



Roll Call Number

Agenda Item Number
65B

Date July 18, 2022

AMENDING SCHEDULE OF ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF INDUSTRIAL PRETREATMENT ORDINANCE REGULATING HAULED WASTE AND REGULATING FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS IN CHAPTER 118, ARTICLE III OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES

WHEREAS, the Schedule of Administrative Penalties, adopted by the Des Moines City Council by resolution, includes penalties for Industrial Pretreatment Ordinance Violation Relating to Regulation of Hauled Waste pursuant to Sections 118-451 through 118-459 of the Des Moines Municipal Code, and further includes penalties for Industrial Pretreatment Ordinance Violations Relating to Regulation of Fat, Oil and Grease Discharge by Food Service Establishments pursuant to Section 118-424 and Sections 118-426 through 118-431 of the Des Moines Municipal Code; and

WHEREAS, an amendment to said Schedule of Administrative Penalties in relation to said Municipal Code Sections has been prepared for Council consideration and is recommended for adoption, in form attached hereto and 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 amendment to the Schedule of Administrative Penalties, in form attached hereto and incorporated by this reference herein, revising specified penalties for Industrial Pretreatment Ordinance Violation Relating to Regulation of Hauled Waste pursuant to Sections 118-451 through 118-459 of the Municipal Code, and revising specified penalties for Industrial Pretreatment Ordinance Violations Relating to Regulation of Fat, Oil and Grease Discharge by Food Service Establishments pursuant to Section 118-424 and Sections 118-426 through 118-431, is hereby approved and adopted.

BE IT FURTHER RESOLVED that said Schedule of Administrative Penalties, as amended by this Resolution, shall be maintained on file in the office of the City Clerk and the Public Works Department for public reference, and that the amendment to the fees therein established shall become effective upon and as of October 1, 2022.

(Council Comm. No. 22-326)

APPROVED AS TO FORM:
/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

MOVED BY _____ TO ADOPT.
SECONDED BY _____.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

_____ Mayor

_____ Acting City Clerk

SCHEDULE OF ADMINISTRATIVE PENALTIES

**for Industrial Pretreatment Ordinance Violations Relating to Regulation
of Fat, Oil and Grease Discharge by Food Service Establishments**

The following schedule of administrative penalties for violations of Chapter 118, Article III, of the City of Des Moines Municipal Code shall be charged pursuant to Sec. 118-433:

VIOLATION	PENALTY	
	First Violation within 12 months	Second & Subsequent Violations within 12 months
Sec. 118-424 Failure to install, operate or maintain grease interceptor/ trap	\$ 100	\$200
Sec. 118-426 Failure to comply with WRA director order	\$100	\$200
Sec. 118-427 Inadequate installation of grease interceptor/ trap and grease trap	\$100	\$200
Sec. 118-428 Failure to operate, maintain and clean grease interceptors/ trap	\$100	\$200
Sec. 118-429 Failure to maintain records	\$100	\$200
Sec. 118-430 Failure to provide, <u>operate and maintain accessible</u> monitoring facilities and allow inspections	\$100	\$200
Sec. 118-431 Failure to pay charges, fines, or inspection fees.	\$100	\$200

Notice of violation with the applicable penalty for such violations 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 50309-~~1891~~.

Industrial Pretreatment Ordinance Violations Relating to Regulation of Fat, Oil and Grease Discharge by Food Service Establishments Administrative Penalties adopted by Resolution No. _____ dated _____; amended by Resolution No. _____ dated _____.

SCHEDULE OF ADMINISTRATIVE PENALTIES

for Industrial Pretreatment Ordinance Violations Relating to Regulation of Hauled Waste

The following schedule of administrative penalties for violations of Chapter 118, Article III, of the City of Des Moines Municipal Code shall be charged pursuant to Sec. 118-433:

VIOLATION	PENALTY	
	First Violation within 12 months	Second & Subsequent Violations within 12 months
Sec. 118-451 Failure to obtain a license	\$ 100	\$200
Sec. 118-452 Failure to pay application fee or provide bond.	\$100	\$200
Sec. 118-453 Failure to comply with vehicle and equipment standards.	\$100	\$200
Sec. 118-454 Improper disposal of hauled wastes.	\$100	\$200
Sec. 118-455 Failure to provide source and disposal information.	\$100	\$200
Sec. 118-456 Improper m Mixture of residential and nonresidential waste types and/or sources.	\$100	\$200
Sec. 118-457 Failure to comply with disposal standards	\$100	\$200
Sec. 118-458 Failure to remove or dispose of rejected wastes	\$100	\$200
Sec. 118-459 Failure to pay treatment fees or other charges	\$100	\$200

Notice of violation with the applicable penalty for such violations 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 50309-~~1891~~.

Industrial Pretreatment Ordinance Violations Relating to Regulation of Hauled Waste Administrative Penalties adopted by Resolution No. _____ dated _____; amended by Resolution No. _____ dated _____.