

Title 1
GENERAL PROVISIONS

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Chapters:

Chapter 1.01 CODE ADOPTED

Sections:

1.01.010 Code adopted.

The ordinances of the city of a general and permanent nature as codified in this volume entitled "Municipal Code of Chariton, Iowa" as revised, edited and indexed by Book Publishing Company of Seattle, Washington, and published by Book Publishing Company and the city, are ordained as general ordinances and are adopted and shall constitute the municipal code of Chariton, Iowa.

(Ord. 501 § 1, 1980)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Chariton Municipal Code" and it shall be sufficient to refer to this Code as the "Chariton Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also 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 of or repeal of the "Chariton Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Chariton Municipal Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in that code.

(Ord. 344 § 2, 1970)

1.01.030 Reference applies to amendments.

Whenever a reference is made to this Code as the "Chariton Municipal Code" or to any portion thereof, or to any ordinances of the city of Chariton, Iowa that reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made.

(Ord. 344 § 3, 1970)

1.01.040 Codification authority.

This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to Sections 366.2 and 366.7 of the Iowa Code Annotated.

(Ord. 344 § 4, 1970)

1.01.045 Distribution of code copies.

In conformity with the laws of the state of Iowa, it is declared that:

- A. Pursuant to published notice, a public hearing has been duly held and the council has determined that the proposed municipal code in its original form is adopted as a municipal code of the ordinances of the city;
- B. That an official copy of the municipal code as adopted, including a certificate by the city clerk as to its adoption and the effective date, is on file in the office of the city clerk;
- C. Copies of said code being a loose-leaf code, shall be kept available at the clerk's office for public inspection and for sale at cost to the public;
- D. Copies of said municipal code shall be furnished to the state law library, the municipal law library, to all newspapers of general circulation published in the city, to all commercial radio stations situated in the city, and to all television stations situated in the city.

(Ord. 501 § 4, 1980)

1.01.050 Definitions and construction.

Unless the context otherwise requires, the following words and phrases where used in the ordinances of the city of Chariton shall have the meaning and construction given in this section:

- (a) "Code" means the "Chariton Municipal Code";
- (b) "City" means the city of Chariton;
- (c) "City council" means the city council of the city of Chariton;
- (d) "County" means the county of Lucas;
- (e) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer, or employee of any of them;
- (f) "State" means the state of Iowa;
- (g) "Oath" includes affirmation;
- (h) Gender. The masculine gender includes the feminine and neuter;
- (i) Number. The singular number includes the plural, and the plural includes the singular;
- (j) Tenses. The present tense includes the past and future tenses, and the future tense includes the present tense;
- (k) "Shall" is mandatory, "may" is permissive;

- (l) Title of office. The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Chariton;
- (m) "Owner" when pertaining to a building or land shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land;
- (n) "Street" includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in Chariton 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;
- (o) "Tenant or occupant" when pertaining to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others;
- (p) "Goods" includes wares and merchandise;
- (q) "Operate" or "engage in" includes carry on, keep, conduct, maintain, or cause to be kept or maintained;
- (r) "Across" includes along, in or upon;
- (s) "Sale" includes any sale, exchange, barter or offer for sale;
- (t) "Ex officio" means by virtue of office.

(Ord. 344 § 5, 1970)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained in the 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 in the code.

(Ord. 501 § 5, 1980)

1.01.070 Reference to specific ordinances.

The provisions of this Code shall not in any manner affect deposits or other 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 this Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

(Ord. 344 § 7, 1970)

1.01.080 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 hereof, 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 affect.

(Ord. 501 § 3, 1980)

1.01.090 Effective date.

The Chariton Municipal Code shall become effective on the date that the ordinance adopting this Code becomes effective.

(Ord. 344 § 9, 1970)

1.01.100 Severability.

If any section, subsection, sentence, clause or phrase of the code is 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. 501 § 6, 1980)

Chapter 1.04 OFFICIAL SEAL

Sections:

1.04.010 Design.

The official seal for the city of Chariton shall have on its face on the upper margin the words, "City Seal," and on the bottom margin the words "Lucas County, Iowa," and across the face the words "City of Chariton," and such seal is hereby declared to be the seal of the city of Chariton, Iowa.

(Ord. 4 § 1, 1933)

Chapter 1.08 PRECINCTS

Editor's note(s)—Ch. 1.08 was amended in its entirety to read as herein set out. Former Ch. 1.08 pertained to Wards, consisted of §§ 1.08.010—1.08.040, and derived from Ord. 663, 1992; and Ord. 638, 1992.

Sections:

1.08.010 Two precincts.

The city is divided into two precincts.

(Ord. No. 861, § 2, 8-29-2011)

1.08.020 First precinct.

The first precinct shall consist of that portion of the City of Chariton lying south of a line commencing at the point Court Avenue intersects the west corporate limit of the City of Chariton, then proceeding east on Court Avenue until it intersects Seventeenth Street, then proceeding north on Seventeenth Street until it intersects Roland Avenue, then proceeding east on Roland Avenue until it intersects Thirteenth Street, then north on Thirteenth Street until it intersects Auburn Avenue, then east on Auburn Avenue, until it intersects the Union Pacific Railroad, then northeasterly along the Union Pacific Railroad to the east corporate limit of the City of Chariton, Iowa.

(Ord. No. 861, § 2, 8-29-2011)

1.08.030 Second precinct.

The second precinct shall consist of that portion of the City of Chariton lying north of a line commencing at the point Court Avenue intersects the west corporate limit of the City of Chariton, then proceeding east on Court Avenue until it intersects Seventeenth Street, then proceeding north on Seventeenth Street until it intersects Roland Avenue, then proceeding East on Roland Avenue until it intersects Thirteenth Street, then North on Thirteenth Street until it intersects Auburn Avenue, then east on Auburn Avenue until it intersects the Union Pacific Railroad, then Northeasterly along the Union Pacific Railroad to the East corporate limit of the City of Chariton, Iowa.

(Ord. No. 861, § 2, 8-29-2011)

Chapter 1.12 IMPRISONMENT

Sections:

1.12.010 Hard labor.

Able-bodied male persons over the age of sixteen, confined in any jail under judgment of any tribunal authorized to imprison for the violation of any ordinance, by-law or police regulation of this city, may be required to labor during the whole or part of the time of his sentence as hereinafter provided, and such tribunal, when passing final judgment of imprisonment, whether for nonpayment of fine or otherwise, shall have the power to and shall determine whether such imprisonment shall be at hard labor or not.

(Ord. 34 § 1, 1933)

1.12.020 Labor on public works.

Such labor may be on the streets or public roads, on or about public buildings or grounds, and during such reasonable time of the day as the person having charge of the prisoners may direct, not exceeding eight hours each day.

(Ord. 34 § 2, 1933)

1.12.030 Supervision.

When the imprisonment is under the judgment of any court, police court, police magistrate, mayor, or other tribunal of the city, for the violation of any ordinance, by-law, or other regulation thereof, the marshal shall superintend the labor, and furnish the tools and materials, if necessary, at the expense of the city requiring the labor, and the city shall be entitled to the earnings of its convicts.

(Ord. 34 § 3, 1933)

1.12.040 Labor not to be leased.

Such labor shall be performed in accordance with such rules as may be made by resolution of the city council, not inconsistent with the laws of the state of Iowa and the ordinances of this city, and such labor shall not be leased.

(Ord. 34 § 4, 1933)

1.12.050 Control and punishment.

The officer having charge of any prisoner may use such means as are necessary to prevent his escape, and if the prisoner attempts to escape or if, being convicted he refuses to labor, the officer having him in charge may, to secure his person or cause him to labor, deal with him as with other disorderly or refractory prisoners. Such punishment shall be inflicted within the jail or jail enclosure, and the time of such solitary confinement shall not be considered as any part of the time for which the prisoner is sentenced.

(Ord. 34 § 5, 1933)

1.12.060 Credit for labor.

For every day's labor performed by any convict under the provisions hereof, there shall be credited on any judgment for fine and costs against him the sum of one dollar and fifty cents.

(Ord. 34 § 6, 1933)

1.12.070 Cruel treatment.

If any officer or other person treats any person in a cruel or inhuman manner, he shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the city jail not exceeding thirty days or by both such fine and imprisonment.

(Ord. 34 § 7, 1933)

1.12.080 Protecting prisoners.

The officer having a prisoner in charge shall protect him from insult and annoyance and communication with others while at labor, and in going to and returning from the same and may use such means as are necessary and proper therefor.

(Ord. 34 § 8, 1933)

1.12.090 Annoyance of prisoner.

Any person persisting in insulting or annoying or communicating with any prisoner, after being commanded by such officer to desist, shall be punished by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days.

(Ord. 34 § 9, 1933)

Chapter 1.16 CITY JAIL

Sections:

1.16.010 Designation.

Any person who shall be convicted under an ordinance of this city and sentenced to jail, shall be confined in the Lucas County Jail, and that jail is hereby adopted as the city jail for the purpose of confining such person.

(Ord. 35 § 1, 1933)

Chapter 1.20 PENALTY

Section:

1.20.010 Standard penalty.

Unless another penalty is expressly provided by this Code 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 this Code, 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. No. 902, § 2, 10-17-2016)

Editor's note(s)—Ord. No. 902, § 2, adopted Oct. 17, 2016, repealed the former § 1.20.010, and enacted a new § 1.20.010 as set out herein. The former § 1.20.010 pertained to designated and derived from Ord. No. 736, § 2, 1998.

Chapter 1.30 MUNICIPAL INFRACTIONS

1.30.010 Municipal infraction.

A violation of this Code 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. 902, § 3, 10-17-2016)

1.30.020 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 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. 902, § 3, 10-17-2016)

1.30.030 Penalties.

A municipal infraction is punishable by the following civil penalties:

Chariton, Iowa, Code of Ordinances
Title 1 GENERAL PROVISIONS

(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:
 - (i) The violation results solely from conducting an initial startup, cleaning, repairing, performing schedule maintenance, testing or conducting a shutdown of either equipment causing the violation nor the equipment designed to reduce or eliminate the violation.
 - (ii) The city is notified of the violation within twenty-four hours from the time that the violation begins.
 - (iii) The violation does not continue in existence for more than eight hours.

(Ord. No. 902, § 3, 10-17-2016)

1.30.040 Civil citations.

Any officer authorized by the city to enforce this Code 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. 902, § 3, 10-17-2016)

1.30.050 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. 902, § 3, 10-17-2016)

1.30.060 Criminal penalties.

This chapter shall not preclude a peace officer from issuing a criminal citation for a violation of this Code or regulation, nor does it preclude or limit the authority of the city to enforce the provisions of this Code by criminal sanctions or other lawful means. Criminal penalties for criminal citations for a violation of this Code are as set forth in Chapter 1.20.

(Ord. No. 902, § 3, 10-17-2016)