

Title 1
GENERAL PROVISIONS

Chapters:
1.04 City Seal
1.08 Penalty

Chapter 1.04
CITY SEAL ¹

Sections:
1.04.010 Description--Custody
1.04.020 Use

1.04.010 Description--Custody. The City Council shall provide a seal in the center of which shall be the words "Denver, Iowa" and around the margin the words "City Seal" and the same is declared to be the corporate seal. (Ord. 1 §1, 1929).

1.04.020 Use. The corporate seal shall be attached to all warrants drawn on the clerk and to all transcripts, orders or certificates which it may be necessary or proper to authenticate. (Ord. 8-73 §1, 1973; Ord. 1 §2, 1929).

Chapter 1.08
PENALTY ²

Sections:
1.08.010 Penalty for Violations.

1. For statutory provisions authorizing cities and towns to have a seal, see I.C.A. 368.1.
2. For statutory provisions authorizing a city to enforce the obedience of its ordinances "by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days," see I.C.A. 366.1.

1.08.010 Penalty for Violations. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Denver Municipal Code, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the Denver Municipal Code, shall be punished by a fine of not more than one hundred dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment, unless otherwise specifically provided and required by the laws of Iowa. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of the Denver Municipal Code, is committed, continued or permitted by any such person, and he shall be punished accordingly. (Ord. 10-68 §1, 1968)

Chapter 1.12
MUNICIPAL INFRACTIONS³

Sections:

- 1.12.010 Definitions
- 1.12.020 Environmental Violation
- 1.12.030 Penalties
- 1.12.040 Civil Citations
- 1.12.050 Alternate Relief
- 1.12.060 Criminal Penalties

1.12.010 Definitions. Municipal Infraction: Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, a serious misdemeanor or a simple misdemeanor under Chapter 687 through 747 of the Iowa Code, the doing of any prohibited or declared to be unlawful, an offense or a misdemeanor by the code of ordinances, City of Denver, 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 Denver or any code or ordinance adopted by reference, is a municipal infraction and is punishable by a civil penalty as provided herein.

Officer: Any employee or official authorized to enforce the code of ordinances, City of Denver.

Repeat offense: A recurring violation of the same section of the code of ordinances. (Ord. 2-2005)

1.12.020 Environmental Violation. A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in consultation with the Department of Natural Resources, or both may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8
2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person engaged in such industrial production or manufacturing if such a discharge occurs from September 15 to January 15.

(Ord. 2-2005)

1.12.030 Penalties. A municipal infraction is punishable by the following civil penalties:

1. Standard Civil Penalties

A. First Offense – Not to exceed \$750.00

B. Each Repeat Offense – Not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties

- A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8 by an industrial user is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.
- B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such a penalty if all of the following conditions are satisfied:
 - a. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
 - b. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - c. The violation does not continue in existence for more than eight (8) hours. (Ord. 2-2005)

1.12.040 Civil Citations. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in a manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of rule of civil procedure 1.311. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. 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. (Ord. 2-2005)

1.12.050 Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief. (Ord. 2-2005)

1.12.060 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 this Code of Ordinances by criminal sanctions or other lawful mean. (Ord. 2-2005).