

**CITY OF GRAND MOUND
ORDINANCE NO. 290-18**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRAND MOUND, IOWA, BY AMENDING CHAPTER 4.03.03 SCHEUDLE OF FINES

BE IT ENACTED by the City Council of the City of Grand Mound, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 4.03 of the Code of Ordinances of the City of Grand Mound, Iowa, is repealed and the following adopted in lieu thereof:

4.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

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

1. Standard Civil Penalties.

A. First Offense - Not to exceed \$500.00

B. Each Repeat Offense - Not to exceed \$750.00

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 one thousand dollars (\$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 one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all 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.

3. Schedule of Fines. Any violation of this Code of Ordinances, unless otherwise set forth herein, shall carry a scheduled fine or civil penalty of a minimum of \$100.00. A violation of this Code of Ordinances constituting a second offense within a two-year period, unless otherwise set forth herein, shall have a scheduled fine/civil penalty of twice the amount for a first offense. A violation of this Code of Ordinances constituting a Third offense within a two-year period, unless otherwise set forth herein, shall require a Court appearance.

SECTION 2. 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 or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council of the City of Grand Mound on the ____ day of _____, _____ and approved this ____ day of _____, _____.

Kurt Crosthwaite, Mayor

Attest:

Melissa Conner, City Clerk

First reading _____, Second reading waived, third reading waived. I certify that the foregoing was published as Ordinance No. 290-18 on the ____ day of _____, _____.

Melissa Conner, City Clerk