

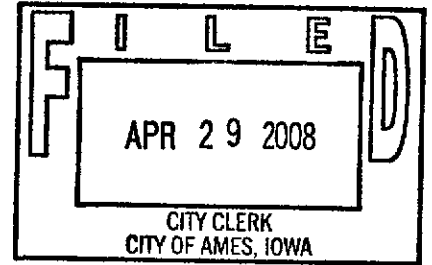


City Attorney's Office

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April 29, 2008

The Honorable Ann Campbell, Mayor,
and Members of the City Council
of the City of Ames, Iowa



Re: Corrective amendment to Ames Municipal Code Section 17.1(1)(e) Trespass

Dear Mayor Campbell and Members of the City Council:

The City has adopted several criminal code provisions which have identical counterparts under the state code. In the Municipal Code, these criminal provisions have been adopted by reference, which is done by listing the offense by name followed by the numerical reference to the same offense under the Code of Iowa. This allows the City to have the identical provision without having to duplicate all the verbiage in its own code.

One of the criminal offenses the City has is Trespass, found at Section 17.1(1)(e). Presently, the Municipal Code states that the Iowa Code references to this offense are Sections 716.6 and 716.8(1). However, one of those provisions, § 716.6, was renumbered in the latest Iowa Code and is now found at § 716.7. Because of this, the City code no longer has the correct state code references. Attached is an ordinance that would correct this situation by changing the incorrect state code reference in the Municipal Code to the correct one.

We would recommend that you adopt this correction. I would invite any questions you may have.

Sincerely,

Judy K. Parks
Assistant City Attorney

JKP:gmw

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 17.1(e), FOR THE PURPOSE OF CORRECTING THE STATE CODE REFERENCE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Section 17.1(e) as follows:

Sec. 17.1. OFFENSES; CERTAIN PUBLIC OFFENSES TO BE OFFENSES AGAINST THE CITY.

(1) Certain simple misdemeanors defined and known under the Code of Iowa 1997 are hereby declared and made to be offenses against the City of Ames, Iowa, when committed in the City of Ames, to-wit:

* * * *

(e) **Trespass** [*State Law Ref. 716.7, 716.8 (1)*].”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, 2008.

Diane R. Voss, City Clerk
00976

Ann H. Campbell, Mayor