

★ Roll Call Number

Agenda Item Number

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Date August 10, 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",

which was considered and voted upon under Roll Call No. 09- 1372 of July 27, 2009, 2009; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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

09-1372  
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**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  
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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

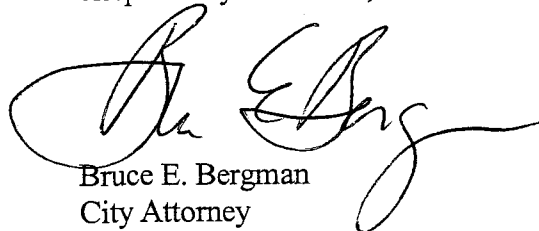
HONORABLE MAYOR AND MEMBERS  
OF THE DES MOINES CITY COUNCIL

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

09-1372-~~52~~  
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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:

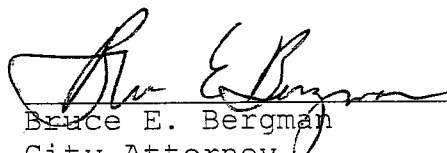
Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,374 passed September 27, 2004 and Ordinance No. 14,611 passed December 4, 2006 is hereby amended by amending paragraph (b) of Section 1-15 relating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

**Sec. 1-15. General penalty.**

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(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