

ORDINANCE No. 988

AN ORDINANCE AMENDING CHAPTER 40 – PUBLIC PEACE – OF THE CODE OF ORDINANCES OF JOHNSTON, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOHNSTON, IOWA,
that:

The existing Chapter 40 – Public Peace – have a new subsection added as follows:

40.07 DISORDERLY HOUSE.

1. *Disorderly House Defined:* For the purpose of this section, the term “disorderly house” shall mean and include any building, house, enclosure or place in or upon which occurs any of the following prohibited activities:
 - A. Disorderly conduct as defined in Johnston Municipal Code section 40.03;
 - B. Any noise in violation of the provisions set forth in Chapter 52 of this Code;
 - C. 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;
 - D. Gambling in violation of Chapter 99B of the Iowa Code;
 - E. Dispensing, selling, or consumption of an alcoholic beverage in violation of Chapter 123 of the Iowa Code;
 - F. Acts of prostitution, pimping, or pandering as defined in Chapter 725 of the Iowa Code;
 - G. Engaging in a massage business without a license or any other illegal acts as specified in Chapter 152C of the Iowa Code;
 - H. Illegal use of fireworks an individual, owner, lessee, renter, proprietor, or any other person with control of the real property to allow, permit, host, consent to or facilitate the use or exploding of Consumer or Display Fireworks without a permit.
2. *Prohibited:* No person (individual, owner, lessee, renter, proprietor, or any other person with control of the real property) shall knowingly keep, maintain, operate, or be concerned in keeping, maintaining or operating within the city any disorderly house; nor shall any person knowingly own or be interested as a proprietor or landlord in any such place.

3. *Authority to Restore Order and Disperse; Failure to Disperse:* Upon issuance of a citation for a violation of this section, any peace officer of the city shall have the 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.

4. *Penalty.*
 - A. Any person violating the provisions of this section shall be deemed guilty of a simple misdemeanor and upon conviction thereof shall be punished in accordance with subsection 1.14 of this Code.
 - B. Any repeat violation of this subsection by a property owner or tenant may be considered a municipal infraction and punished in accordance with Chapter 3 of this Code.

Passed and approved by the City Council of the City of Johnston, Iowa, this ____ day of _____, 2017.

MAYOR, PAULA DIERENFELD

ATTEST:

Cyndee D. Rhames, City Clerk