

CHAPTER 4

STANDARD PENALTY - MUNICIPAL INFRACTIONS

4.01 Standard Penalty
4.02 Municipal Infraction

4.03 Criminal Penalties

4.01 STANDARD PENALTY. Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Code of Ordinances of Lake View, Iowa, is guilty of a simple misdemeanor. Any person convicted of a simple misdemeanor under the Code of Ordinances of Lake View, Iowa, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed thirty (30) days. *(Ord. 342 – Dec. 00 Supp.)*
(Code of Iowa, Sec. 364.3[2])

4.02 MUNICIPAL INFRACTION.

1. Definitions. For use in this chapter the following terms are defined:

A. "Municipal Infraction." 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 doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances of the City of Lake View, Iowa, or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the Code of Ordinances of the City of Lake View, Iowa, or any ordinance or code herein adopted by reference is a municipal infraction and is punishable by civil penalty as provided herein.

B. "Officer" means any employee or official authorized to enforce the Code of Ordinances of the City of Lake View, Iowa.

C. "Repeat Offense" means a recurring violation of the same section of the Code of Ordinances of the City of Lake View, Iowa.

(Code of Iowa, Sec. 364.22)

2. Penalties and Alternative Relief.

A. Penalties. A municipal infraction is punishable by the following civil penalties unless a specific civil penalty is provided for specific offenses elsewhere in this Code:

(Code of Iowa, Sec. 364.22)

SCHEDULE OF CIVIL PENALTIES
First Offense - Not to exceed \$500.00
Each Repeat Offense - Not to exceed \$750.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense. *(Ord. 328 - Nov. 98 Supp.)*

B. Alternative Relief. 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. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

3. Civil Citations. Any officer may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service or by certified mail, return receipt requested. A copy of the citation 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. 364.22 [4])

- 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.