

ORDINANCE NO. 2016 - 2200

AN ORDINANCE MAKING REVISIONS AND ADDITIONS TO CHAPTER 3, MUNICIPAL INFRACTIONS, OF THE MUNICIPAL CODE OF THE CITY OF POLK CITY, IOWA

WHEREAS, the City Council of the City of Polk City, Iowa, is amending its Municipal Code to incorporate changes to clarify certain provisions concerning criminal penalties for municipal infractions and to add sections concerning failure to pay citations and habitual offenders.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Polk City, Iowa, as follows:

Section 1. Section 3.06, Criminal Penalties, is hereby amended by deleting the current section and inserting the following:

3.06 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 City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. In addition to any other provision of the Code of Ordinances specifying criminal penalties, the City hereby specifically provides for criminal penalties allowed by Iowa law for simple misdemeanors, for the following:

- 41.08 Discharge Firearm
- 41.09 Throwing or shooting objects
- 41.10 Urinating and Defecating
- 55.02 Animal Neglect
- 55.06 Animal at Large
- 57.03 Keeping of Vicious Animals
- 105.08 Open Dumping Prohibited
- 152.01 Removal of Weeds

Section 2. The following new sections are added to Chapter 3, Municipal Infractions:

3.07 FAILURE TO PAY A CIVIL CITATION.

1. Delinquent Offender. Delinquent Offender shall mean any person that has at least one (1) unpaid citation or municipal infraction of a violation of the Municipal Code of Ordinances that has remained unpaid for one-hundred twenty (120) days or more. It shall be a separate citable offense to be a Delinquent Offender of this Code. A Delinquent

Offender administrative fee of thirty-five (\$35) may be assessed against any such offender, which fee shall be in addition to any fine otherwise due pursuant to this Code.

2. Collection. A default in the payment of a fine or penalty, or any installment of a fine or penalty, may be collected by any means allowable for the collection of monetary judgments. The City Attorney and/or a private collection agent may be retained for the purpose of collecting any default in payment or any fine or penalty or installment of a fine or penalty, or any combination thereof. Any fees or costs incurred by the City with respect to attorneys or private agents retained under this section shall be charged to the offender.

3. Denial of Licenses and Permits. In addition to any other means provided bylaw, the City may collect any past due citation fine, late payment charge, costs, taxes or fees by declining to issue or renew any license, permit, zoning variance or other permission applied for by the responsible party under the Municipal Code of Ordinances until the responsible party pays such fine, charge, costs, taxes and fees.

3.08 HABITUAL OFFENDERS. Habitual Offender shall mean any person that on at least three (3) occasions within a twelve (12) month period has: (1) received a citation, either civil or criminal, of a violation of the Municipal Code of Ordinances; or (2) has had abatement action initiated against any property the habitual offender owns. It shall be a separate citable offense to be a Habitual Offender of this Code. A Habitual Offender administrative fee of thirty-five (\$35) may be assessed for each citation above three (3) issued to the same violator within any twelve (12) month period, which fee shall be in addition to any fine otherwise due pursuant to this Code.

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

Section 4. This ordinance shall be effective upon its passage, approval and publication as provided by law.

PASSED and approved this 27 day of June 2016.

Jason Morse, Mayor

ATTEST:

Jenny Gibbons, City Clerk

First reading: 5/23/16
Second reading: 6/13/16
Third reading: 6/27/16
Publication Date: 7/1/16