

ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CITY OF NEWTON CODE OF ORDINANCES REGARDING MUNICIPAL INFRACTIONS AND PENALTIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

SECTION 1. Municipal Code Title I, Chapter 1, Article 1, Section 9(2) Schedule of Penalties is hereby amended by adding or ~~deleting~~ the following:

1.0109(2) Schedule of Penalties. Unless another penalty or procedure is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference, shall be guilty of a municipal infraction and shall be subject to the following schedule of penalties:

SCHEDULE OF PENALTIES		
1st Offense	\$10.00 - \$150.00	<u>\$50.00 - \$250.00</u>
2nd Offense	\$100 - \$500.00	<u>\$500.00 - \$750.00</u>
Subsequent Offenses	\$500.00 - \$1000.00	<u>\$750.00 - \$1,000.00</u>

Furthermore, ~~all should a municipal infractions citation be filed with the courts. the Defendant shall be required to appear in that actions shall require a court appearance of the Defendant.~~ Should the court enter a finding in favor of the City in that action there be a finding for the Plaintiff, the court shall give consideration to ordering the Defendant to abate or correct the violation.

SECTION 2. Municipal Code Title I, Chapter 1, Article 1, Section 9(B) is hereby added to Title I, Chapter 1, Article 1, as follows:

1.0109(B) Notice of Violation. All Code violations which are deemed to be municipal infractions pursuant to City Code section 1.0109(A) may initially be charged upon a simple notice of violation. The City may serve a notice of violation upon a party charged with an act constituting a municipal infraction either by delivering said notice personally or by certified mail to the party's last known address.

If the person charged admits the violation, such person shall be subject to the penalty applicable to municipal infractions as set forth in the Schedule of Penalties, unless another penalty is specifically provided for elsewhere in the Code for that particular violation. Upon payment of the penalty to the City Clerk, or his or her designee, and performance of any other act required by law to be performed, the person charged shall not be further prosecuted or assessed any costs or other expenses for such violation, and the City shall retain all penalties collected pursuant to this section.

Where a code violation initially charged upon a simple notice of violation pursuant to this section is not admitted by the person charged, or is admitted by the person charged but other acts required to be performed were not performed, a civil municipal infraction citation shall be served and filed with the courts in the manner prescribed by the applicable provision(s) of this code. Such municipal infraction citation may seek a penalty and/or additional relief to the extent permitted by law.

This section does not impose a duty to initially charge all municipal infractions upon simple notice, and the officer charged with enforcement may initially issue a civil municipal infraction citation seeking a civil penalty with or without additional relief.

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

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE. This ordinance shall be effect from and after its final passage, approval and publication as provided by law.

Passed this 20th day of June, 2016
Approved this 20th day of June, 2016


ATTEST:
Katrina Davis
Katrina Davis, City Clerk

Michael L. Hansen
Michael L. Hansen, Mayor Pro Tem
Craig Trotter

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa, on the 20th day of June, 2016, and was published in the Newton Daily News, a newspaper of general circulation in said City of Newton, on the 24th day of June, 2016.

Dated this 30th day of June, 2016,
Katrina Davis
Katrina Davis, City Clerk