

Date April 20, 2020

APPROVING AND ADOPTING A SCHEDULE OF ADMINISTRATIVE PENALTIES FOR PUBLIC NUISANCE DEPOSITING DIRT, DEBRIS OR OTHER MATERIAL ON PUBLIC PROPERTY AND FOR DISCHARGE OF WATER ON SIDEWALKS, STREETS, AND REAL PROPERTY IN VIOLATION OF CHAPTER 42 AS AUTHORIZED BY THE MUNICIPAL CODE OF THE CITY OF DES MOINES

WHEREAS, Sections 42-348(25) and 42-348(26) of the Municipal Code identify as a public nuisance depositing dirt, debris, or other material on public real property and discharge of waters collected upon private real property from subsurface or surface drainage on a sidewalk, street or adjoining real property causing or threatening to cause damage to anything of value on such real estate on sidewalks, respectively, and Section 42-362 provides for the giving of an administrative notice of violation and assessment of an administrative penalty for violation of sections 42-348(25) and 42-348(26) 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

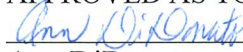
WHEREAS, a Schedule of Administrative Penalties has been prepared for Council consideration and is recommended for adoption, which Schedule of Administrative Penalties is appended hereto and is now on file in the Office of the City Clerk.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA that the Schedule of Fees appended hereto and by this reference hereto is hereby approved and adopted.

BE IT FURTHER RESOLVED that said Schedule of Administrative Penalties shall be maintained on file in the office of the City Clerk and the Public Works Department for public reference, and that the fees therein established shall become effective upon and as of April 21, 2020.

(Council Communication No. 20-) Moved by _____ to adopt.

APPROVED AS TO FORM:



 Ann DiDonato
 Assistant City Attorney

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

MOTION CARRIED APPROVED

_____ Mayor

CERTIFICATE

I, P. Kay Cmelik, 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

SCHEDULE OF ADMINISTRATIVE PENALTIES

Public Works Department
SCHEDULE OF ADMINISTRATIVE PENALTIES
**for Public Nuisance for Discharge of Water on Sidewalks, Streets, and Real Property and Deposit of Dirt,
Debris and Other Material Onto Public Real Property**
City Code Sections 42-348(25) and 42-384(26) pursuant to Section 42-362

The following schedule of administrative penalties for violations of Section 42-348(25) and 42-348(26) of the City Code:

Violation	Penalty	Effective Date
First discharge of waters collected upon private real property from subsurface or surface drainage onto sidewalks, streets, and real property (42-348(26))	\$100.00	4/21/20
Second discharge of waters collected upon private real property from subsurface or surface drainage onto sidewalks, streets, and real property	\$ 150.00	4/21/20
Third discharge of waters collected upon private real property from subsurface or surface drainage onto sidewalks, streets, and real property	\$200.00	4/21/20
First deposit of dirt, debris, or other material on public real property (42-348(25))	\$100	4/21/20
Second deposit of dirt, debris, or other material on public real property	\$150	4/21/20
Third deposit of dirt, debris, or other material on public real property	\$200	4/21/20

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.

Public Nuisance Deposit of Dirt, Debris, or Other Material and Discharge of Waters onto Sidewalk Administrative Penalties adopted by Roll Call No. 20-_____ on April 20, 2020.