

CHAPTER 2

COUNTY INFRACTIONS

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2.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. “County Infraction” means, except for those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, the commission of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this Code of Ordinances, or any ordinance or code herein adopted by reference, or the omission or failure to perform any act or duty required by this Code of Ordinances or any ordinance or code herein adopted by reference, is punishable by civil penalty as provided herein.  
(Code of Iowa, Sec. 331.307 [2 & 3] )
2. “Repeat Offense” means a recurring violation of the same section of this Code Of Ordinances.

2.02 VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF. A county infraction is punishable by a civil penalty as provided in this section, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in the Code.

1. Schedule of Civil Penalties

|                           |          |
|---------------------------|----------|
| First offense             | \$ 50.00 |
| Second repeat offense     | \$100.00 |
| All other repeat offenses | \$200.00 |

(Code of Iowa, Sec. 331.307 [1] )

2. Repeat Offenses. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

(Code of Iowa, Sec. 331.307 [11] )

3. Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude a county from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 331.307 [8 & 9])

2.03 CIVIL CITATIONS. Any officer authorized by the County to enforce this Code of Ordinances may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service as provided in rule of civil procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 60 and subject to the conditions of civil procedure 60.1. The issuing officer shall retain a copy of the citation, and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 331.307 [4] )

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.

2.04 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the County to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 331.307 [11])