



# City of Muscatine



## MUSCATINE CITY COUNCIL

### Agenda Item Summary – Regular Meeting

Date May 19, 2022

#### STAFF

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Carol Webb, City Administrator

#### SUBJECT

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Revisions to Appendix A of the Code of the City of Muscatine - Schedule of Penalties

#### EXECUTIVE SUMMARY

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Presented for City Council's consideration is the first reading of an ordinance revising Appendix A of the Code of the City of Muscatine - Schedule of Penalties. Staff recommends updating Appendix A to reflect current City Code and Iowa Code related to civil penalties, fines and violations.

#### STAFF RECOMMENDATION

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Staff recommends approval of the ordinance on first reading.

#### BACKGROUND/DISCUSSION

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Appendix A of the Muscatine City Code outlines various penalties, fines, and violations that are assessed for violations of Muscatine City Code.

The following changes to Appendix A are recommended:

1. Increases in Standard Civil Penalties to align with Iowa State Code 364.22 (1a).
2. Increases in fines for violations of Code Section 6-2-32 related to false alarms to align with updated standard penalties in City Code Section 1-2-14.
3. Increases in fines for violations of Code Section 6-6- related to parental responsibility to align with updated standard penalties in City Code Section 1-2-14.
4. Removal of the penalty for violation of Keeping of Pit Bull requirements
5. Clarification of fines for repeat offenses for parking and related violations (City Code Section 7-1).
6. Updates to the Standard Penalties for Simple Misdemeanors to align with updated standard penalties in City Code Section 1-2-14.
7. Updates to Specified Penalties for Simple Misdemeanors related to City Code Section 5-2-8(c) - violations of persons under the legal age to align with Iowa Code Section 123.47.
8. Updates to Specified Penalties for Simple Misdemeanors related to City Code Section 6-8 regarding failure to comply with Animal Regulations to align with updated standard penalties in City Code Section 1-2-14.

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9. Updates to Specified Penalties for Simple Misdemeanors related to City Code Section 6-11 regarding violations of noise regulations to align with updated standard penalties in City Code Section 1-2-14.
10. Updates to Specified Penalties for Simple Misdemeanors related to City Code Section 7-11 regarding Violation of Load and Weight Restrictions to align with updated standard penalties in City Code Section 1-2-14.
11. Updates to Specified Penalties for Simple Misdemeanors related to City Code Section 13.6.11.3[A], [B], and [C] regarding violations related to sanitary sewer service upset or bypass to align with updated standard penalties in City Code Section 1-2-14.

**CITY FINANCIAL IMPACT**

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If the proposed ordinance is adopted, the 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**

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Ordinance

Revised Code language (Attachment A)

**ORDINANCE NO. 2022-0207**

**AN ORDINANCE REVISING APPENDIX A OF THE MUSCATINE CITY CODE –  
SCHEDULE OF PENALTIES**

**WHEREAS**, The City of Muscatine’s current schedule of penalties for violation of an ordinance can be found in Appendix A of the City Code of Muscatine; and

**WHEREAS**, staff recommends aligning the City of Muscatine Schedule of Penalties with City Code Title 1, Chapter 2, Section 14 regarding standard penalties and the rules set forth by the State of Iowa in Iowa Code Sections 123.47, 364.22 (1a), 364.3(2), 903.1(1a) and other related provisions; and

**WHEREAS**, this will increase standard civil penalties to a minimum fee of seven hundred and fifty dollars (\$750.00) but not to exceed a maximum of one thousand dollars (\$1000.00) and will also increase penalties for various municipal infractions;

**NOW, THEREFORE**, be it resolved by the City Council of Muscatine, Iowa that it hereby amends City Code Appendix A 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 Appendix A regarding the schedule of penalties of the Muscatine City Code are repealed and replaced with Attachment A to this ordinance.

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.

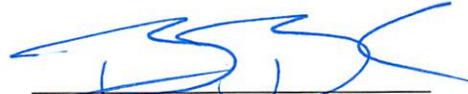
SECTION 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

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 2nd day of July, 2022.

By the City Council of the City of Muscatine Iowa;

attest:



Dr. Brad Bark, Mayor



Carol Webb  
City Clerk



First Reading: 5-19-22  
Second Reading: 6-2-22  
Third Reading: waived  
Publication:

ATTACHMENT A

**APPENDIX A  
Schedule of  
Penalties**

**I. Municipal Infractions**

**A. Standard Civil Penalties:**

1. First Offense: Not to exceed ~~\$500~~ \$750
2. Each Repeat Offense: Not to exceed ~~\$750~~ \$1000

**B. Special Civil Penalties:**

1. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.
2. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
  - i. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
  - ii. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
  - iii. The violation does not continue in existence for more than eight (8) hours.

**C. Specified Civil Penalties:**

Code Section No.	Offense	First Offense	Repeat Offenses
5-3-9	Sale of Tobacco to Minors, penalties as provided in Iowa Code 453A.22	\$300 + 14 day suspension of permit	2 <sup>nd</sup> : \$1,500 + 30 day suspension 3 <sup>rd</sup> : \$1,500 + 30 day suspension 4 <sup>th</sup> : \$1,500 + 60 day suspension 5 <sup>th</sup> : Revocation.
5-2-5 [P] and 5-2-12	Amateur fighting and boxing	\$750	\$1,000
5-2-6	Amateur fighting and boxing	\$750	\$1,000
5-10	Violation of Peddlers, Solicitors, and Transient Merchant Ordinance	Not to Exceed \$100	Not to Exceed \$100
5-11-3[C] and 5-11-5	Residential sales - signs placed on public way	\$10	Second: \$25 Third and Subsequent: Not more than \$50 not less than \$75

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Code Section No.	Offense	First Offense	Repeat Offenses
6-2-32	More than 4 False Alarms in 12 month period	5 False Alarms: <del>\$50</del> <del>\$100</del>	6-8 False Alarms <del>\$100</del> <del>\$200</del> 9 and more: Suspension of Alarm permit
6-2-32	Violation of Alarm Ordinance Generally	<del>\$100</del> <del>\$200</del>	<del>\$200</del> <del>\$300</del>
6-6	Parental Responsibility Violation	<del>\$50</del> <del>\$100</del>	Second: <del>\$100</del> <del>\$150</del> Third and Subsequent: \$200
<del>6-9</del>	<del>Failure to Comply with Pit Bull Requirements</del>	<del>\$300</del>	<del>\$300</del>
13-6-10.6	Administrative fine; Failure to Comply with Sewer Use Regulations	Not to Exceed \$1,000	Not to Exceed \$1,000
13-6-11.2	Failure to Comply with Sewer Use Regulations	Not to Exceed \$1,000	Not to Exceed \$1,000

II. Notice of Fine/Violation

Code Section No.	Offense	First Offense	Repeat Offenses
7-1 et seq.	Parking violations generally.	\$10 first 20 citations	\$25 after 20 citations have been issued <del>in a calendar year.</del>
	Over time parking and expired meter violations.	\$10 first 20 citations. <del>If not paid within 30 days, \$5 increase.</del>	\$25 after 20 citations have been issued. <del>If not paid within 30 days, \$5 increase.</del>
	Snow route parking violations.	\$35. <del>If not paid within 30 days, \$5 increase.</del>	\$35. <del>If not paid within 30 days, \$5 increase.</del>
	Junk or Obsolete violations.	\$20. <del>If not paid within 30 days, \$5 increase.</del>	\$20. <del>If not paid within 30 days, \$5 increase.</del>
	Improper use of a persons with disabilities parking permit	\$200	\$200

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Code Section No.	Offense	First Offense	Repeat Offenses
7-5	ATE: Over speed limit 1 through 10 mph	\$0	Same as first offense
	ATE: Over speed limit 11 through 20 mph	\$75, \$35 late fee if not paid within <del>\$30</del> days	Same as first offense
	ATE: Over speed limit 21 through 25 mph	\$100, \$35 late fee if not paid within <del>\$30</del> days	Same as first offense
	ATE: Over speed limit 26 through 30 mph	\$250, \$35 late fee if not paid within <del>\$30</del> days	Same as first offense
	ATE: Over speed limit more than 30 mph	\$350, \$35 late fee if not paid within <del>\$30</del> days	Same as first offense
7-12-3	Storing Vehicles on City Streets	\$10	Same as first offense
7-12-6	Junked Vehicles	\$20	Same as first offense

III. Simple Misdemeanor

A. Standard Penalty:

A person convicted of a simple misdemeanor under this Code of Ordinances shall be subject to penalties as provided in the Code of Iowa, Sec. 364.3[2] and 903.1[1a], which is a fine of no less than ~~\$65.00~~ \$105.00 and no more than ~~\$625.00~~ \$855.00 as of March, 2022.

The court may also order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.

B. Specified Penalties:<sup>1</sup>

CODE SECTION NO.	OFFENSE	FIRST OFFENSE	REPEAT OFFENSES
3-8-8	Failure to Comply with Levees Ordinance	<del>No Less than \$1050</del>	<del>Not to exceed \$855+050</del>
3-9-2	Failure to Comply with Notice to Trim	<del>No Less than \$1050</del>	<del>Not to exceed \$855+050</del>
5-2-8 [c]	Violation of Persons Under legal age punishable as provided in Iowa Code Section 123.47.	<del>Not to Exceed \$100</del> <u>No less than \$105.00</u>	<del>Not to Exceed \$100</del> <u>Not to exceed \$855.00</u>

Commented [1]: Aligns with current Iowa Code Section 123.47

<sup>1</sup> 2-1-2018 Ordinance 94151-0218 adopted amending Appendix A – Specified Penalties

ATTACHMENT A

5-10	Violation of Peddlers, Solicitors, and Transient Merchant Ordinance	<del>Not to Exceed \$100</del> No less than \$105.00	Not to Exceed \$100 <del>855.00</del>
<b>Code Section No.</b>	<b>Offense</b>	<b>First Offense</b>	<b>Repeat Offenses</b>
5-15-7	Failure to License; salvage or junk yard or refuse or garbage collector	<del>Not to Exceed \$100</del> No less than \$105.00	Not to Exceed \$100 <del>855.00</del>
6-8	Failure to Comply with Animal Regulations	<del>\$65</del> No less than \$105.00	<del>Not to exceed \$855.00</del> \$100, unless animal is altered within 30 days, then \$35 shall be waived.
6-11	Violations of Noise Regulations	<del>Not to Exceed \$100</del> No Less than \$105.00	Not to Exceed \$100 <del>\$855.00</del>
Title 7.1 et seq.	All State of Iowa Traffic Violations that are incorporated by reference in the City Code shall be prosecuted as criminal offenses and all State Code scheduled fines shall apply		
Title 7.1 et seq.	Speed regulations shall be prosecuted as simple misdemeanors with scheduled fines adopted from State Code		
7-11	Violation of Load and Weight Restrictions	<del>\$65</del> No Less than \$105.00	<del>Second: \$75</del> <del>Third and subsequent: \$100</del> Not to exceed \$855.00
13.6.11.3[A]	Willful or negligent violation of Sewer Use Regulations	<del>Not to Exceed \$100</del> No less than \$105.00	Not more than \$100 Not to exceed \$855.00
13.6.11.3[B]	Willful or negligent Introduction of substance into POTW	No less than \$100 \$105.00	Not more than \$100 Not to exceed \$855.00
13.6.11.3[C]	False Statements or representation	Not More than \$100 No less than \$105.00	Not more than \$100 Not to exceed \$855.00

Commented [2]: May need to list out not to exceeds for 1st and 2nd offense

\*\*\* 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.

ORDINANCE NO. 2022-0207  
AN ORDINANCE REVISING APPENDIX A OF THE MUSCATINE CITY CODE – SCHEDULE OF PENALTIES  
WHEREAS, The City of Muscatine's current schedule of penalties for violation of an ordinance can be found in Appendix A of the City Code of Muscatine; and  
WHEREAS, staff recommends aligning the City of Muscatine Schedule of Penalties with City Code Title 1, Chapter 2, Section 14 regarding standard penalties and the rules set forth by the State of Iowa in Iowa Code Sections 123.47, 364.22 (1a), 364.3(2), 903.1(1a) and other related provisions; and  
WHEREAS, this will increase standard civil penalties to a minimum fee of seven hundred and fifty dollars (\$750.00) but not to exceed a maximum of one thousand dollars (\$1000.00) and will also increase penalties for various municipal infractions;  
NOW, THEREFORE, be it resolved by the City Council of Muscatine, Iowa that it hereby amends City Code Appendix A 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 Appendix A regarding the schedule of penalties of the Muscatine City Code are repealed and replaced with Attachment A to this ordinance.  
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 2nd day of June, 2022.  
By the City Council of the City of Muscatine Iowa;  
attest:  
Dr. Brad Bark, Mayor  
Carol Webb  
City Clerk

CITY OF MUSCATINE- Legals account

215 Sycamore Street  
MUSCATINE, IA 52761

ORDER NUMBER 128780

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: 06/13/2022

TOTAL AD COST: 34.34  
FILED ON: 6/14/2022

Subscribed and sworn to before me by said affiant this 14 day of June 2022.

Michelle Graham

Notary Public in and for Scott County, Iowa



MR. MICHELLE GRAHAM  
My Commission Expires  
February 23, 2022  
Commission Number 832641

