

★ Roll Call Number

Agenda Item Number

32

September 8, 2008
Date

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

presented.

(Council Communication No. 08-539)

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLAŠSIS				
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

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. 14,792 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 ~~division article~~ or who commits an act prohibited by this ~~division 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 ~~division article~~ indicating such person is in violation of this ~~division article~~ and is subject to the penalties provided for in this section.

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

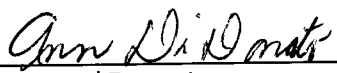
- (a) The director of public works or his or her designated representative or any police officer is authorized to impose an administrative penalty upon any owner of any real estate who violates section 98-70 or 98-117(b). The administrative penalty for such violation shall be as provided in the

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