

## TITLE 1

### GENERAL PROVISIONS

#### Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 City Charter
- 1.12 Corporate Name
- 1.16 Age of Majority
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**Chapter 1.01**  
**Code Adoption \***  
(Reserved)

\* For statutory provisions on the codification of ordinances, see Code of Iowa Sec.380.8.

**Chapter 1.04**  
**General Provisions**

Sections:

- 1.04.010 Definitions
- 1.04.020 Title of Office
- 1.04.030 Interpretation
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1.04.010 Definitions. The following words and phrases, whenever used in the ordinances of the City of Epworth, 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" mean the City of Epworth, Iowa, or the area within the territorial limits of the City of Epworth, Iowa, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the City Council of the City of Epworth. "All its members" or "all councilpersons" means the total number of councilpersons holding office.

C. "County" means the County of Dubuque.

D. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the ordinances of the City 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 "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 land, tenements, and hereditament.
- 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 1977 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. (Added 1977 codification)

1.04.030 Interpretation. 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 1977 codification)

1.04.040 Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the City, 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 future tenses and vice versa, unless manifestly inapplicable. (Added 1977 codification)

1.04.050 Acts by Agent. 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 1977 codification)

1.04.060 Prohibited Acts Include Causing and Permitting. Whenever in the ordinances of the City 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 1977 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 last day, unless the last day is Sunday or a holiday, in which case it shall be excluded. (Added 1977 codification)

1.04.080 Construction. The provisions of the ordinances of the City and all proceedings

under them are to be construed with a view to effect their objects and to promote justice. (Added 1977 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 1977 codification)

1.04.100 Amendment. All ordinances of the Council passed hereafter shall be the form of an addition or amendment to the Epworth Code of Ordinances and shall include proper references to chapter and section to maintain the orderly codification of the ordinances. (Added 1981, amended 1988, 1999 codification)

1.04.110 Severability. If any section, provision or part of the City code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City code as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional. (Added during 1981 codification)

## **Chapter 1.08 City Charter \***

### Sections:

- 1.08.010 Purpose
- 1.08.020 Title
- 1.08.030 Form of Government
- 1.08.040 City Officers--Powers and Duties Generally
- 1.08.050 Council--Membership and Term
- 1.08.060 Mayor--Term
- 1.08.070 Charter on File

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

1.08.010 Purpose. The purpose of this chapter is to provide for a charter embodying the form of government existing June 30, 1975. (Ord. 2A-75 Sec.1, 1975).

1.08.020 Title. This chapter may be cited as the charter of the City of Epworth, Iowa. (Ord. 2A-75 Sec.2, 1975)

1.08.030 Form of Government. The form of government of the City is the mayor-council form of government. (Ord. 2A-75 Sec.3, 1975)

1.08.040 City Officers--Powers and Duties Generally. The Council and Mayor 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. 2A-75 Sec.4, 1975)

1.08.050 Council--Membership and Term. The council consists of five councilpersons elected for terms of four years. (Ord. 2A-75 Sec.5, 1975)

1.08.060 Mayor--Term. The Mayor is elected for a term of four years. (Ord. 2A-75 Sec.6, 1975)

1.08.070 Charter 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, and shall keep copies of the charter available at the City Clerk's office for public inspection. (Ord. 2A-75 Sec.7, 1975)

## **Chapter 1.12 Corporate Name**

### Sections:

1.12.010 "Town" changed to "City".

1.12.010 "Town" changed to "City". In conformity with section 362.2, subsection 1, 1975 Code of Iowa, the corporate name of the Town of Epworth, Iowa, is changed to the City of Epworth, Iowa. All references to the Town of Epworth in the ordinances, resolutions, and other official papers and records are deemed to refer to the City of Epworth. All actions, proceedings, rights, or duties incumbent upon or due to the Town of Epworth or its officers survive and must be prosecuted to a conclusion. A judgment or decree against the Town of Epworth is enforceable against the City of Epworth or any other party to the action. An agreement previously entered into by the Town of Epworth is enforceable by either party as the case may be. All assets, liabilities and rights of the Town of Epworth are transferred to the City of Epworth. (Ord. 376 Sec.1, 1975)

**Chapter 1.16**  
**Age of Majority**

Sections:

1.16.010 Definitions

1.16.010 Definitions.

- A. "Adult" means any person eighteen years of age or older.
- B. "Legal age" means eighteen years of age or more.
- C. "Minor" means any person less than eighteen years of age. Wherever the word "minor" appears in all ordinances or resolutions hereinafter adopted it shall be understood that said "minor" refers to a person under the age of eighteen years. (Ord. 346, Sections 2,3,4,5. 1972)
- D. "Drinking age" means twenty-one years of age or older. (1988)

**Chapter 1.20**  
**General Penalty \***

Sections:

1.20.010	Penalty Designated
1.20.020	Civil Penalty - Municipal Infraction
1.20.030	Administrative Penalty – Notice of Violation

\* For statutory provisions authorizing cities to impose penalties for ordinances violation of not more than a fine of \$200.00 or imprisonment for thirty days, see Code of Iowa Sec. 364.3(2). Municipal Infraction 364.22.

1.20.010 Penalty Designated. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City shall be guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the City, any person convicted of a misdemeanor under the ordinances of the City shall be punished by a fine set forth in Iowa Code section 903.1 (amended Ord 14-2023)

1.20.020 Civil Penalty - Municipal Infraction.

1. Definitions.

- A. Municipal Infraction. Except those provisions specifically provide under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Epworth, or any Ordinance or Code adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances of the City of Epworth, or any or Code herein adopted by reference, is a “municipal infraction” and is punishable by civil penalty as provided herein.
- B. Officer. The term “officer” shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Epworth.
- C. Repeat Offense. The term “repeat offense” shall mean a recurring violation of the same section of the Code of Ordinances.

2. Violations, Penalties, and Alternative Relief.

- A. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

First offense – not more than seven hundred fifty dollars (\$750.00)  
All other repeat offenses - not more than one thousand dollars (\$1,000.00)

- B. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- C. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternate relief from the court in the same action. (amended 14-2023)



3. Civil Citations.

- A. Any officer authorized by the City to enforce the Code of ordinances may issue a civil citation to a person who commits a municipal infraction.
- B. The citation may be served by personal service or by certified mail, return receipt requested.
- C. The original of the citation shall be sent to the Clerk of the district court.
- D. 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.

(added 1999 codification)

1.20.030 Administrative Penalty – Notice of Violation. Municipal Infractions may be initially brought upon simple notice of violation and if the person charged admits the violation, upon payment of the penalty to the city and the performance of any other act required by law to be performed, such person shall not be further prosecuted or assessed any costs or other expenses for such violation, and the city shall retain all penalties thus collected. Where a municipal infraction is not admitted upon simple notice by the person charged or where the person charged fails to perform any other act required to be performed, or both, a civil citation seeking a penalty for a municipal infraction, with or without additional relief, may be initially filed in the court. This section does not impose a duty to initially charge all municipal infractions upon simple notice of violation (Ord. 22-06)

**Chapter 1.24**  
**Right of Entry**

Sections:

1.24.010      Right of Entry

1.24.010 Right of Entry. Whenever necessary to make inspection to enforce any ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (added 1999 codification)

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