

Date June 3, 2019

**APPROVING SCHEDULE OF ADMINISTRATIVE PENALTIES  
APPLICABLE TO ENERGY AND WATER USE BENCHMARKING  
UNDER CHAPTER 26, ARTICLE IX OF THE MUNICIPAL CODE**

WHEREAS, Chapter 26, Article IX, Energy and Water Use Benchmarking has been enacted and Section 26-908 provides for administrative penalties for violations of the Article as provided in the Schedule of Administrative Penalties adopted by the City Council by resolution; and

WHEREAS, the Schedule of Administrative Penalties for violations of Chapter 26, Article IX has been prepared for Council consideration and is recommended for adoption, which Schedule is appended hereto and is now on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Schedule of Administrative Penalties applicable to Energy and Water Use Benchmarking under Chapter 26, Article IX appended hereto is hereby approved and adopted.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to maintain said Schedule of Administrative Penalties on file in the office of the City Clerk for public reference.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:



Lawrence R. McDowell  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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

51A

**SCHEDULE OF ADMINISTRATIVE PENALTIES**  
**Energy and Water Use Benchmarking**  
**Chapter 26, Article IX**

The following schedule of administrative penalties for violation of Chapter 26, Article IX of the City Code shall be charged:

	<b>Violation</b>	<b>Penalty</b>		<b>Effective Date</b>
<b>Energy and Water Use Benchmarking</b>		<b>First Violation</b>	<b>Second and All Subsequent Violations</b>	
26-903	Failure to submit a completed benchmarking report in accordance with Sections 26-902, 26-903 and 26-904	\$300.00	\$500.00	01/01/20

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.

*Energy and Water Use Benchmarking Penalties adopted by Roll Call No. \_\_\_\_\_, dated \_\_\_\_\_, 2019.*