

ARTICLE XXI

VIOLATIONS AND PENALTIES

SECTION 1. STATEMENT OF INTENT.

Subsection A. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in, or any provision of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of Marshall County. Any person, firm or corporation violating any regulation in, or any provision of this Ordinance or of any amendment or supplement thereto, shall be deemed to have committed a County Infraction. A County Infraction is a civil offense punishable by a civil penalty of not more than seven hundred fifty (\$750) for each violation, or if the infraction is a repeat offense a civil penalty not to exceed one thousand (\$1,000) for each repeat offense. Each day each violation continues after the compliance date established on the citation may be deemed a separate County Infraction. A County Infraction is not punishable by imprisonment.

Subsection B. When judgment has been entered against a defendant for a County Infraction, the court may impose any of the remedies provided for in the current Iowa Code, Chapter 331.307 (6-9) or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. If a defendant willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, the failure is contempt.

Seeking a civil penalty as authorized under this Section, does not preclude the County from seeking alternative relief from the court in the same action.

SECTION 2. NOTICE OF COUNTY INFRACTION.

Subsection A. The Planning and Zoning Administrator or other officer authorized by the County to enforce a County Code or regulation may issue a civil citation to a person who commits a County Infraction. Issuance of such a citation shall be in conformance with the procedures outlined in Chapter 331.307 (1-4), Code of Iowa, 1995.

SECTION 3. COURT PROCEDURE.

Subsection A. Proceedings before the court for a County Infraction shall be in conformance with Chapter 331.307 (5-11), Code of Iowa, 1995.

SECTION 4. IMMUNITY.

Subsection A. The issuance of a civil citation for a County Infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment or prosecution.