WOODBURY COUNTY
ORDINANCE NO. 11

TITLE: This statute shall be known and cited as the "County Disorderly Conduct Ordinance" of Woodbury County, Iowa.

WHEREAS, the Woodbury County Board of Supervisors finds that crimes related to disorderly conduct pose a threat to the peace and well being of the citizens of Woodbury County;

WHEREAS, the Woodbury County Board of Supervisors finds that Iowa law currently fails to properly address many of the concerns central to the prevention of disorderly conduct;

WHEREAS, the Woodbury County Board of Supervisors finds that this ordinance will aid in the protection of the peace and safety of the citizens of Woodbury County;

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

A. Disorderly Conduct. It is unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons; provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport;
2. Make loud and raucous noise in the vicinity of any residence or public building, which causes unreasonable distress to the occupants thereof;
3. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke violent reaction by another;
4. Without lawful authority or color of authority, disturb any lawful assembly or meeting by conduct intended to disrupt the meeting or assembly;
5. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless;
6. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense;
7. Strike another person;
8. Without authority or justification obstruct any street, sidewalk, highway or other public way, with the intent to prevent or hinder its lawful use by another;
9. Urinate or defecate in a public place, excluding a public restroom.

B. Disorderly House. No person may own, lease, operate, manage, maintain, or conduct a disorderly house, or invite or attempt to invite others to visit or remain in the disorderly house.

1. The term "disorderly house" means any structure or any room therein, or any part of the premises adjacent thereto, in or upon which occurs any disorderly conduct or any of the following prohibited activities:

a). The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Iowa Code, under which possession of such substance would be an offense;
b). Gambling in violation of Chapter 99B of the Iowa Code;
c). Dispensing, selling, or consumption of an alcoholic beverage in violation of Chapter 123 of the Iowa Code;
d). Acts of prostitution, pimping, or pandering as defined in Chapter 725 of the Iowa Code;
e). The sale or possession of controlled substances.

C. Frequenting a Disorderly House. It is unlawful for any person to frequent or be found in a disorderly house as defined in section B.

D. Mandatory minimum penalties.

1. If a person is convicted of a first violation of sections A, B or C of this ordinance, the court shall impose a fine of not less than $ 50.00 nor more than $ 200.00 and/or up to 30 days of imprisonment.

2. If a person is convicted of a second violation of sections A, B or C of this ordinance, the court shall impose a fine of not less than $ 100.00 nor more than $ 200.00 and or up to 30 days of imprisonment.

3. If a person is convicted of a third or subsequent violation of sections A, B or C of this ordinance, the court shall impose a fine of not less than $200.00 and or up to 30 days of imprisonment.

E. Evidence. Evidence of unlawful sales of intoxicating liquor or malt liquor, of unlawful possession or sale of controlled substances, of prostitution or acts relating to prostitution, or of gambling or acts relating to gambling, is prima facie evidence of the existence of a disorderly house. Evidence of sales of intoxicating liquor or malt liquor between the hours of 1:00 a.m. and 8:00 a.m., while a person is within a disorderly house, is prima facie evidence that the person knew it to be a disorderly house.

F. Local regulation. Sections A to E do not prohibit or restrict a local governmental unit from imposing more restrictive provisions.

This Ordinance passed and approved by the Board of Supervisors of Woodbury County, Iowa, on this 16th day of May, 2000.

First Hearing: May 2, 2000

Second Hearing: May 9, 2000

Third Hearing: May 16, 2000

Chairman, Woodbury County Board of Supervisors

Woodbury County Supervisor

Woodbury County Supervisor

Woodbury County Supervisor

Woodbury County Supervisor

ATTEST:

Patrick Gill, Woodbury County Auditor