

County Ordinance #V.8 Disturbing the Peace

A person commits a simple misdemeanor when the person does any of the following:

- A. Engages 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 conduct which is reasonably related to the sport;
- B. Makes loud and raucous noise in the vicinity or any residence or public place which causes unreasonable stress to the occupants thereof;
- C. Directs abusive epithets or makes any threatening gesture which the person knows or reasonable should know is likely to provoke a violent reaction by another, including, but not limited to, spitting on the person or property of another, calling a person slanderous or vile names, or intentionally antagonizing another by use of scurrilous or “fighting” words. Such words or actions, however, in no way allow their recipient to count without legal justifications;
- D. Intentionally and/or without express or implied consent of the person in lawful possession of the property, urinates or defecates upon or in any public street or highway, public place, or the tangible property of another;
- E. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly;
- F. By words or action, initiates, or circulates a report or warning of fire, epidemic, or other catastrophe knowing such report to be false, or such warning to be baseless;
- G. Knowingly and publicly uses 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;
- H. Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

Additional penalties and remedies:

- 1. In addition to or in the alternative to the provisions above, Tama County or an interested person may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the court as are reasonable and proper to

abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this ordinance.

Paraphernalia Forfeiture.

All drug paraphernalia shall be subject to forfeiture and may be seized and destroyed by Tama County. Such property shall not be subject to replevin.

Tama County may seize property subject to forfeiture under this Ordinance.

1. The seizure is incident to an arrest or a search pursuant to a search warrant;
2. The property subject to seizure has been the subject of a prior judgement in favor of the County in an injunction or forfeiture proceeding based upon this Ordinance.
3. The County has probable cause to believe that the property was used or is intended to be used in violation of this Ordinance.

Construction

This ordinance constitutes remedial legislation and is to be liberally construed to give effect to its purpose.

Severability

It is the legislative intent that should any provisions, section, clause or sentence be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, sections, causes or sentences and to this end the provisions of this ordinance are severable.

Effective Date

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.