CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

NO CHANGES FROM PREVIOUS READING

ITEM: **DATE: August 24, 2015**

Second reading, waiver of third reading, and final approval of proposed Ordinance to amend Section 3 of Title 7, Chapter 11 of the Municipal Code to amend the penalty provision for parking regulations within City parks.

FINANCIAL IMPACT:

This proposed Ordinance amendment should have little financial impact to the City.

BACKGROUND:

This proposed Ordinance would clarify that vehicles parked in violation of the parks regulations would be subject to a $15.00 fine, just like most other illegal parking tickets. Currently, the penalty provision contained in Section 7-11-3 of the City Code only addresses municipal infractions and citations issued for alcohol and swimming violations at places such as Raccoon River Park. This proposed Ordinance connects parking violations within City parks with the process utilized in Title 6 (motor vehicles and traffic) of the City Code by reference.

Because the Public Safety City Council subcommittee meeting scheduled on August 7, 2015, was cancelled, this proposed Ordinance was distributed to the subcommittee members by e-mail on July 30, 2015. The City Council unanimously approved of the first reading of this proposed Ordinance at its meeting held on August 10, 2015.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

Approval of the second reading, waiver of the third reading, and final approval of this proposed Ordinance.

Lead Staff Member: Jason B. Wittgraf, Assistant City Attorney JBW

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety		
Date Reviewed	July 30, 2015		
Recommendation	Yes	~~No~~	~~Split~~

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 7, "PUBLIC WAYS AND PROPERTY", CHAPTER 11, "PARK REGULATIONS", SECTION 3 "PENALTY"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 7, Chapter 11, Section 3, "Penalty", is hereby amended by adding underline text.

7-11-3: PENALTY:

Violations of this chapter are declared to be municipal infractions and may be punished as provided in title 1, chapter 4 of this code. For violations of subsections 7-11-2S, "Consumption in Public Parks", and X, "Swimming/Beach Use", of this chapter, police officers or designees shall be authorized to issue citation complaints. A one hundred dollar ($100.00) civil penalty shall be imposed for each violation where a citation complaint has been issued. For violations of subsection 7-11-2(C), "Parking", police officers or designees shall be authorized to issue parking tickets as specified in Title 6, "Motor Vehicles and Traffic", of this Code.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

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Ryan T. Jacobson, City Clerk