

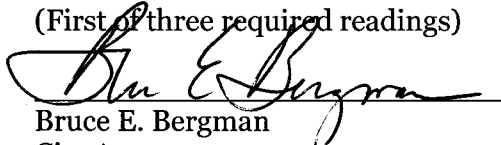
Date July 27, 2009

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,374 passed September 27, 2004, and Ordinance No. 14,611 passed December 4, 2006 by amending paragraph (b) of Section 1-15, relating to general penalty for misdemeanors",

presented.

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

FORM APPROVED:
(First of three required readings)


Bruce E. Bergman
City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

CITY ATTORNEY

Bruce E. Bergman

DEPUTY CITY ATTORNEYS

Mark Godwin
Lawrence R. McDowell
Kathleen Vanderpool

ASSISTANT CITY ATTORNEYS

Angela T. Althoff
Roger K. Brown
Ann M. DiDonato
David A. Ferree
Glenna K. Frank
Gary D. Goudelock, Jr.

Michael F. Kelley
Mary A. Laughlin
Vicky L. Long Hill
Steven C. Lussier
Katharine J. Massier
Carol J. Moser
Douglas P. Philip



July 27, 2009

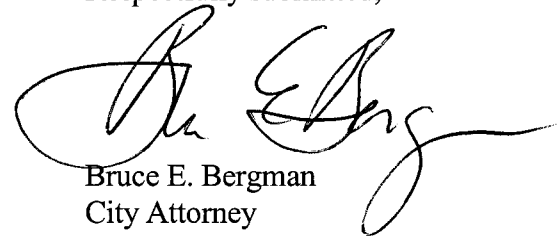
HONORABLE MAYOR AND MEMBERS
OF THE DES MOINES CITY COUNCIL

Re: Item No. 52, Ordinance amendment regarding general penalty for misdemeanors

The Iowa Legislature enacted changes to the Iowa Code which affect the penalty that can be charged for misdemeanor violations of the city code. The change harmonizes the penalty for city misdemeanors with the maximum penalty which can be charged for state misdemeanors. Before this legislation, the maximum fine for violating a city ordinance was \$500.00, which has been the maximum for many years. If the city council adopts the proposed ordinance amendment, the maximum fine would become \$625.00, the current maximum under the Iowa Code.

A Roll Call approving an ordinance amending the Des Moines Municipal Code to coordinate the maximum penalty with the limit imposed by state law appears on your July 27th Agenda. I recommend its adoption.

Respectfully submitted,


Bruce E. Bergman
City Attorney

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,374 passed September 27, 2004, and Ordinance No. 14,611 passed December 4, 2006 by amending paragraph (b) of Section 1-15, relating to general penalty for misdemeanors.

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. 14,374 passed September 27, 2004 and Ordinance No. 14,611 passed December 4, 2006 is hereby amended by amending paragraph (b) of Section 1-15 relating to general penalty for misdemeanors, as follows:

Sec. 1-15. General penalty.

(b) Whenever in this Code or in any city ordinance any act is prohibited and is declared to be a misdemeanor or whenever in this Code or in any city ordinance the doing of any act is required and the failure to do that act is declared to be a misdemeanor, the violation of any such provision shall be punishable by a fine not ~~exceeding \$500.00 or by imprisonment not exceeding 30 days~~ to exceed the maximum amount of dollars or imprisonment not to exceed the maximum number of days as provided in Section 903.1, subsection 1, paragraph a of the Iowa Code.

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

FORM APPROVED:



Bruce E. Bergman
City Attorney