

CHAPTER 17 CIVIL PENALTY

- 3-17-1 Definitions
- 3-17-2 Violations, Penalties, and Alternative Relief
- 3-17-3 Civil Citations
- 3-17-4 Appropriate Relief
- 3-17-5 Costs
- 3-17-6 Contempt
- 3-17-7 Super 8 Motel Restriction

3-17-1 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. “Municipal Infraction” shall mean; 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 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.

(Ord. 1142, Passed June 2, 2018)

2. “Officer” shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Maquoketa.

3. “Repeat Offense” shall mean 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, 10-16-06)

(Ord. 1106B, 1-21-13)

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.
(Ord. 991, Passed April 19, 2004)

3. A copy of the citation shall be sent to the Clerk of the District Court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.
(ECIA Model Code Amended in 2011)

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.
- h. The legal description of the affected property, if applicable.

5. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the

violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

6. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of \$100.00.

(ECIA Model Code Amended in 2017)

3-17-4 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.

3-17-5 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.

3-17-6 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.

(Ord. 700, 12-5-88)

3-17-7 SUPER 8 MOTEL RESTRICTION. The licensed premises now known as the Super 8 Motel may serve alcoholic beverages to groups or individuals registered at the Motel premises for lodging or meeting room services at the Motel, but it shall be unlawful and a violation of the Maquoketa Municipal Infractions Ordinance for persons on the premises now known as the Super 8 Motel to serve alcoholic beverages to any persons other than those registered for services as described above or to any person who is not in the group that is so registered.

(Ord. 775, 12-2-91)