

## CHAPTER 18 CIVIL PENALTY

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### 3-18-1 DEFINITIONS.

1. “Municipal Infraction.” Except 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 Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances, City of Maquoketa, or any ordinance or code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances, City of Maquoketa, or any ordinance or code herein adopted by reference, is a “municipal infraction” and is punishable by civil penalty as provided herein, and the Court may grant appropriate relief to abate or halt the violation.
2. Officer: The term officer shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Maquoketa.
3. Repeat Offense: A recurring violation of the same section of the Code of Ordinances.

### 3-17-2 VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.

1. A municipal infraction is punishable by a civil penalty as provided in the following schedule unless a specific schedule of civil penalties is provided for specific offenses elsewhere in the Code.
2. Schedule of Civil Penalties
  - a. First Offense – not to exceed \$750.00 for each violation
  - b. Repeat Offenses – not to exceed \$1,000.00 for each Repeat offense  
(Ord. 1035, 10-16-2006) (Ord. 1106B, 1-21-2013)
3. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
4. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the Court in the same action.

### 3-17-3 CIVIL CITATIONS.

1. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

2. The citation may be served by a personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
3. A copy of the citation shall be sent to the Clerk of the District Court.
4. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
  - a. The name and address of the defendant.
  - b. The name or description of the infraction attested to by the officer issuing the citation.
  - c. The location and time of the infraction.
  - d. The amount of civil penalty to be assessed or the alternative relief sought, or both.
  - e. The manner, location, and time in which the penalty may be paid.
  - f. The time and place of court appearance.
  - g. The penalty for failure to appear in court.

3-18-4 APPROPRIATE RELIEF. Upon a plea of guilty to a municipal infraction or upon a Court's verdict of guilty to a municipal infraction the Court may impose a Civil Penalty or may grant appropriate relief to abate or halt the violation, or both, and the Court may direct that payment of the Civil penalty be suspended or deferred upon conditions established by the Court.

3-18-5 COSTS. A violator found guilty of a municipal infraction by plea of guilty or verdict of guilty shall be liable for Court costs and fees and upon a verdict of not guilty the City of Maquoketa, Iowa, shall be liable for court costs and fees occasioned by the filing of the Municipal Infraction Citation.

3-18-6 CONTEMPT. If a violator willfully fails to pay the civil penalty imposed by the Court or violates the terms of other relief imposed by the Court or violates conditions established by the Court, then that violator may be punished for contempt of Court according to procedures set forth at Chapter 665 of the Code of Iowa.

## TITLE III COMMUNITY PROTECTION

