

ORDINANCE NO. 6395

AN ORDINANCE TO AMEND CHAPTER 8.21-THEFT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 8.21.030 “VALUE” AND SECTION 8.21.042 “COMPUTER THEFT”.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 8.21-Theft of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 8.21.030 “Value” and Chapter 8.21.042 “Computer Theft” to read as follows:

8.21.030-Value.

The value of property is its value by any reasonable standard at the time it is stolen or the fraudulent practice is committed. Reasonable standard includes but is not limited to market value within the community, actual value, or replacement value. Such value shall not exceed three hundred dollars (\$300.00) for the purposes of this chapter

8.21.042 – Computer theft.

A person commits computer theft when the person knowingly and without authorization accesses or causes to be accessed a computer, computer system, or computer network, or any part thereof, for the purpose of (1) obtaining services, data, information or property or (2) knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals or retains possession of a computer, computer system, or computer network or any computer software or program, or data contained in a computer, computer system, or computer network. Computer theft, under this code, is a simple misdemeanor when the theft involves or results in a loss of services or property that has a value of not more than three hundred dollars (\$300.00).

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

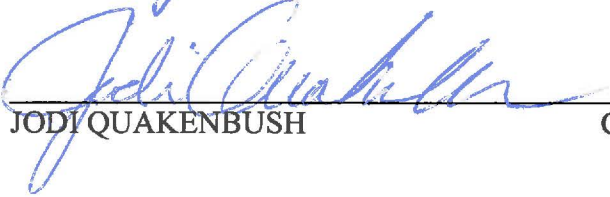
PASSED
AND
APPROVED

August 12, 2019.



MATTHEW J. WALSH Mayor

Attest:



JODI QUAKENBUSH City Clerk

First Consideration: 7-22-19
Second Consideration: 8-12-19
Public Hearing: N/A
Third Consideration: Waived

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Legal Department

Ordinance 6395
ITEM 6.A.

Council Action: 8/12/2019

Description

Ordinance to amend Chapter 8.21 - Theft of the 2015 Municipal Code, by amending Section 8.21.030 "Value" and Section 8.21.042 "Computer Theft".

Background/Discussion

Amending this Chapter is in response to the passing of legislation on theft related charges and the increase of the maximum amount of each offense that became effective on July 1, 2019.

Our code has the value for a Theft-5th simple misdemeanor as "\$200 or less" and the new law raised that maximum to "\$300.00 or less".

This amendment will bring our City Code up to date with the newly passed legislation.

Recommendation

Approval of this ordinance.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 6395	Ordinance	7/16/2019

Proof Of Publication

State of Iowa

Pottawattamie County

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JODI QUAKENBUSH City Clerk

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Public Hearing: N/A
Third Consideration: Waived
2019(8)17-1 Saturday

Filed this 17th day of August, A.D. 2019.

Publication Cost: \$42.72

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 17th day of August, 2019.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 17th day of August, A.D. 2019.



Tom Schmitt
Daily Nonpareil Publisher



Jeannette Johnson
Notary Public



JEANNETTE JOHNSON
Commission Number 144856
MY COMMISSION EXPIRES
OCTOBER 1, 2020

Customer Number: 1003258
Order Number: 0000069930