

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY AMENDING CHAPTER 40 "PUBLIC PEACE"

BE IT ENACTED by the City Council of Independence, Iowa:

SECTION 1. Chapter 40 shall be amended to the Code of Ordinances of the City of Independence, Iowa, by adding the following:

40.08 DISORDERLY HOUSE.

1. Simple Misdemeanor. No person shall permit or allow to continue, without taking legal steps to prevent the same:

- a) any quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property;
- or
- b) loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public

upon any premises owned by the person or in the person's possession. For the purposes of this section, "to the disturbance of the general public" includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers. Any violation of this subsection shall be a municipal infraction.

2. Authority to Restore Order and Disperse. Upon issuance of a complaint for a violation of this section, any peace officer of the City shall have authority to restore order upon the subject premises, up to and including ordering the dispersal of person(s) from the subject premises. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section. Any violation of this subsection shall be a municipal infraction.

3. Civil Sanction. Any violation of this subsection by a property owner or tenant is a municipal infraction punishable by a civil penalty of seven hundred fifty dollars (\$750.00) for first offense and one thousand dollars (\$1,000.00) for second and subsequent offenses. See Chapter 4 of this Code of Ordinances.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

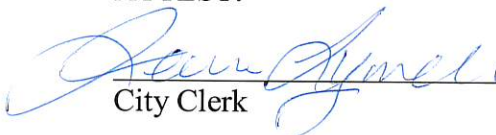
SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 23 day of October, 2017, and approved this 23rd day of October, 2017.



Mayor

ATTEST:



City Clerk

First Reading: September 27, 2017
Second Reading: October 09, 2017
Third Reading: October 23, 2017

I certify that the foregoing was published as Ordinance No. 2017-493 on the 28th day of October, 2017.



City Clerk