

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF ANKENY, IOWA, REGARDING SCHEDULED VIOLATIONS

WHEREAS, the Ankeny Code of Ordinances sets out various scheduled violations of the municipal code; and

WHEREAS, the City Council of the City of Ankeny, Iowa, deems it necessary and proper to amend the Code of Ordinances to include additional scheduled violations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

Section 1: That Section 41.13 FIREWORKS be and is hereby amended to include the underlined language:

4. OWNER/OCCUPANT RESPONSIBILITY.

- (A) No person or responsible party shall allow, permit, or otherwise consent to the display of consumer or display fireworks on the private property or an adjacent public way if such possession or display is in violation of this chapter.
- (B) A person or responsible party with control of the private property shall be presumed to have consented to the display of fireworks on the property or adjacent way if law enforcement or fire officials observe and document the existence of the remnants of unlawful fireworks on the premises indicative of the use or display of such fireworks.

(C) (1) For purposes of this section, **RESPONSIBLE PARTY** includes, but is not limited to:

- (a) The person(s) who owns, rents, leases, or otherwise has possession of the residence or other private property;
- (b) The person(s) in immediate control of the residence or other private property; and
- (c) The person(s) who organizes, supervises, sponsors, conducts, allows, controls, or controls access to the illegal discharge or illegal storage of fireworks.

(2) If the residence or other private property is rented or leased, the landlord or lessor is not covered by this section unless they fall within the category of persons described

under division (C)(1)(b) or (c) of this definition. A landlord or lessor can only be held responsible under division (C)(1)(c) of this definition if he or she has knowledge that fireworks are being unlawfully discharged or stored on the property.

- (C) Any person or responsible party who violates the restrictions in division (A) or (B) above will be guilty of a municipal infraction and subject to a civil penalty of \$250 for each offense.

5. PENALTY. All violations of any provision(s) of Section 41.13 are hereby declared simple misdemeanors punishable by a fine of at least \$250 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the fire official or peace officer. Violations of this chapter shall be reported to the State Fire Marshal.

Section 2: That Section 41.15 UNDERAGE DRINKING PARTIES be and is hereby amended to delete the stricken language and to include the underlined language:

Any adult who hosts a liquor party or otherwise knowingly provides private property (including a house, apartment, building, or land) for the consumption of alcoholic beverages by persons under the age of 21 is in violation of this Code of Ordinances ~~and may be charged with a simple misdemeanor.~~ All violations of any provision(s) of Section 41.15 are hereby declared simple misdemeanors punishable by a fine of at least \$200 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

Section 3: That Section 44.05 SOUNDS NOT ALLOWED be and is hereby amended to include the underlined language:

All violations of any provision(s) of Section 44.05 are hereby declared simple misdemeanors punishable by a fine of at least \$100 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 4 of this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

Section 4: That Section 55.06 AT LARGE PROHIBITED be and is hereby amended to include the underlined language:

All violations of any provision(s) of Section 55.06 are hereby declared simple misdemeanors punishable by a fine of at least \$50 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 4 of this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

Section 5: That Section 55.08 ANNOYANCE OR DISTURBANCE be and is hereby amended to include the underlined language:

All violations of any provision(s) of Section 55.08 are hereby declared simple misdemeanors punishable by a fine of at least \$50 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 4 of this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

Section 6: That Section 150.11 DUMPING OF SNOW be and is hereby amended to include the underlined language:

All violations of any provision(s) of Section 150.11 are hereby declared simple misdemeanors punishable by a fine of at least \$50 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 4 of this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

Section 7: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 8: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED this ____ day of _____ 2019.

Gary Lorenz, Mayor

ATTEST:

Denise Hoy, City Clerk

First reading: _____
Second reading: _____
Third reading: _____
Publication Date: _____