

**CHAPTER 1.75  
VIOLATIONS AND PENALTIES**

- 1.75.010 **TITLE:** This Chapter shall be known and be referred to as “Violations and Penalties Ordinance” of the Pottawattamie County, Iowa, Code. (*Ordinance #98-6/July 24, 1998*)
- 1.75.020 **PURPOSE:** The purpose of this Chapter is to set forth penalties for violations to the various chapters of the Pottawattamie County, Iowa, Code. The penalties set forth are those authorized by Section 331.302.15 and 331.307, Code of Iowa, as amended. (*Ordinance #98-6/July 24, 1998*)
- 1.75.030 **VIOLATIONS AND PENALTIES:**
- .01 Any person violating any of the provisions contained in the Pottawattamie County, Iowa, Code, shall be deemed guilty of a county infraction. (*Ordinance #98-6/July 24, 1998*)
- A. Those persons who violates the conditions and safeguards established in connection with approval of variances, as provided by Chapter 5A, Onsite Treatment and Disposal System Ordinance, shall be guilty of a county infractions. (*Ordinance #98-6/July 24, 1998*)
- B. Those persons who violates the conditions and safeguards established in connection with approval of variances, as provided by Chapter 5B, Private Water Well Ordinance, shall be guilty of a county infractions. (*Ordinance #98-6/July 24, 1998*)
- C. Those persons who violates the conditions and safeguards established in connection with approval of variances, as provided by Chapter 5.30, Floodplain Management Ordinance, shall be guilty of a county infractions. (*Ordinance #98-6/July 24, 1998*)
- D. Those persons who violates the conditions and safeguards established in connection with approval of variances or conditional uses, as provided by Title 8, Zoning Ordinance, shall be guilty of a county infractions. (*Ordinance #98-6/July 24, 1998*)
- E. Those persons who violates the conditions and safeguards established in connection with approval of variances, as provided by Title 9, Subdivision Ordinance, shall be guilty of a county infractions. (*Ordinance #98-6/July 24, 1998*)
- .02 A county infraction is a civil offense punishable in the following schedule of civil penalties. (*Ordinance #2004-18/December 10, 2004*)
- |                                      |            |
|--------------------------------------|------------|
| A. 1st Offense                       | \$ 750.00  |
| B. 2nd Offense & Subsequent offenses | \$1,000.00 |
- .03 Each and every day that the violation is permitted to exist after notification shall constitute a separate offense. (*Ordinance #98-6/July 24, 1998*)
- .04 Each separate offense of the provisions of the various Chapters of the Pottawattamie County, Iowa, Code, shall constitute a separate offense. (*Ordinance #98-6/July 24, 1998*)
- .05 The owner or tenant of any *building, structure*, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. (*Ordinance #98-6/July 24, 1998*)

- .06 Enforcement of a county infraction shall be pursuant to Section 331.307, Code of Iowa. (*Ordinance #98-6/July 24, 1998*)
- .07 Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including, but not limited to, criminal prosecution as a simple misdemeanor; an order for abatement; or injunctive relief. (*Ordinance #98-6/July 24, 1998*)
- .08 In the event that any person violating any provisions contained in the Pottawattamie County, Iowa, Code, except Chapter 3.90, is deemed guilty of a simple misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed one hundred (100) dollars or be imprisoned for a term not exceeding thirty (30) days for each offense.  
  
In the event that any person violation any provision of Chapter 3.90, Jail Loitering, Pottawattamie County, Iowa, Code, is deemed guilty of a simple misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five hundred (500) dollars or be imprisoned for a term not exceeding thirty (30) days for each offense. (*Ordinance #2000-12/November 27, 2000*)
- .09 The provisions of subsections .03 through .05 of the Chapter are applicable to simple misdemeanors. (*Ordinance #98-6/July 24, 1998*)
- .10 Nothing herein contained shall prevent the County from taking other lawful action as necessary to prevent or remedy any violation. (*Ordinance #98-6/July 24, 1998*)

1.75.040 **OTHER LEGAL REMEDIES:**

- .01 In relationship to Title 8, County Zoning Ordinance, in case any *building* or *structure* is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any *building*, *structure* or land is used in violation of this Ordinance, the County Attorney, in addition to other remedies, shall institute any proper action or proceedings in the name of Pottawattamie County, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said *building*, *structure* or land, or to prevent any illegal act, conduct, business or use in or about said premises. (*Ordinance #98-6/July 24, 1998*)
- .02 In relationship to Title 9, Subdivision Ordinance, in addition to the penalties described above, the County Board or other proper local authorities of the County, as well as any owner of real estate within the jurisdiction of the County affected by the regulations, may institute any appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises. (*Ordinance #98-6/July 24, 1998*)
- .03 In relationship to Title 10, Housing, in addition to the penalties described above, the County Board or other proper local authorities of the County, are to request the County Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the adopted Codes or of the order or direction made pursuant thereto.