

CITY OF LYNNVILLE, IOWA

ORDINANCE NO. 2014-03

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF LYNNVILLE, IOWA, BY CREATING A NEW TITLE 1 – POLICY AND ADMINISTRATION, CHAPTER 5 – MUNICIPAL INFRACTIONS

BE IT ENACTED by the City Council of the City of Lynnville, Iowa:

MUNICIPAL INFRACTIONS

1-5.0401 Municipal Infraction
1-5.0402 Environmental Violation
1-5.0403 Penalties

1-5.0404 Alternative Relief
1-5.0405 Criminal Penalties

1-5.0401 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, 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 a municipal infraction punishable by civil penalty as provided herein.

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

1-5.0402 ENVIRONMENTAL VIOLATION. A municipal infraction that 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:

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

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 discharge occurs from September 15 to January 15.

1-5.0403 PENALTIES (FOR NON-ENVIRONMENTAL VIOLATIONS). A municipal infraction is punishable by the following civil penalties:

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

1. Standard Civil Penalties.

- A. First offense - \$250.00
- B. Each repeat offense - \$500.00

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 \$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:

- (1) 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.
- (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

1-4.0404 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.
(Code of Iowa, Sec. 364.22[8])

1-4.0405 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 means.

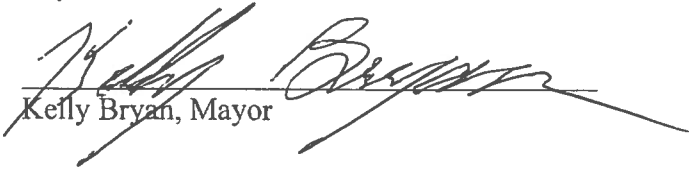
(Code of Iowa, Sec. 364.22[11])

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

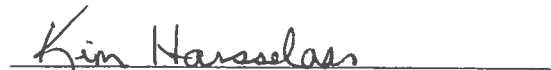
SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

WHEN EFFECTIVE. This ordinance shall be in effect immediately after its final passage, approval and publication as provided by law.


Passed by the Council this 9th day of February, 20 15, and approved on this 9th day of February, 20 15.


Kelly Bryan, Mayor

ATTEST:


Kim Harsseelaar, City Clerk

I certify that the foregoing was published as Ordinance No. 2014-03 on the 9th day of February, 20 15.

Signed: 
Kim Harsseelaar, City Clerk