

ORDINANCE NO. 14,208

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, and amended by Ordinance No. 14,176, passed December 16, 2002, by amending Sections 38-84.01 and 38-123.01, relating to administrative penalties for false fire and police alarms.

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, and amended by Ordinance No. 14,176, passed December 16, 2002, is hereby amended by amending Sections 38-84.01 and 38-123.01, relating to administrative penalties for false fire and police alarms, as follows:

Sec. 38-84.01. Administrative penalties for false fire alarms.

- a. The Fire Department is authorized to impose administrative penalties upon fire alarm users who have one or more false alarms per calendar year. The administrative penalty for each false fire alarm shall be as provided in the schedule of administrative penalties adopted by the city council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the fire chief or the chief's authorized representative to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice.

(b) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in section 38-85, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the fire chief or the chief's authorized representative determines that immediate enforcement action by misdemeanor or municipal infraction prosecution pursuant to section 1-15 is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. The fire department shall maintain a record of all

violations, administrative penalties charged or other enforcement actions taken.

Sec. 38-123.01. Administrative penalties for false police alarms.

(a) The Police Department is authorized to impose administrative penalties upon police alarm users who have one or more false alarms per calendar year. The administrative penalty for each false police alarm shall be as provided in the schedule of administrative penalties adopted by the city council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the police chief or the chief's authorized representative to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice.

(b) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in section 38-124, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the police chief or the chief's authorized representative determines that immediate enforcement action by misdemeanor or municipal infraction prosecution pursuant to section 1-15 is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. The police department shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken.

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

Preston A. Daniels, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 03-323), passed by the City Council of said City at a meeting held February 10, 2003 signed by the Mayor on February 10, 2003 and published as provided by law in the Business Record on February 24, 2003. Authorized by Publication Order No. 3561.

Diane Rauh, City Clerk