

ORDINANCE NO. 14,798

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,792 passed August 25, 2008 and by amending Sections 98-79 and 98-79.02 thereof, relating to solid waste collection and disposal.

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

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,792 passed August 25, 2008 is hereby amended by amending Sections 98-79 and 98-79.02 thereof relating to solid waste collection and disposal, as follows:

Sec. 98-79. Penalty.

Any person who fails to perform an act required by this article or who commits an act prohibited by this article shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of this Code or shall be deemed to have committed a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code. The first offense within a calendar year shall be deemed the first offense punishable by a civil penalty not to exceed \$250.00. The second and each subsequent offense within a calendar year shall be a repeat offense, punishable by a civil penalty not to exceed \$500.00. The director of public works or his or her designated representative or any police officer is authorized to issue a civil citation pursuant to I.C. § 364.22(4) to anyone violating this article indicating such person is in violation of this article and is subject to the penalties provided for in this section.

Sec. 98-79.02. Administrative penalties—notice of violations.

- (a) The director of public works or his or her designated representative or any police officer is authorized to

impose an administrative penalty upon any owner of any real estate who violates section 98-70 or 98-117(b). The administrative penalty for such violation shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.

- (b) Penalties shall be paid in full within thirty (30) days of the issuance of the notice.
- (c) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to the violator by the director of public works or his or designated representative or any police officer. Service of the notice may be by regular mail or delivery in person. Such notice shall include:
 - (1) A statement that the violator has a right to an administrative hearing regarding the violation;
 - (2) A statement that the violator may file a written request for hearing as set forth in section 98-79.05. The request of hearing shall stay payment of the administrative penalty until the hearing is decided. If issuance of the notice of violation is upheld, the violator shall have thirty (30) days from issuance of the hearing decision to pay the administrative penalty.

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

FORM APPROVED:

Ann DiDonato, Assistant City Attorney
T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 08-1603), passed by the City Council of said City at a meeting held September 8, 2008 signed by the Mayor on September 8, 2008 and published

as provided by law in the Business Record on September 22,
2008. Authorized by Publication Order No. 6356.

Diane Rauh, City Clerk