CHAPTER 19 - PENALTIES

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19.01 LABILITY. Any person violating any of the provisions of this Code of Ordinances shall become liable to the District for any expense, loss or damage occasioned by reason of such violation.

19.02 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, except for those provisions specifically provided under State Law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

(*Code of Iowa Sec. 364.22[3]*)

19.03 ENVIRONMENTAL VIOLATION. A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or a standard established by the District in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation.

This provision shall not be applicable until the District has offered to participate in informal negotiations regarding the violation or to the following specific violations.

(*Code of Iowa, Sec. 364.22[1]*)

1. A violation arising from noncompliance with a pretreatment standard or requirement referred in 40 C.F.R. 403.8.

19.04 MUNICIPAL INFRACTION PENALTIES. A municipal infraction is punishable by the following civil penalties:

(*Code of Iowa, Sec. 364.22[1]*)

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 at least $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 $1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
        i. 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.
        ii. The Sanitary District is notified of the violation within twenty-four (24) hours from the time that the violation begins.
        iii. The violation does not continue in existence for more than (8) hours.

19.05 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 District to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(*Code of Iowa, Sec. 364.22[12]*)

19.06 SINGLE OFFENSE. In cases where action or inaction is made punishable by more than one provision of this code, the District may select the provision or provisions of this code under which to proceed.