



City of Muscatine



AGENDA ITEM SUMMARY

DATE: 2/18/21

STAFF

Police Chief Brett Talkington

SUBJECT

An ordinance amending Title 6, Chapter 3, Section 13 of the Muscatine City Code related to disorderly conduct.

EXECUTIVE SUMMARY

Staff proposes adoption of an ordinance amending Title 6, Chapter 3, Section 13 of the Muscatine City Code related to disorderly conduct. The intent of the proposed changes is to align the City Code with the State Code relating to the crime of disorderly conduct. The change will also enhance the City's abilities to address persons violating the disorderly conduct code.

STAFF RECOMMENDATION

Staff recommends adoption of the ordinance.

BACKGROUND/DISCUSSION

As part of a continuing effort to improve City Code, with the intent of making City Code easier to understand and enforce, the attached draft ordinance amends current City Code Title 6, Chapter 3, Section 13 related to disorderly conduct.

The proposed change in City Code aligns with the State Code relating to the crime of disorderly conduct. The change will also enhance the City's abilities to address persons violating the disorderly conduct code. Specific changes are indicated in the draft attached ordinance.

CITY FINANCIAL IMPACT

There is not a financial impact associated with the proposed ordinance.

ATTACHMENTS

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3 GENERAL OFFENSES

WHEREAS, Title 6, Chapter 3, Section 13 of the City code tracks the state code language relating to the crime of disorderly conduct.

WHEREAS, In 2019, the United States District Court for the Southern District of Iowa issued an opinion which called into question the constitutionality of Iowa's disorderly conduct statute.

WHEREAS, the City wishes to adapt its ordinance regarding disorderly conduct to comport with this recent decision.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Muscatine, Iowa as follows:

SECTION 1. AMENDMENT. TITLE 6, CHAPTER 3, SECTION 13 DISORDERLY CONDUCT of the City Code of Muscatine is amended by adding or ~~deleting~~ the following:

6-3-13 Disorderly Conduct. It shall be unlawful for any person to do any of the following:

1. 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 such conduct which is reasonably related to that sport.
2. Makes loud and raucous noise in the vicinity of any residence, ~~or~~ public building, public gathering, or other lawful assembly of persons, from which ~~causes~~ the person intends to cause, knowingly causes, or recklessly causes unreasonable distress to the occupants ~~thereof; or to the persons attending the public gathering or assembly.~~
3. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
4. 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.
5. 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.
6. 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 trespass or assault. (*Iowa Code, Section 723.4*)

SECTION 2. REPEALER. All ordinances or parts thereof 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 this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed First Reading by the City Council of Muscatine, Iowa, ____ day of _____, 2021.

Passed Second Reading by the City Council of Muscatine, Iowa, the ____ day of _____, 2021.

PASSED AND ENACTED by the City Council of Muscatine, Iowa, the ____ day of _____, 2021.

Diana Broderson, Mayor

ATTEST:

Carol Webb, City Administrator

1st Reading –

Motion by Council Member _____, seconded by Council Member

_____, first reading of Ordinance No. ____ (2020/2021).

AYES: ____

NAYS: ____

ABSENT: ____

2nd Reading – _

Motion by Council Member _____, seconded Council Member _____, to approve the second reading of Ordinance No. ____ (2020/2021).

AYES: _____

NAYS: _____

ABSENT: _____

3rd Reading – _

Motion by Council Member _____, seconded by Council Member _____, to approve the third reading of Ordinance No. ____ (2020/2021)

AYES: _____

NAYS: _____

ABSENT: _____

The Mayor declared Ordinance No. _____ 2021 was passed on _____.

I certify that the foregoing was published as Ordinance No. ____ 2021 on the ____ day of _____ 2021.

Carol Webb, City Administrator