

★ **Roll Call Number**

**Agenda Item Number**

42

Date October 27, 2008

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, by adding and enacting a new Section 114-364 relating to sound system operation in vehicle",

which was considered and voted upon under Roll Call No. 08-1785 of October 13, 2008; 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



**Council  
Communication**  
Office of the City Manager

<b>Date</b>	October 13, 2008
<b>Agenda Item No.</b>	53
<b>Roll Call No.</b>	<del>08-</del> 1785
<b>Communication No.</b>	08-612
<b>Submitted by: Judy Bradshaw, Chief of Police</b>	

**AGENDA HEADING:**

Amending Chapter 114 by adding a new section 114-364 to Article IX of the traffic code.

**SYNOPSIS:**

Recommend approval of amending Chapter 14 of the municipal code by adding new section 114.364. This new section makes it a traffic code violation to operate sound systems too loudly in a vehicle. This is similar to violations for operating sound systems too loudly under the noise ordinance section 42-259(d).

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

This amendment is necessary to allow the district court to have jurisdiction over juveniles that may be ticketed for this type of sound violation that occurs with sound systems in vehicles. Currently a sound ordinance violation as applied to juveniles is a delinquent act which must be resolved in Juvenile Court. There is an exception in the juvenile code for traffic violations. Since the sound violation under the proposed ordinance would become a traffic code violation, the jurisdiction for juveniles would be in the district court.

This will make prosecution for this type of sound violation uniform for both juveniles and adults. It will also make it easier to prosecute since it will be handled the same as other traffic code violations.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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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, by adding and enacting a new Section 114-364 relating to sound system operation in vehicle.

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, is hereby amended by adding and enacting a new Section 114-364 relating to sound system operation in vehicle, as follows:

Sec. 114-364. Sound System Operation in Vehicle.

No person operating or in control of a motor vehicle on a street or in a public place shall operate or permit the operation of a sound system in the vehicle so as to produce a vibration or sound that is clearly detectable at a distance of fifty (50) feet from the vehicle between the hours of 7:00 a.m. and 7:00 p.m. or clearly detectable at a distance of twenty-five (25) feet from the vehicle between the hours of 7:00 p.m. to 7:00 a.m.

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

FORM APPROVED:

  
\_\_\_\_\_  
Douglas P. Philip  
Assistant City Attorney