

ORDINANCE NO. 15,129

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, as heretofore amended, by repealing Section 42-267 thereof, and adding and enacting a new Section 42-267 regarding appeals from decisions made in the enforcement of the noise control ordinance.

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, as heretofore amended, be and is hereby amended by repealing Section 42-267 thereof, and adding and enacting a new Section 42-267 regarding appeals from decisions made in the enforcement of the noise control ordinance, as follows:

Chapter 42 ENVIRONMENT
Article IV. Noise Control

Sec. 42-267. Right of appeal.

Any party aggrieved by a final determination made by an administrative hearing officer pursuant to this article may challenge whether the officer exceeded proper jurisdiction or otherwise acted illegally by commencing a certiorari action in the district court for Polk County, Iowa. The petition to initiate a certiorari action must be filed within 30 days from the entry of the final determination unless an extension of time is allowed by the reviewing court pursuant to Division XIV of the Iowa Rules of Civil Procedure. The city manager is hereby authorized to initiate a certiorari action on behalf of the city when the city manager, in consultation with the city attorney, deems it necessary and appropriate.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law. However, any administrative appeal for which the initial notice of appeal was received by the City Clerk prior to the date of such publication shall continue to be governed by the procedural rules in effect at the time such appeal was so received.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T. M. Franklin Cownie, 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. 12-1440), passed by the City Council of said City at a meeting held September 10, 2012 signed by the Mayor on September 10, 2012 and published as provided by law in the Business Record on September 28, 2012. Authorized by Publication Order No. 7937.

Diane Rauh, City Clerk