

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION*

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1.01.010 Notice--Adoption--Copies available.

A. Pursuant to published notice, a public hearing has been duly held, and the council has determined that the proposed "Corydon Municipal Code" in its original form is adopted as the municipal code of Corydon, Iowa;

B. An official copy of the municipal code is on file at the office of the city clerk and will be certified as to its adoption and effective date after adoption of the ordinance codified in this chapter;

* For statutory provisions on the codification of city ordinances, see Code 1977 §380.8.

C. Loose-leaf copies of the "Corydon Municipal Code" are available at the city clerk's officer for public inspection and for sale at cost to the public. (Ord. 261 §1, 1991; Ord. 224 §1, 1978).

1.01.020 Title--Citation--Reference.

This code shall be known as the "Corydon Municipal Code" and it shall be sufficient to refer to said code as the "Corydon Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Corydon Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Corydon Municipal Code," and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 224 §2, 1978).

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of Section 380.8 of the 1977 Code of Iowa, as amended. (Ord. 224 §3, 1978).

1.01.040 Ordinances passed prior to adoption of code.

The last ordinance included in this code was Ordinance 221, passed October 3, 1977. The following ordinances, passed subsequent to Ordinance 221, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 222 passed June 5, 1978, and 223 passed June 5, 1978. (Ord. 224 §4, 1978).

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the "Corydon Municipal Code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 224 §5, 1978).

1.01.060 Ordinances repealed.

Ordinances 1, 2, 3, 4, 5, 6, 7, 9, 70, 74, 76, 77, 84, 85, 87, 89, 90, 92, 93, 94, 95, 97, 98, 100, 101, 108, 116,

121, 122, 123, 124, 126, 127, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 151, 152, 162, 165, 167, 174, 181, 187, Ordinance dated May 2, 1892, Ordinance dated September 13, 1892, Ordinance dated November 5, 1884, Ordinance dated February 19, 1889, Ordinance dated October 7, 1889, and all ordinances of the city not codified in this new code, with the exception of grade ordinances, bond ordinances, zoning ordinances, and ordinances vacating streets and alleys, are repealed. (Ord. 224 §6, 1975).

1.01.070 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 224 §7, 1978).

1.01.080 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 224 §8, 1978).

1.01.090 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date the ordinances codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 224 §9, 1978).

1.01.100 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Corydon Municipal Code" becomes effective. (Ord. 224 §10, 1978).

1.01.110 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the code as a whole or any section, subsection, sentence, clause or phrase thereof not adjudged invalid or unconstitutional. (Ord. 224 §11, 1978).

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinances.

1.04.010 Definitions. The following words and phrases, whenever used in the ordinances of the city of Corydon, Iowa, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" and "town" each mean the city of Corydon, Iowa, or the area within the territorial limits of the city of Corydon, Iowa, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provisions.

B. "Council" means the city council of the city of Corydon. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Wayne.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Iowa, the ordinances of the city of Corydon, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" mean next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of Iowa.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year. (Added during 1978 codification).

1.04.020 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Corydon. (Added during 1978 codification).

1.04.030 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1978 codification).

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city of Corydon, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Added during 1978 codification).

1.04.050 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1978 codification).

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city of Corydon, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Added during 1979 codification.)

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Added during 1978 codification).

1.04.080 Construction. The provisions of the ordinance of the city of Corydon, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Added during 1978 codification).

1.04.090 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1978 codification).

Chapter 1.08

FORM OF GOVERNMENT*

Sections:

- 1.08.010 Title.
- 1.08.020 Purpose.
- 1.08.030 Designated.
- 1.08.040 Powers and duties.
- 1.08.050 Number and term of council.
- 1.08.060 Term of mayor.
- 1.08.070 Copies of file.

* For statutory provisions requiring the adoption by ordinance of a charter outlining the form of city government, see Code 1977 §372.1.

1.08.010 Title.

This chapter may be cited as the charter of the city of Corydon, Iowa. (Ord. 216 §2, 1975).

1.08.020 Purpose.

The purpose of this chapter is to provide for a charter embodying the form of government existing on June 30, 1975. (Ord. 216 §1, 1975).

1.08.030 Designated.

The form of government of the city is mayor-council. (Ord. 216 §3, 1975).

1.08.040 Powers and duties.

The council, mayor, manager and other city officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules and regulations of the city. (Ord. 216 §4, 1975).

1.08.050 Number and term of council.

The council consists of five councilmen elected at large, for terms of two years. (Ord. 216 §5, 1975).

1.08.060 Term of mayor.

The mayor is elected for a term of two years. (Ord. 216 §6, 1975).

1.08.070 Copies on file.

The city clerk shall keep an official copy of this charter on file with the official records of the city clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the city clerk's office for public inspection. (Ord. 216 §7, 1975).

Chapter 1.12GENERAL PENALTY*Sections:

1.12.010 Standard penalty.

* For statutory provisions authorizing cities to impose

1.12.010 Standard penalty.

Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than six hundred twenty-five dollars or imprisonment not to exceed thirty days. (Ord. 220 §1, 1977). (Ord. No. 333, § 2, 4-18-2018)

Chapter 1.14MUNICIPAL INFRACTIONS.Sections:

- 1.14.010 Municipal infraction.
- 1.14.020 Environmental violation.
- 1.14.030 Penalties.
- 1.14.040 Civil citations.
- 1.14.050 Alternative relief.
- 1.14.060 Criminal penalties.

1.14.010 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.

(Ord. No. 333, § 3, 4-18-2018)

1.14.020 Environmental violation.

A municipal infraction 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

penalties for ordinance violation of not more than a fine of one hundred dollars or imprisonment of thirty days, see Code 1977 §364.3(2).

be applicable until the city has offered to participate in informal negotiations regarding the violation or to the following specific violations:

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.

(Ord. No. 333, § 3, 4-18-2018)

1.14.030 Penalties.

A municipal infraction is punishable by the following civil penalties:

1. Standard civil penalties.

A. First Offense - At least one hundred dollars but not to exceed five hundred dollars;

B. Each Repeat Offense - at least two hundred dollars but not to exceed one thousand dollars.

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 penalty of not more than one thousand dollars 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 one thousand dollars 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 schedule maintenance, testing or conducting a shut-down of either equipment causing the violation nor the equipment designed to reduce or eliminate the violation.

(2) The City is notified of the violation within twenty-four hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight hours.

(Ord. No. 333, § 3, 4-18-2018)

1.14.040 Civil citations.

Any officer authorized by the city of enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt required, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.

(Ord. No. 333, § 3, 4-18-2018)

1.14.050 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.

(Ord. No. 333, § 3, 4-18-2018)

1.14.060 Criminal penalties.

This chapter shall not preclude a peace officer from issuing a criminal citation for a violation of this Code of

Ordinances or regulation, 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. Criminal penalties for criminal citations for a violation of this Code of Ordinances are as set forth in Chapter 1.12.

(Ord. No. 333, § 3, 4-18-2018)