

**CHAPTER 149****TOWNSHIP RESERVE ACCOUNT FOR EMERGENCY SERVICES***H.F. 581*

**AN ACT** authorizing a reserve account for fire protection, emergency warning, and ambulance services provided by townships.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 359.43, Code 1989, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 4. Of the levies authorized under subsections 1 and 2, the township trustees may credit to a reserve account annually an amount not to exceed ten cents per thousand dollars of the assessed value of the taxable property in the township for the purchase or replacement of supplies and equipment required to carry out the services specified under section 359.42. Notwithstanding section 453.7, interest earned on moneys credited to the reserve account shall be credited to the reserve account.

Approved May 8, 1989

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**CHAPTER 150****COUNTY AND CITY INFRACTIONS***H.F. 596*

**AN ACT** relating to the handling and use of county and municipal infractions, making a Code correction in regard to such infractions, and providing for penalties and remedies for such infractions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 331.307, subsection 4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

An officer authorized by a county to enforce a county code or regulation may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service ~~or as provided in rule of civil procedure 56.1~~, by certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 60 and subject to the conditions of rule of civil procedure 60.1. 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:

Sec. 2. Section 331.307, subsection 5, Code 1989, is amended by adding the following new paragraph a, and relettering the remaining paragraphs:

**NEW PARAGRAPH.** a. The matter shall be tried before a magistrate or district associate judge in the same manner as a small claim.

Sec. 3. Section 331.307, subsections 9 and 10, Code 1989, are amended to read as follows:

9. When judgment has been entered against a defendant, the court may ~~impose a civil penalty or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court.~~ do any of the following:

a. Impose a civil penalty by entry of a personal judgment against the defendant.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the defendant to abate or cease the violation.

d. Authorize the county to abate or correct the violation.

e. Order that the county's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

PARAGRAPH DIVIDED. If a defendant willfully fails to pay the civil penalty or violates the terms of any other an order imposed by the court, the failure is contempt.

The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to section 631.1, subsection 1, for magistrates and section 602.6306, subsection 2, for district associate judges. If the county seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to section 631.13.

10. A defendant against whom a judgment is entered or the county may file a motion for a new trial or a motion for a reversal of a judgment as provided by law or rule of civil procedure may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to section 631.13. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same defendant.

Sec. 4. Section 331.307, subsection 12, Code 1987, is amended to read as follows:

12. The issuance of a civil citation for a county infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

Sec. 5. Section 364.22, subsection 4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

An officer authorized by a city to enforce a city code or regulation may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service or as provided in rule of civil procedure 56.1, by certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 60 and subject to the conditions of rule of civil procedure 60.1. 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:

Sec. 6. Section 364.22, subsection 5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

In proceedings before the court for a municipal infraction proceedings:

Sec. 7. Section 364.22, subsection 5, Code 1989, is amended by adding the following new paragraph a and relettering the remaining paragraphs:

NEW PARAGRAPH. a. The matter shall be tried before a magistrate or district associate judge in the same manner as a small claim.

Sec. 8. Section 364.22, subsections 9, 10, and 12, Code 1989, are amended to read as follows:

9. When judgment has been entered against a defendant, the court may impose a civil penalty or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. do any of the following:

a. Impose a civil penalty by entry of a personal judgment against the defendant.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the defendant to abate or cease the violation.

d. Authorize the city to abate or correct the violation.

e. Order that the city's costs for abatement or correction of the violation be entered as a personal judgement against the defendant or assessed against the property where the violation occurred, or both.

PARAGRAPH DIVIDED. If a defendant willfully fails to pay the civil penalty or violates the terms of any other an order imposed by the court, the failure is contempt.

The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to section 631.1, subsection 1, for magistrates and section 602.6306, subsection 2, for district associate judges. If the city seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to section 631.13.

10. A The defendant against whom a judgement is entered or the city may file a motion for a new trial or a motion for a reversal of a judgment as provided by law or rule of civil procedure may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to section 631.13. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same defendant.

12. The issuance of a civil citation for a municipal infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

Sec. 9. Section 331.307, subsection 12, Code 1987, which was inadvertently omitted in the 1987 Code Supplement and the 1989 Code, shall be published in the 1989 Code Supplement, with the amendment enacted in this Act.

Approved May 8, 1989

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## CHAPTER 151

### SORGHUM PRODUCTS

*H.F. 650*

**AN ACT** relating to products derived from sorghum, including labeling requirements, and making a penalty applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 189.14, Code 1989, is amended by adding the following new subsection:  
**NEW SUBSECTION. 3.** A person shall not package a liquid or semisolid product, or label the product, as sorghum, imitation sorghum, or sorghum blend, or use the word "sorghum" in a prominent location on the label of the product or sell or offer for sale a product labeled as sorghum, imitation sorghum, or sorghum blend or which contains a label with the word "sorghum" prominently displayed, unless the product label states that the product is sorghum syrup as defined in section 190.1, imitation sorghum, or a sorghum blend. As used in this subsection, "imitation sorghum" means a product that has the flavor of sorghum but contains no sorghum