

★ Roll Call Number 08-1604

Agenda Item Number 32 B

Date September 8, 2008

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APPROVING AND ADOPTING A SCHEDULE OF ADMINISTRATIVE PENALTY AMOUNTS FOR VIOLATION OF PLACING SOLID WASTE IN YARD DEBRIS CONTAINERS OR PLACING SOLID WASTE (NON-RECYCLABLE MATERIALS) IN THE RECYCLING CART IN VIOLATION OF CHAPTER 98 AS AUTHORIZED BY THE MUNICIPAL CODE OF THE CITY OF DES MOINES

WHEREAS, section 98-79.02 of the Municipal Code of the City of Des Moines, as amended by Ordinance No. 14,798, enacted on September 8, 2008, provides for the giving of an administrative notice of violation and assessment of an administrative penalty for violation of section 98-117(b) of the Municipal Code, the amounts of which administrative penalties are to be set in a Schedule of Administrative Penalties adopted by the City Council by resolution; and

WHEREAS, a Schedule of Administrative Penalties has been prepared for Council consideration and is recommended for adoption, which Schedule of Administrative Penalties is appended hereto and is now on file in the Office of the City Clerk; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA that the Schedule of Administrative Penalties appended hereto is hereby approved and adopted.

AND BE IT FURTHER RESOLVED that said Schedule of Administrative Penalties shall be maintained on file in the Office of the City Clerk for public reference, and that the penalties therein established shall become effective upon and as of September 22, 2008.

(Council Communication No. 08-539)

MOVED BY Kiernan TO ADOPT.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Mayor

CERTIFICATE

I, DONNA V. BOETEL-BAKER, 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.

Donna V. Boetel-Baker City Clerk

✓

Public Works Department
SCHEDULE OF ADMINISTRATIVE PENALTIES
**for Placing Solid Waste in Yard Debris Containers or Solid Waste (Non-
Recyclable Materials) in Recycling Carts**
City Code Section 98-117(b)

The following schedule of administrative penalties for violations of Chapter 98, Article II, Division 3 of the City Code within a calendar year shall be charged:

Violation	Penalty	Effective Date
First placement of solid waste in yard debris containers or placement of solid waste or other non-recyclable materials in recycling carts	\$ 50.00	9/22/08
Second placement of solid waste in yard debris containers or placement of solid waste or other non-recyclable materials in recycling carts	\$75.00	9/22/08
Third and all subsequent placement of solid waste in yard debris containers or placement of solid waste or other non-recyclable materials in recycling carts	\$100.00	9/22/08

Notice of violation with the applicable penalty for such violation noted thereon shall be issued to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice at the City Clerk's office, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.