

TITLE I – POLICY AND ADMINISTRATION (Chapters 1-6)

**CHAPTER 2**

**COUNTY INFRACTIONS**

2.01	Definitions.	2.03	Civil Citations.
2.02	Violations, Penalties, and Alternative Relief.	2.04	Criminal Penalties.

**2.01 DEFINITIONS.**

For use in this chapter, the following terms are defined:

1. “County Infraction” means a civil offense punishable by a civil penalty of not more than seven hundred fifty dollars for each violation or if the infraction is a repeat offense a civil penalty of not more than one thousand dollars for each repeat offense. A county by ordinance may provide that a violation of an ordinance is a county infraction. A county shall not provide that a violation of an ordinance of an ordinance is a county infraction if the violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law or if the violation is a simple misdemeanor under Iowa Code chapters 687 through 747. Iowa Code Chapter 331.307(1), (2) and (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 of Ordinances.

1. Schedule of Civil Penalties (not specified elsewhere in this Code of Ordinances):
 

First Offense	\$105.00
Second Repeat Offense	\$425.00
All other repeat offenses	\$750.00
2. Repeat Offenses. Each day (24-hour period) that a violation occurs or is permitted to exist by the violator constitutes a separate offense. Code of Iowa Section 331.307(1) (2020).
3. Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude the 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. Iowa Code 331.307(8) (2020).

**2.03 CIVIL CITATIONS**

Any officer or County employee 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 Iowa Rules of Civil Procedure 1.305, by certified mail addressed to the defendant at the defendant's last known mailing address return receipt requested, or by publication in the manner as provided in Iowa Rules of Civil Procedure 1.310. 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, pursuant to Code of Iowa Section 331.307(4) (2020):

1. The name and address of the defendant.
2. The name and 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 Section 331.307(12) (2020).