



City of Muscatine



MUSCATINE CITY COUNCIL

Agenda Item Summary – Regular Meeting

Date March 17, 2022

STAFF

Carol Webb, City Administrator

SUBJECT

Revisions to Title 1, Chapter 2, Section 14 of the Code of the City of Muscatine regarding Standard Penalties

EXECUTIVE SUMMARY

Presented for City Council’s consideration is the third and final reading of an ordinance revising Title 1, Chapter 2, Section 14 of the Code of the City of Muscatine, relating to Standard Penalties. Staff recommends aligning the City’s standard penalty with the penalties outlined in Iowa Code 364.3(2) and 903.1(1a).

STAFF RECOMMENDATION

Staff recommends approval of the ordinance on third and final reading.

BACKGROUND/DISCUSSION

Violations of City Code are generally simple misdemeanors. Iowa Code Sections 364.3(2) and 903.1(1a) determine the minimum and maximum fines a municipality may impose for simple misdemeanors, which is currently a fine of at least one hundred five dollars (\$105.00) and not to exceed eight hundred fifty-five dollars (\$855.00). City Code 1-2-14 currently includes a minimum penalty of sixty-five dollars (\$65.00) and a maximum penalty of six hundred and twenty five dollars (\$625.00). Staff proposes updating the City Code to reference the current Iowa Code.

CITY FINANCIAL IMPACT

If the proposed ordinance is adopted, the alignment with Iowa Code for penalties will increase revenue for the City of Muscatine. The amount of the revenue increase will be determined by the number of violations issued.

ATTACHMENTS

Ordinance
Revised Code language

ORDINANCE NO. 2022-0063

**AN ORDINANCE REVISING TITLE 1,
CHAPTER 2, SECTION 14 – STANDARD PENALTIES**

WHEREAS, The City of Muscatine’s current standard penalty for violation of an ordinance can be found in Title 1, Chapter 2, Section 14 of the City Code of Muscatine; and

WHEREAS, staff recommends aligning the City of Muscatine Standard Penalty Code with the rules set forth by the State of Iowa in Iowa Code Sections 364.3(2) and 903.1(1a); and

WHEREAS, this will increase the standard penalty for an ordinance violation to a minimum fee of one hundred five dollars (\$105.00) but not to exceed a maximum of eight hundred fifty-five dollars (\$855.00); and

WHEREAS, a public hearing was conducted on February 3, 2022 by the City Council of Muscatine prior to the adoption of this ordinance.

NOW, THEREFORE, be it resolved by the City Council of Muscatine, Iowa that it hereby amends City Code Title 1, Chapter 2, Section 14 as set forth below and further authorizes City staff to take all action necessary to effectuate this change, as follows:

SECTION 1. The currently adopted versions of Title 1, Chapter 2, Section 14 regarding the standard penalty of the Muscatine City Code are revised to incorporate the standard penalty as set forth by the State of Iowa in Iowa Code 364.3(2) and 903.1(1a) and which currently states a minimum fee of one hundred five dollars (\$105.00) but not to exceed a maximum of eight hundred fifty-five dollars (\$855.00) and will be adjusted accordingly based on revisions to Iowa Code.

SECTION 2. If any section, provision, 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 section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

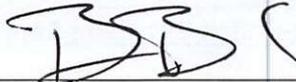
SECTION 4. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2022.

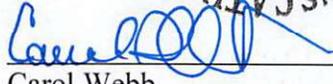
By the City Council of the City of Muscatine Iowa;

attest:





Brad Bark, Mayor



Carol Webb
City Clerk

First Reading: 2-17-2022
Second Reading: 3-3-2022
Third Reading: 3-17-2022
Publication:

1-2-14 Standard Penalty. Unless another penalty is expressly provided for violation of any particular provision, section or chapter, any person failing to perform a duty or obtain a license required by this Code of Ordinances or violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to penalties for a simple misdemeanor as provided in the Code of Iowa, Sec. 364.3[2] and 903.1[1a]) and included in Muscatine City Code Appendix A - Schedule of Penalties.

*** Proof of Publication ***

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 122224

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

[Handwritten signature]

Section: Notices & Legals
Category: 2627 Miscellaneous Notices
PUBLISHED ON: 03/22/2022

TOTAL AD COST: 40.35
FILED ON: 3/22/2022

Subscribed and sworn to before me by said affiant this 22 day of March 2022

[Handwritten signature: Danine Glascock]

Notary Public in and for Scott County, Iowa

NOTICE
ORDINANCE NO. 2022-0063
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By the City Council of the City of Muscatine Iowa;

attest:
Brad Bark, Mayor
Carol Webb
City Clerk

First Reading: 2-17-2022
Second Reading: 3-3-2022
Third Reading: 3-17-2022
Publication: March 22, 2022

