

ORDINANCE NO. 1944

AN ORDINANCE AMENDING CHAPTER 1.24 OF THE KEOKUK MUNICIPAL CODE TO CREATE A PROCEDURE FOR, AND UPDATE THE PENALTIES PROVIDED FOR, MUNICIPAL INFRACTIONS AND SIMPLE MISDEMEANOR VIOLATIONS OF THE CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEOKUK, LEE COUNTY, IOWA, THAT:

Section 1. The Municipal Code is hereby amended by renaming Chapter 1.24 “Code Violations and Municipal Infractions”

Section 2. Chapter 1.24 be replaced with the following revised 1.24.010 and new sections 1.24.020, 1.24.030, 1.24.040, 1.24.050, 1.24.060, 1.24.070, 1.24.080, 1.24.090, 1.24.100, 1.24.110, 1.24.120 to read as follows:

1.24.010 Definitions.

“Code” shall mean the Keokuk Municipal Code, including any ordinance, regulation, or Code herein, including those adopted by reference.

"Officer" means any city employee or official authorized to enforce this Code.

"Repeat offense" means a recurring violation of the same section of this Code.

1.24.020 General Provisions.

a. It is a simple misdemeanor for any person to violate any of the provisions of the Keokuk Municipal Code, unless another penalty is otherwise specified in a particular provision of this Code, section, or chapter.

b. This expressly includes any person failing to perform a duty, obtain a license required by, violating any provision of this Code, or any rule or regulation adopted in this Code, including those by reference.

c. Upon conviction, shall be subject to a fine of at least sixty five dollars (\$65), but not to exceed six hundred twenty five dollars (\$625), and may include imprisonment not to exceed thirty days, or both. [As provided for in Iowa Code Section 903.1]

d. If the person convicted under this section is under eighteen years of age they may be required to pay a fine, not to exceed one hundred dollars (\$100), or may be required by the court to perform community service.

e. This section does not preclude a person from being cited for a municipal infraction as provided for under this chapter.

1.24.030 Municipal Infractions.

a. A violation of, or the omission or failure to perform any act or duty required by, the Keokuk Municipal Code or any ordinance, regulation, or code herein, including those adopted by reference.

b. As provided by state law, this shall not apply to those provisions specifically provided under state law as a felony, an aggravated misdemeanor, a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is punishable by civil penalty as provided herein.

1.24.040 Continuing Infractions are Separate Offenses.

Each day that a municipal infraction occurs, or is permitted to continue, or remains unabated, shall constitute a separate and repeat offense.

1.24.050 Penalties.

Unless another civil penalty is provided for in a particular provision of this Code, a municipal infraction shall be punished by a fine up to the maximum authorized by the Iowa Code. Section 364.22 of the Iowa Code sets this currently at Seven Hundred and Fifty dollars (\$750) for a first offense, or One Thousand dollars (\$1,000) for each repeat offense.

1.24.060 Alternative Relief.

The City is not prevented from seeking any alternative relief in the same action as any other civil or criminal penalty authorized by this chapter. Such relief may include, but is not limited to, injunctive relief, orders for abatement, or any other correction costs, including reimbursement for required city action as provided for by, or specified elsewhere within, the Keokuk Municipal Code.

1.24.070 Authority to Issue Civil Citations.

a. Any employee or other official authorized by the city to enforce the Code or related ordinances may issue a civil citation to a person who commits a municipal infraction. These include, but are not limited to:

- (1) The Chief of Police, his designee, and sworn police officers;
- (2) The City Public Works Director and his designee;
- (3) Any Code Enforcement and Housing Personnel;
- (4) The Community Development Director; and
- (5) The Fire Chief and his designee.

b. The animal control officer is authorized to issue citations for violations of Title Seven of the Municipal Code.

1.24.080 Service of a Citation.

The citation may be served by personal service or by certified mail with a return receipt requested, as provided for in the Iowa Rules of Civil Procedure.

1.24.090 Copy to be Retained by the Issuing Officer.

A copy of the citation shall be retained by the officer issuing the infraction.

1.24.100 Copy to be sent to Clerk of Court.

A copy of the citation shall be delivered to the Clerk of the Iowa District Court for Lee County at the South Lee County Courthouse. For the purpose of this section “delivered” may include electronic filing under Chapter 16 of the Iowa Court Rules.

1.24.110 Contents of the Citation.

The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- 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 the civil penalty to be assessed, the alternative relief to be sought, or both;
- e. The manner, location, and time in which the penalty may be paid;
- f. The time and place of the court appearance; and
- g. The penalty for failure to appear in court.

1.24.120 Criminal Penalties.

a. The provisions concerning municipal infractions do not preclude a police officer from issuing a criminal citation for a violation of this Code if criminal penalties are also provided for by this chapter, or otherwise by Iowa law.

b. Nor does this chapter preclude or limit the authority of the city to enforce the provisions of this Code by criminal sanctions or other lawful means or as provided for in any other provision of the Code.

Section 3. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall be in effect from and after its final passage, approval, and publication, as provided by law.

INITIALLY PASSED this 2nd day of July, 2015.

CITY OF KEOKUK, LEE COUNTY, IOWA

BY: _____
THOMAS D. MARION, MAYOR

ATTEST: _____
BARB BARNES, CITY CLERK

ROLL CALL: O'CONNOR – AYE MOORE – ABSENT PAYNE – AYE
WINN – AYE HELENTAL – AYE MORTIMER –
ABSENT POLLITT – AYE BRYANT – AYE DUNEK –
AYE

AYES – 7

NAYS – 0

ABSENT – 2

FINALLY PASSED this 16th day of July, 2015.

CITY OF KEOKUK, LEE COUNTY, IOWA

BY: _____
THOMAS D. MARION, MAYOR

ATTEST: _____
BARB BARNES, CITY CLERK

ROLL CALL: O'CONNOR – AYE MOORE – ABSENT PAYNE – AYE
WINN – AYE HELENTAL – AYE MORTIMER – AYE
POLLITT – AYE BRYANT – AYE DUNEK – AYE

AYES – 8

NAYS – 0

ABSENT – 1