

## TITLE 1 GENERAL PROVISIONS

### CHAPTER 3 PENALTY

1-3-1 General Penalty

1-3-2 Civil Penalty- Municipal Infraction

1-3-1 GENERAL PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Ordinances of Letts is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Letts shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment not to exceed thirty (30) days. (Code of Iowa, Sec. 364.3(2))

1-3-2 CIVIL PENALTY-MUNICIPAL INFRACTION

(Code of Iowa, Sec. 364.22)

#### 1. DEFINITIONS

- a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious 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 of City of Letts, 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 Letts, or any Ordinance of Code herein adopted by reference, is "municipal infraction" and is punishable by civil penalty as provided herein.
- b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Letts.
- c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.

#### 2. VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.

- a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

#### Schedule of Civil Penalties

First offense—Not more than two hundred fifty dollars (\$250.00).

Second offense—Not more than five hundred dollars (\$500.00).

All other repeat offense—Not more than seven hundred fifty dollars (\$750.00)

- b. Each day that violation occurs or is permitted to exist by the violator constitutes separate offense.
- c. Seeking civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. CIVIL CITATIONS

- a. Any officer authorized by the City to ensure the Code of Ordinance may issue civil citation to a person who commits a municipal infraction.
- b. The citation may be served by personal service or by certified mail, return receipt requested.
- c. The original of the citation shall be sent to the clerk of district court.
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
  - 1. The name and address of the defendant.
  - 2. The name or 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.