

CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Definition

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4.01 DEFINITION. For use in this chapter, the term “repeat offense” means a recurring violation of the same section of the Code of Ordinances.

4.02 VIOLATIONS, PENALTIES AND ALTERNATIVE RELIEF.

1. Failure to conform to the standards, criteria, or provisions of the following ordinances or portions of this Code of Ordinances may constitute a municipal infraction, subject to civil penalty as set forth hereafter:

- A. Chapter 37, establishing the Fire Code;
- B. Chapter 47, establishing park regulations;
- C. Chapter 48, dealing with noise control;
- D. Chapter 50, regulating nuisances;
- E. Chapter 104, dealing with illicit discharge to storm sewer system;
- F. Chapter 106, dealing with collection of solid waste;
- G. Chapter 126, regulating alarm systems;
- H. Chapter 135, regulating street use and maintenance;
- I. Chapter 136, regulating sidewalks;
- J. Chapters 155 through 159 and Chapter 165 through 167, dealing with building and property regulations including the establishment of the Building Code, Electrical Code, Plumbing Code, Energy Conservation Code, Mechanical Code, swimming pool regulations and erosion control regulations; and
- K. Chapter 175, as amended, Clive Zoning Ordinance.

(Ord. 845 – Nov. 05 Supp.)

2. Unless another civil penalty is provided elsewhere in this Code for a specific violation, a municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

Schedule of Maximum Civil Penalties

First Offense.....	\$ 750.00
Subsequent Offenses.....	\$ 1,000.00

3. Each day that a municipal infraction occurs and/or is permitted to exist 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. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Ord. 798 – Dec. 03 Supp.)

4.03 CIVIL CITATIONS.

1. Any Clive peace officer, the Fire Chief, the Building and Zoning Inspector, the Community Development Director or the Public Works Director may issue a civil citation to a person who commits a municipal infraction.
2. The citation may be served by personal service or by certified mail, return receipt requested.
3. A copy of the citation shall be filed with the Clerk of the District Court.
4. The citation shall serve as notification that a municipal infraction has been committed and shall contain the following information:
 - A. The name and address of the violator.
 - 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.

4.04 COMPLIANCE WITH STATE LAW. All citations issued pursuant to this chapter shall be prosecuted in accordance with Section 364.22 of the Code of Iowa.

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