

ORDINANCE No. 08-21-18-02

AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT
ORDINANCE TO PROVIDE FOR CLASSIFICATION OF ORDINANCE VIOLATIONS AS
COUNTY INFRACTIONS

Section I. Purpose. The Purpose of this ordinance is to refine the spectrum of remedies and penalties provided for in the Unified Development Ordinance for Johnson County so that possible penalties incurred for violations may be more proportionate to the nature and character of the actions or omissions giving rise to such violations, and overall compliance with the Unified Development Ordinance more readily obtained.

Section II. Amendment.

- A. Article 8:1.28 is amended by deleting the first unnumbered paragraph of subsection 8:1.28(E) in its entirety and replacing it with the following:

Unless another penalty is expressly provided by this Chapter 8 of the Johnson County Code of Ordinances for violation of any particular provision, section or subchapter, any person, firm or corporation failing to perform a duty required by this Code of Ordinances or otherwise violating, disobeying, omitting, neglecting, or refusing to comply with or resisting the enforcement of any of the provisions hereof or any rule or regulation adopted herein by reference (any one of the above constituting a "violation") shall, upon conviction, be subject to a fine not to exceed one hundred dollars (\$100.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine for each offense and each day that a violation is permitted to exist shall constitute a separate offense.

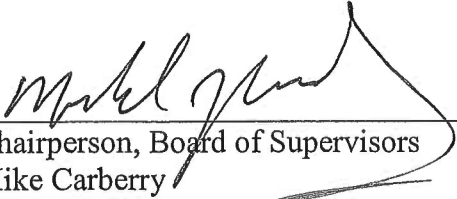
A violation of this Chapter 8 of the Johnson County Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is hereby declared a county infraction and civil offense punishable by a civil penalty as provided in Iowa Code Section 331.307, subsections 1 and 4-13, as may be amended from time to time, which are incorporated into this Code of Ordinances by this reference. The potential penalties for a county infraction include the imposition of a civil fine of not more than \$750.00 for each offense and not more than \$1,000.00 for an offense if the infraction is a repeat offense. Each day that a violation is permitted to exist may be deemed a separate offense. Seeking a civil penalty as authorized herein does not preclude the County from seeking alternative relief from the court in the same action or by separate action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief. Seeking a civil penalty as authorized herein does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulations if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the County to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

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

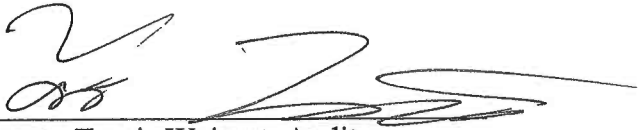
Section IV. Savings Clause. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged, invalid, illegal or unconstitutional.

Section V. Effective Date. This ordinance shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.

Date of publication:



Chairperson, Board of Supervisors
Mike Carberry
Johnson County, Iowa



Attest: Travis Weipert, Auditor
Johnson County, Iowa