



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. 2021-0050

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, 18 day of Feb, 2021.

Passed Second Reading by the City Council of Muscatine, Iowa, the 4 day of March 2021.

PASSED AND ENACTED by the City Council of Muscatine, Iowa, the 18 day of March, 2021.



ATTEST:

Carol Webb, City Administrator

Diana Broderson, Mayor

1st Reading –

Motion by Council Member Braschett, seconded by Council Member

Froelich, first reading of Ordinance No. 8091-6050 (2020/2021).

AYES: 7

NAYS: 0

ABSENT: 0

2nd Reading –

Motion by Council Member Froelich, seconded by Council Member Brackett, to approve the second reading of Ordinance No. 2001-0050 (2020/2021).

AYES: 2

NAYS: 0

ABSENT: 0

3rd Reading –

Motion by Council Member Brackett, seconded by Council Member Froelich, to approve the third reading of Ordinance No. 2001-0050 (2020/2021)

AYES: 2

NAYS: 0

ABSENT: 0

The Mayor declared Ordinance No. 2001-0050 was passed on March 18, 2021

I certify that the foregoing was published as Ordinance No. 2001-0050 on the ___ day of _____ 2021.



Carol Webb, City Administrator

*** Proof of Publication ***


The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 90550

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

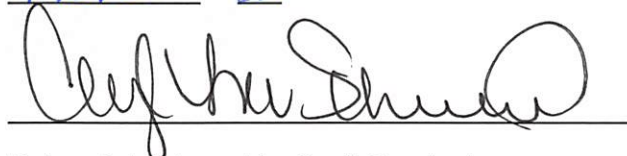


Section: Notices & Legals
Category: 2635 Legal Ordinance
PUBLISHED ON: 03/26/2021

TOTAL AD COST: 50.57

FILED ON: 3/26/2021

Subscribed and sworn to before me by said affiant this 26 day of March 2021.



Notary Public in and for Scott County, Iowa

NOTICE

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Diana Broderson, Mayor

ATTEST:
Carol Webb, City Administrator

