

ARTICLE XVI Violation and Penalty

Article 16: Violation and Penalty
Section 16.1. Violation and Penalty
Section 16.2. Restraining Order

Section 16.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the city's municipal code, any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or approved plan shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, 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 and punishable by civil penalty as provided herein (*Code of Iowa, Sec. 331.307[3]*). Each day that a violation is permitted to exist constitutes a separate violation.

A municipal infraction for a zoning violation in Okoboji, Iowa is punishable under the following civil penalties: (*Code of Iowa, Sec. 331.307[1]*)

First offense – not less than \$100 and not to exceed \$750.00, plus court costs

Second and repeat offenses – not less than \$100 and not to exceed \$1,000.00, plus court costs

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. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 16.2. RESTRAINING ORDER.

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 City Attorney, in addition to other remedies may institute any proper action or proceed in the name of the City of Okoboji to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.