

48 A

Date June 19, 2006

**APPROVING AND ADOPTING A SCHEDULE OF ADMINISTRATIVE PENALTY AMOUNTS FOR VIOLATIONS OF CHAPTER 118 AS AUTHORIZED BY THE MUNICIPAL CODE OF THE CITY OF DES MOINES**

WHEREAS, sections 433 and 461 of Chapter 118 of the Municipal Code of the City of Des Moines, provide for the giving of an administrative notice of violation and assessment of an administrative penalty for violation of Article III, Division 5 and 6, respectively, of Chapter 118 of the Municipal Code provisions or requirements, 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 IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA that the Schedule of Administrative Penalties appended hereto is hereby approved and adopted.

AND BE IT FURTHER RESOLVED that said Schedule of Administrative Penalties shall be maintained on file in the Office of the City Clerk for public reference, and that the penalties therein established shall become effective upon and as of June 19, 2006.

MOVED BY \_\_\_\_\_ TO ADOPT.

APPROVED AS TO FORM:

*Ann DiDonato*  
 Ann DiDonato, Assistant City Attorney

(Council Communication No. 06-373 )

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| BROOKS         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| KIERNAN        |      |      |      |        |
| VLASSIS        |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, DONNA V. BOETEL-BAKER, 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

48A

**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, Division 6 of the City of Des Moines Municipal Code shall be charged pursuant to Sec. 118-461:

| VIOLATION   | PENALTY                          |   |
|---|----------------------------------|---|
|   | First Violation within 12 months | Second & Subsequent Violations within 12 months |
| Sec. 118-451<br>Failure to obtain a license                             | \$100                            | \$200   |
| Sec. 118-452<br>Failure to pay application fee or provide bond.         | \$100                            | \$200   |
| Sec. 118-453<br>Failure to comply with vehicle and equipment standards. | \$100                            | \$200   |
| Sec. 118-454<br>Improper disposal of hauled wastes.                     | \$100                            | \$200   |
| Sec. 118-455<br>Failure to provide source and disposal information.     | \$100                            | \$200   |
| Sec. 118-456<br>Mixture of residential and nonresidential sources.      | \$100                            | \$200   |
| Sec. 118-457<br>Failure to comply with disposal standards               | \$100                            | \$200   |
| Sec. 118-458<br>Failure to remove or dispose of rejected wastes         | \$100                            | \$200   |
| Sec. 118-459<br>Failure to pay treatment 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 Hauled Waste Administrative Penalties adopted by Roll Call. No. 06-\_\_\_\_\_ dated June 19, 2006.