

CEDAR COUNTY ORDINANCE NO. 20

COUNTY INFRACTIONS

SECTIONS:

- 20-1. AUTHORITY
- 20.2. DEFINITIONS
- 20.3. VIOLATION, PENALTIES AND ALTERNATIVES RELIEF
- 20.4. CIVIL CITATIONS
- 20.5. SEVERABILITY OF PROVISIONS

SEC. 20.1. AUTHORITY

As provided in Section 331-307 of the Code of Iowa, Cedar County hereby implements a county infraction ordinance for the purpose of providing civil penalties for infractions of applicable county ordinances.

SEC. 20.2. DEFINITIONS

- A. Code. The term "code" means the Code of Ordinances of Cedar County, Iowa, as they now exist or may hereafter be amended.
- B. Individual. The term "individual" includes a firm, association, organization, partnership, trust, company or corporation, as well as a person.
- C. Repeat Offense. The term "repeat offense" shall be defined as a recurring violation of the same section of the county code by the same individual.

SEC. 20-3. VIOLATION, PENALTIES AND ALTERNATIVES RELIEF

- A. Each violation of the code as defined above is hereby declared to be a county infraction. However, this ordinance shall not apply to a violation of the code as defined above 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 Chapters 687 through 747 of the Code of Iowa.
- B. Each day a county infraction occurs constitutes a separate offense.
- C. A county infraction is a civil offense punishable as follows:
  - 1. First Offense, Five hundred dollars (\$500.00)
  - 2. Second Offense, Seven hundred and fifty dollars (\$750.00)
  - 3. Any subsequent offense, One thousand dollars (\$1000)

Saving Clause: If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect the validity of the provisions of this Ordinance.

- D. In addition to the civil penalty provided herein, the county may seek alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or cessation of the violation.
- E. Nothing contained herein shall be deemed to preclude any other proceedings that may be instituted under the Code of Ordinances of Cedar County, Iowa, under the Iowa Code or otherwise available on principles of law and equity.

SEC 20-4. CIVIL CITATIONS

Any employee or officer of the county authorized to enforce the code as defined above may issue a civil citation to a person who is alleged to have committed a county infraction.

- A. The citation shall serve as notification of the violation of the code, shall be served by personal service or by certified mail, return receipt requested. One copy of the citation shall be filed with the Clerk of the District Court, and one shall be retained by the county, the defendant shall receive one copy, and one copy shall be provided to the County Attorney.

- B. The citation shall contain the following information:
1. The name, address, and, if same can be determined, the date of birth and social security number of the alleged violator. The date of birth and social security number can be filled in later.
  2. The name or description of the alleged infraction, attested to by the officer issuing the citation;
  3. The location and time of the alleged infraction;
  4. The amount of civil penalty for the violation charged and the court costs 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. A statement of the penalty for failure to appear in court.
- C. Actions and proceedings shall otherwise follow and be subject to the provisions of Section 331.307 of the Code of Iowa.

SEC. 20-5. SEVERABILITY OF PROVISIONS

If any section, subsection, sentence, clause, phrase or portion of the chapter be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall affect the validity of the remaining portion thereof.

Passed and approved this 2<sup>nd</sup> day of February 2, 2016.