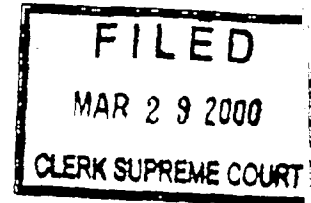


IN THE COURT OF APPEALS OF IOWA

No. 1999-363 (9-616) \ 98-1908
Filed March 29, 2000



CITY OF DES MOINES, IOWA,
Plaintiff-Appellee,

vs.

JAMES C. CONLIN,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Robert D. Wilson,
Judge.

James Conlin appeals the judgment of the district court ordering him to
replace the roofs on two rental properties and to pay the costs of the action.

AFFIRMED.

Steven P. Brick of Brick, Gentry, Gowers, Swartz, Stoltze, Schuling &
Levis, P.C., for appellant.

~~Vicki~~ Long Hill, Assistant City Attorney, for appellee.

Considered by Mahan, P.J., and Zimmer and Vaitheswaran, JJ.

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PER CURIAM

~~James Conlin~~ appeals the decision of the district court finding he was in violation of ~~the~~ Des Moines municipal housing code because the roofs on two of his rental properties were not in good repair. We affirm.

After inspections by a city housing inspector, the City of Des Moines informed Conlin the roofs on two rental properties he owned should be replaced. The shingles on the roofs were old and dried out, causing them to curl and buckle, which made the roofs prone to leak at any time. There was evidence the soffits on one of the buildings was water damaged. Also, the gutters were loose and falling off the building. The inspector found the roofs were in violation of the municipal housing code, which requires roofs to be in sound condition and good repair.

Conlin refused to repair the roofs because they did not leak. The matter proceeded to the Housing Appeal Board. Conlin submitted a report from an engineer which stated that although the roofs were well beyond their economic useful life, they did not leak. The engineer recommended replacement at the first sign of a leak. The Board determined the matter should be turned over to the City legal department for enforcement proceedings.

~~The City~~ filed the present action against Conlin, seeking to have the court order him to replace the roofs. The district court determined the City housing code did not have a "no leak" standard for roofs, but rather a "good repair" standard. The court found that while the roofs may not leak, they are not in good repair and should be replaced. Conlin appealed, claiming the district court erred in finding he had violated the municipal housing code.

~~This case~~ was brought in equity. Therefore, our scope of review is de novo. ~~See~~ *City of Des Moines v. Harvey*, 243 N.W.2d 606, 610 (Iowa 1976). We give weight to the findings of the trial court, but are not bound by them. Iowa R. App. P. 14(f)(7).

Iowa Code section 364.17 gives cities the right to enact city housing codes and enforcement procedures. Ordinances enacted under authority delegated to local governments are generally considered extensions of state statutes and, thus, liberally construed to effect their purpose. *City of New Hampton v. Blayne-Martin Corp.*, 594 N.W.2d 40, 45 (Iowa 1999). Section 364.17(3) provides, "The enforcement procedures shall be designed to improve housing conditions rather than to displace persons from their homes."

Clearly then, the purpose of city housing codes is to improve housing conditions. We find the district court properly interpreted the Des Moines housing code to require the roofs in question to be maintained in good repair. There is no requirement the roofs should actually be failing, by allowing water to enter a home, before repairs should be made.

We affirm the decision of the district court. Costs of this appeal are assessed to Conlin.

AFFIRMED.