
1136-12th St.
Split level, 3 bedrooms, family room, 1½ baths, garage.
\$55,000
Call 284-7846 between 8-4 for more information.
it

FOR SALE
GOSPEL RECORDS
Single LP's \$6.00, double LP's \$8.00, some sale LP's for only \$4.00. For more information call 262-5856 or stop by 1309 McCormick after 5:30 p.m.
tf

JEEPS, CARS, TRUCKS
available through government agencies, many sell for under \$200.00. Call 602-941-8014 Ext. No. 2395 for your directory on how to purchase.
4tp

HELP WANTED

CETA LABORERS
Several positions. \$3.70 per hour. Contact Capitol View Housing Center, 512 S. E. 5th, 288-7067. Application deadline: December 29, 1980. An Equal Opportunity Employer.
it

Card Of Thanks

CARD OF THANKS
The family of Mr. Arthur L. Flanagan wishes to thank Dr. James Milton, Rev. J. L. Ingraham, Rev. Carl Sanders, Elder Eddie Davis, other ministers, casket bearers, Kyles AME Zion Church, Wesley Tindrell, Kay Spriggs, those who helped at home, Estes & Son, for those who sent telegrams, condolences, resolutions, sympathy cards, floral selections, for your cars, food, gifts, donations, for coming to the funeral home or services, all other expressions and services rendered to our family during his illness and our deepest loss. Thank you and God bless all of you.
Signed by: Wife, Flossie E. Williams, Son, Arthur L. Flanagan, Jr., Sisters, Lee Gertha Camp, Annie Gilstrap, Helen Flanagan, Elora Jones, Willie Mae Bell, Carolyn Montgomery,

Brother, Warren Flanagan, and other relatives.
it

Des Moines Housing Council, Inc.

NOTICE OF JOB OPENING

Housing Rehabilitation Specialist-Resource Center Manager
Responsibilities

1. Identification, qualification and referral of building and rehab contractors.
2. Estimation and specification of property improvement.
3. Advise DMHC on the structural soundness and estimated costs of rehabilitation on properties being considered for purchase.
4. Provide assistance to homeowners in housing rehabilitation work including: needs assessment, determination of type and cost of needed repair.
5. Plan, organize, supervise and conduct home repair and maintenance workshops for area residents.
6. Organize and implement tool maintenance, cataloging, inventory and lending procedures of Tool Lending Library.

Qualifications

1. Record keeping ability including, but not limited to: reading and writing skills; clarity in report writing; accuracy in reporting financial transactions; ability to maintain a tool inventory; ability to maintain materials inventory; ability to use established office procedures for purchasing and record keeping.
2. Communication: ability to communicate both verbally and in writing in a clear and concise way with staff, neighborhood residents, and nonprofit housing organizations.
3. Education:
 - a. High School diploma or G.E.D.
 - b. College training
4. Construction and housing rehabilitation skills:
 - a. At least three (3) years experience in the building trades.
 - b. Demonstrated capability in carpentry skills.
 - c. Construction estimating skills.
 - d. Housing rehabilitation design skills.
 - e. Demonstrated and documented ability to supervise.

Apply at the Des Moines Housing Council Office
1041 8th Street
Des Moines, Iowa 50314
8:30 to 4:30 Monday through Friday
No applications will be accepted after January 8, 1981.
AN EQUAL OPPORTUNITY EMPLOYER

FIFIELD PHARMACY

W. 5th & University
244-3221
WE FILL ALL 3RD PARTY PRESCRIPTIONS
1. Medicaid (Title XIX)
2. City Employee Programs (PCS)
3. Armstrong, Firestone, Ford & John Deere Programs
4. Blue Cross Pre-Paid Pres. Services.
5. Workman's Compensation

WILSON'S UPHOLSTERY

1500-23rd St. 255-9652
SPECIALIZING IN Fine Furniture Upholstery Mill ends and remnants by the yard

PRICE LEGAL CLINIC P.C. Attorneys At Law

Price List for specific legal services in Polk County not including Court costs

Uncontested Dissolutions (no children or real estate)	\$125.00
Bankruptcy (first spouse)	\$225.00
Bankruptcy (Second spouse)	\$40.00
Simple Wills	\$20.00
Stepchild Adoptions (all parties consent)	\$125.00

Initial Consultation — \$10.00

Above fees effective through December 31, 1980, written estimates for other services will be provided after initial consultation.

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Physical Therapist

Work in year-round program with school-aged mentally retarded children in a residential facility. PT is part of a 27 member Developmental Center which also includes OT, Developmental Activities, and Therapeutic Carpentry. PT student affiliation site. Duties include evaluation, program planning, treatment, and staff-parent training. Opportunity for work with Diagnostic-Evaluative Clinic and community-oriented Traveling Team.

Must be eligible for Iowa licensure. NDR-SI background preferred but not necessary. Located in rural central Iowa, within commuting distance from state capitol and university communities.

Salary range \$15,371 - 19,677, depending upon experience. Comprehensive benefits program. Equal Employment Opportunity-Affirmative Action employer.

Contact Diane or Jan at Personnel Office, Woodward State Hospital-School, Woodward, Iowa 50276, (515) 438-2600 x 331.

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Occupational Therapy Dept. Head

Residential facility for mentally retarded children-adults. Seven member OT department is part of a 27 member Developmental Center which also includes PT, Developmental Activities, and Therapeutic Carpentry. NDT and SI approaches utilized. OT department provides services to Diagnostic-Evaluative Clinic and community oriented Traveling Team, in addition to residentail clients. Dynamic adaptive equipment design and construction program; COTA student affiliation site; active inservice training program.

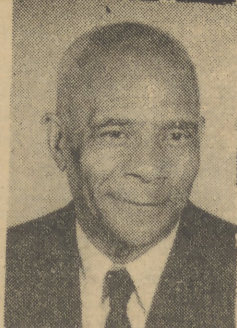
Applicants must be AOTA registered and have 24 months full-time OT experience; comprehensive benefits package. Rural central Iowa location, with in commuting range of State capitol and university communities. Equal Employment Opportunity-Affirmative Action employer.

Contact Diane or Jan at Personnel Office, Woodward State Hospital-School, Woodward, Iowa 50276; (515) 438-2600 x 331. Salary range \$16,682 - 21,507 depending upon experience.

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ALLEN ASHBY with a LOOK ON SPORTS



The 1980 sports picture was scrambled so that not very many of the predictions of the experts came out as called. For instance, the U.S. hockey team wasn't supposed to beat the Russians, but they forgot to tell the fellows.

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Then there was the Rose Bowl game that USC won on a last second plunge over the goal line. There was only one thing missing, according to the television replays and the comments of the sportscasters at the game. The plunger forgot to take the ball over the goal with him because it was clearly seen resting on the ground about a foot from the line. How it got there nobody has yet explained; in fact, it was forgotten as soon as possible and counted as another Big Ten excuse for losing in the Big Bowl. Then the L.A. Rams were supposed to be killed by the bad Pittsburg boys in the Super Bowl, but they were in the game all the way and with a little luck might have won it.

In boxing, it looked as if we were about to be swamped by a whole host of heavyweights, but they boiled down to Larry Holmes and Muhammad Ali. In fact, if I could give one gift to anyone it would be to take about ten years off the Mouth and let him and Holmes go at it. Then I would bet on Ali. Holmes proved to be the best of the bunch and convincingly did in Ali to claim whatever share of the title the latter had.

The big surprise in that one was the fact that Ali didn't try too hard. He was past thirty five but Jersey Joe Walcott and Archie Moore fought at that age, and they were not pushovers by any means.

Sugar Ray Leonard was supposed to beat the guy who took away his title, but he fought just the opposite of all the other fights he had fought and came out second. Then he gave the fellow a boxing lesson and regained his title. True, the man gave up, but I would say it was from the frustration of not being able to do what he wanted to and the fact that he was being punched full of holes.

Our tennis season wasn't all that it could have been. Our Hilltop wasn't the smoothly run affair that earned the respect of lots of people around the state. True, we had more black players than we have had since the early days of the thing, and they seemed to create most of the problems. Maybe 1981 will be different. It better.

Our Hilltop closed exhibited several good reasons for its end. Players wanting to enter at their convenience, and wanting to play on their own time. If we had defaulted everybody who was late, Chet Williamson and I would have had to keep the winners' trophies. And we didn't have a big name for a drawing

card for our Open.

One of the fine cards was the basketball tournament put on by Blacks In Management that brought people from places like Chicago, Kansas City, Omaha and the likes. If I had a suggestion about that meet I would suggest that it be called for the playground championship of this area, and I don't think you could find a place big enough to hold the crowd, although the crowds were not slim.

We didn't hear too much about our Golden Gloves team, a thing that used to get the headlines. Today boxing doesn't get too much coverage in the daily papers. Why? I don't know.

So we staggered on into the fall. The baseball teams that were supposed to win the major league titles didn't and the team that was supposed to lose the World Series didn't.

One thing was brought out in 1980. There is a definite athletic program staged by the YMCA and the Willkie House that has to help young Blacks. Wrestling, boxing, soccer and tennis are on the program, and from what I hear the young Blacks are taking advantage of it.

I didn't forget to mention the Drake Relays, but there were so many fine black athletes out there that one scarcely knows where to begin. And the girls came in for their share of wins, running away with relay titles and individual races. And a thing about the Drake show was the fact that the black athletes who were interviewed were for the most part articulate and seemed to know what they were talking about. I would say that this covers about two thirds of the picture of 1980, but this will have to do.

ESTERLIGHT COURT NO 7

November & December, have been two busy months for the members of Esterlight Court No. 7. In November, the court initiated three new candidates. The three new members are: Sister Joan Green, Sister Ruby Williamson & Sister Thelma Harrington.

These sisters were then able to take part in helping make two families very happy for Thanksgiving by presenting both families with a basket of groceries. Afterwards the members had an evening at Sister Maxine Long's home, Worthy Counsellor of Esterlight Court No. 7. At Sister Lon's Home all the members prepared a delicious dish, and took

part in welcoming the new sisters into the court.

The month of December the court and guests had their annual Christmas Party at the Doric Lodge Hall. The enjoyment of music played by Ricky Fowler, the delicious food & the exchanging of gifts were enjoyed by all. Although these months have busy for all members, the meaning of Christmas has not been forgotten. The time for giving & sharing are still a part of us. Candy, fruit & a token gift will be given to each resident of Mike & Tonys Retirement home. The members of Esterlight Court No. 7 wish all a very happy holiday season and most of all a very prosperous New Year.

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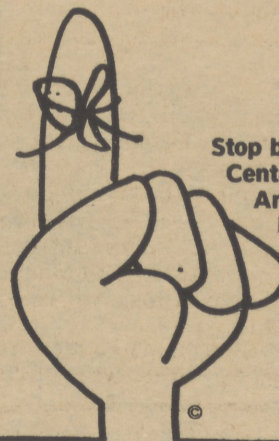
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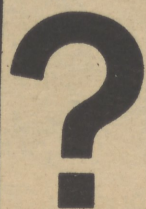
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**Soul...
Food and Thought**

Aldeen Davis



Of all our holidays Christmas is the most widely celebrated. The birth of Jesus acclaimed through out our churches and cathedrals. The gifts of the magi are duplicated with gifts to friends and families and festivities are held throughout the season. But midst all the celebrating we oft times forget another segment of our society and their celebrations and festivities.

I'm thinking particularly of our Jewish friends and community; who at approximately the same time of our Christmas celebration, are celebrating what is probably the most festive of the Jewish holidays—Hanukkah or Feast of Lights.

The feast of lights is a feast of re-dedication. The eight-day festival is celebrated in synagogues by all three degrees of Judaism—reform, conservative and orthodox.

King Antiochus IV, of the old Greek empire invaded Judea, trying to suppress the Jewish religion; desecrating the temple with offerings to Zeus. After three years the Jews re-established their independence and freedom to worship.

The temple was purged. New vessels and candlesticks brought in; a new altar built etc. But only enough oil was found to light the temple lamps for one

day. Miraculously the oil lasted for eight days (the length of time for a runner to obtain more oil from the nearest village.) Thus Hanukkah is an eight-day festival, commemoration of the miraculous re-lighting of the perpetual light.

During the observance of Hanukkah, special candlelighting services are held at the synagogues. Prayers of Thanksgiving for the survival of the Hebrew people are offered, choirs sing Jewish folksongs, children put on special programs for parents. Fellowship hours are held for both young and old.

In the homes, Hanukkah, the cherished tradition, the lighting of the candles in the eight branched menorah, is the chief feature. Each evening one taper is lighted, emblematic of the eternal light shining through the spirit of the Jewish people. During this celebration the traditional dishes are eaten, games

played, guests entertained, and gifts exchanged (One for each of the eight days.)

Giving presents is an important part of the festival, not only among families, but the spirit of the season is shown in the generosity shown to those less fortunate. It is not uncommon for gifts to be collected for children in Israel and other lands as well as orphanages, for the aged and hospitalized veterans.

Perhaps the most favored of the Hanukkah holiday foods are Latkes (Potato pancakes)

Latkes: 6 med. potatoes, 1 sm onion, 2 eggs slightly beaten, 3 T. flour, ¼ t. pepper, 1 t. salt, ½ t. baking powder. Peel and grate potatoes and onion. Let stand 10 min. Remove the liquid that has formed. Stir in eggs, and remaining ingredients. Drop by spoonfuls on hot well greased skillet. Brown on both sides. Serve with applesauce or sour cream.

Merry Christmas and Happy Hanukkah!

KCCI-TV TO AIR BLACK ACHIEVEMENT AWARDS

The third annual television special of the American Black Achievement Awards will be shown Friday, January 2, from 11:00 to 11:30 p.m. on KCCI-TV. The program was taped on November 14 when the A.B.A.A. announced its 1980 winners in seven major categories and two special categories.

Winners, with special citations for their significant and enduring achievements by category, were as follows: Sidney Poitier — Fine Arts; Gladys Knight and the Pips — Music; Dr. Martin Luther King, Sr. — Religion; Willie Stargell — Athletics; Jesse Hill — Business; Douglas Turner Ward — Dramatic Arts; Maynard Jackson — Public Service; Dr. Benjamin E. Mays — EBONY Lifetime Achievement Award; The Mills Brothers — EBONY Lifetime Entertainment Award.

SKATING PARTY

A skating party sponsored by the Black Student Alliance Club at Des Moines Area Community College will be held on Sunday, December 28, at the Terrace Roller Rink, 5660 NE Hubbell Avenue in

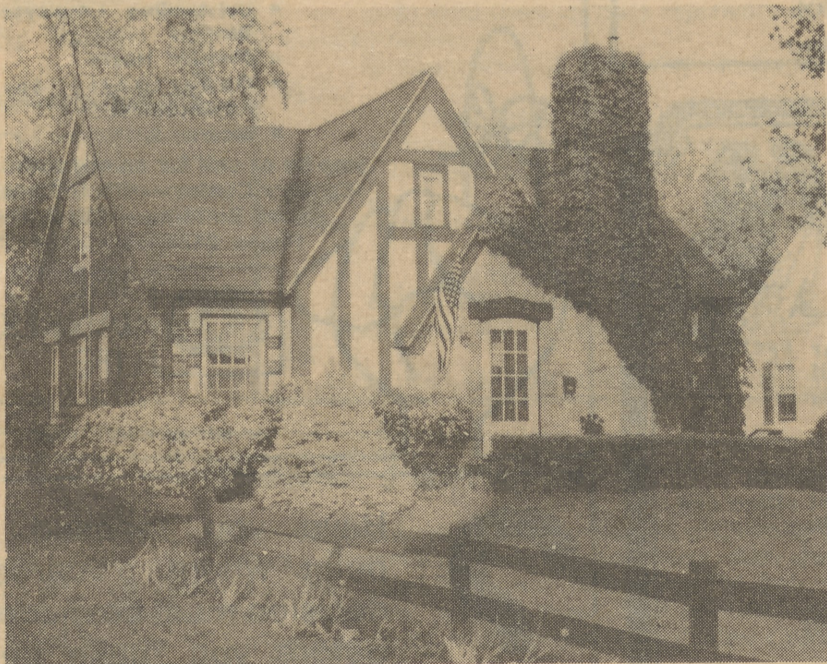
Altoona. The party will be from 8-11 p.m. Admission is \$2.50 which includes skate rental. Tickets will be available at the door and all faculty, students, staff and their guests are welcome to come.

New Deadline

Because of the New Year holiday, the news and advertising deadline for the Iowa Bystander will be Tuesday noon for the January 1 issue.

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