

# MEMO

## Legal Department

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**To:** Honorable Mayor Ann Campbell and City Council Members

**From:** Jessica D. Spoden, Assistant City Attorney

**Date:** January 6, 2016

**Subject:** Section 1.6 Code Amendment

The Ames Municipal Code General Provisions chapter has a provision that setting the penalty for misdemeanors. That code section is Section 1.6. This ordinance was first enacted in 1956 and was modeled directly on the Iowa Code penalty for that category of criminal offenses.

In the intervening years since enactment of the misdemeanor penalty ordinance, the State law has undergone several revisions. The City has updated this provision to remain consistent with State law, however, the City failed to amend this provision in 2006 after the State legislature changed the maximum fine for simple misdemeanors from \$500 to \$625. Making the standard inside the city again consistent in all respects with that which applies outside the city would eliminate confusion for law enforcement and misdemeanant defendants.

In the past, the Council has indicated a desire to remain consistent with State law fine amounts. Therefore, staff is bringing this code amendment for passage on first reading.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 1, SECTION 1.6 AND ENACTING A NEW CHAPTER 1, SECTION 1.6 THEREOF, FOR THE PURPOSE OF AMENDING THE MISDEMEANOR PENALTY TO MIRROR IOWA CODE SECTION 903.1; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; 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 enacting a new Section 1.6 as follows:

**“CHAPTER 1, GENERAL PROVISIONS**

**Sec. 1.6. MISDEMEANOR PENALTY.**

Where it is provided in this Code that a violation is or can be charged as a misdemeanor, the penalty shall be a fine not to exceed six hundred twenty five dollars, and/or imprisonment not to exceed thirty days or as amended by the State of Iowa under Chapter 903 of the Code of Iowa.

*(Ord. No. 864, Sec. 9, 12-4-56; Ord. No. 3003, Sec. 1, 2-23-88; Ord. No. 3551, 3-7-00, Ord. No. 3588, 9-26-00) [State Law Ref. Iowa Code Sec. 364.3] [State Law Ref. Iowa Code Sec. 903.1].”*

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 \_\_\_\_\_, \_\_\_\_\_.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor