

ORDINANCE NO. 6633

AN ORDINANCE TO AMEND CHAPTER 17.01 “HOUSING DEFINITIONS” OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 17.01.040 “PUNISHMENT FOR VIOLATIONS OF CBMC 17.”

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

SECTION 1. That Chapter 17.01 “Housing Definitions” of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 17.01.040 “Punishment for Violations of CBMC 17” to read as follows:

17.01.040 Punishment For Violations Of CBMC 17

Any violation of any provision of this title shall be punished as a simple misdemeanor and shall be punished by a fine or imprisonment as established under Iowa Code Section 903.1. At the sole discretion of the city attorney, the city may elect to pursue any violation of any provision of this title as a municipal infraction, as set forth in CBMC 1.95.

(Ord. No. 6224, 1-26-2015)

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

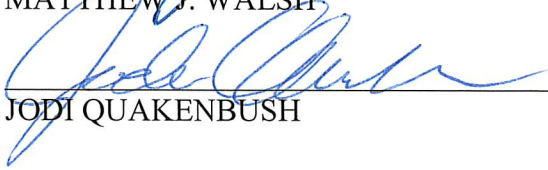
PASSED
AND
APPROVED

March 24, 2025.


MATTHEW J. WALSH

Mayor

Attest:


JODI QUAKENBUSH

City Clerk

First Consideration: 3-10-25
Second Consideration: 3-24-25
Public Hearing: n/a
Third Consideration: waived

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of Florida, County of Broward, ss:

Ankit Sachdeva, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Daily Nonpareil, a newspaper printed and published three (3) days a week at Council Bluffs, in said County and State, and that the notice herto attached was published in said newspaper once each day for the period on the dates below listed.

PUBLICATION DATES:

Apr. 12, 2025

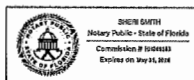
NOTICE ID: PTQFeylGcJtk3GI6VDPA

PUBLISHER ID: COL-9101902

NOTICE NAME: Ordinance 6633

Ankit Sachdeva

(Signed)



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 04/15/2025

J. Smith

Notary Public

PUBLICATION FEE: \$27.59

Notarized remotely online using communication technology via Proof.

Ordinance 6633

AN ORDINANCE TO AMEND CHAPTER 17.01 "HOUSING DEFINITIONS" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 17.01.040 "PUNISHMENT FOR VIOLATIONS OF CBMC 17."

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE

CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 17.01 "Housing Definitions" of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 17.01.040 "Punishment for Violations of CBMC 17" to read as follows:

17.01.040 Punishment For Violations Of CBMC 17

Any violation of any provision of this title shall be punished as a simple misdemeanor and shall be punished by a fine or imprisonment as established under Iowa Code Section 903.1. At the sole discretion of the city attorney, the city may elect to pursue any violation of any provision of this title as a municipal infraction, as set forth in CBMC 1.95.

For a complete copy of Ordinance, contact the City Clerk's Office.

Passed and Approved March 24, 2025

Matthew J. Walsh, Mayor
Jodi Quakenbush, City Clerk
April 12, 2025 COL-9101902

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Legal on behalf of Rodney
Schultz

Ordinance 6633
ITEM 6.B.

Council Action: 3/24/2025

Description

An Ordinance to amend Chapter 17.01 "Housing Definitions" of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Section 17.01.040 "Punishment For Violations of CBMC 17".

Background/Discussion

Iowa Code Section 903.1 changed the maximum fine amount for simple misdemeanors to \$855.00 some time ago and this Chapter still indicates a maximum fine amount of \$500.00. In order to remain consistent with the Iowa Code, we've removed the specific monetary amount from this Chapter and included language referencing Iowa Code Section 903.1 so we don't have multiple changes to this Chapter in the future.

Recommendation

Approval is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance-red line version	Other	2/25/2025
Iowa Code Chapter 903.1	Other	2/25/2025
Ordinance 6633	Ordinance	3/5/2025

17.01.040 Punishment For Violations Of CBMC 17

Any violation of any provision of this title shall be punished as a simple misdemeanor **and shall be punished by a fine or imprisonment as established under Iowa Code Section 903.1. wherein the penalty is a fine not to exceed five hundred dollars (\$500.00) or a jail sentence not to exceed thirty (30) days.** At the sole discretion of the city attorney, the city may elect to pursue any violation of any provision of this title as a municipal infraction, as set forth in CBMC 1.95.

(Ord. No. 6224, 1-26-2015)

903.1 Maximum sentence for misdemeanants.

1. If a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for or if a person under eighteen years of age has been waived to adult court pursuant to [section 232.45](#) on a felony charge and is subsequently convicted of a simple, serious, or aggravated misdemeanor, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, which fine shall not be suspended by the court, within the following limits:

a. For a simple misdemeanor, there shall be a fine of at least one hundred five dollars but not to exceed eight hundred fifty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

b. For a serious misdemeanor, there shall be a fine of at least four hundred thirty dollars but not to exceed two thousand five hundred sixty dollars. In addition, the court may also order imprisonment not to exceed one year.

2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years. There shall be a fine of at least eight hundred fifty-five dollars but not to exceed eight thousand five hundred forty dollars. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

3. A person under eighteen years of age convicted of a simple misdemeanor under [chapter 321](#), [321G](#), [321I](#), [453A](#), [461A](#), [461B](#), [462A](#), [481A](#), [481B](#), [483A](#), [484A](#), or [484B](#), or a violation of a county or municipal curfew or traffic ordinance, except for an offense subject to [section 805.8](#), may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court.

4. The surcharges required by [sections 911.1](#), [911.2A](#), and [911.5](#) shall be added to a fine imposed on a misdemeanant as provided in those sections, and are not a part of or subject to the maximums set in [this section](#).

[C51, §2676; R60, §4303; C73, §3967; C97, §4906; C24, 27, 31, 35, 39, §12894; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §687.7; C79, 81, §903.1]

83 Acts, ch 183, §2, 3; 84 Acts, ch 1219, §39; 87 Acts, ch 149, §7; 88 Acts, ch 1158, §100; 88 Acts, ch 1167, §8, 9; 90 Acts, ch 1251, §66; 91 Acts, ch 240, §10; 92 Acts, ch 1160, §25; 93 Acts, ch 110, §10; 99 Acts, ch 153, §24; 2001 Acts, ch 168, §5; 2004 Acts, ch 1111, §8; 2004 Acts, ch 1119, §7; 2004 Acts, ch 1132, §95; 2006 Acts, ch 1166, §10, 11; 2014 Acts, ch 1097, §13; 2020 Acts, ch 1074, §17, 46, 93

Referred to in §124.401, 207.15, 228.7, 232.8, 331.302, 331.909, 364.3, 380.10, 709.15, 724.4A, 907.14

See also §701.8

Enhanced penalties in weapons free zones, see §724.4A

Fines, see chapter 909

Surcharge on penalty, chapter 911