

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 40, PUBLIC PEACE,
OF THE CODE OF ORDINANCES OF WASHINGTON, IOWA**

BE IT ORDAINED by the City Council that the Code of Ordinances of the City of Washington, Iowa be amended as follows:

SECTION 1. **Add Section.** A new Paragraph 40.06 is adopted as follows:

“40.06 DISORDERLY HOUSE.

1. Definition. For purposes 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 Section 40.03.
 - B. Any noise in violation of the provisions set forth in this or any other chapter of this Code of Ordinances.
 - C. The open storage, use, consumption, or distribution of a controlled substance as defined in Chapter 124 of the Code of Iowa, under which possession of such substance would be an offense.
 - D. Gambling in violation of Chapter 99B of the Code of Iowa.
 - E. Dispensing, selling, or consumption of an alcoholic beverage in violation of Chapter 123 of the Code of Iowa.
 - F. Acts of prostitution, pimping, or pandering as defined in Chapter 725 of the Code of Iowa.
 - G. Illegal use of fireworks that an individual, owner, lessee, renter, proprietor, or any other person with control of the real property allows, permits, hosts, consents to, or facilitates the use of.
2. Disorderly House 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 with keeping, maintaining or operating with the city a disorderly house; nor shall any person knowingly own or be interested as a proprietor or landlord of such a place.
3. Authority to Restore Order and Disperse; Failure to Disperse. Upon issuance of a citation for 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 persons 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. Notice Procedure for Landlords. In the event that the City has determined that the Disorderly House is a residential rental property, the City shall give notice via regular mail to the Landlord to the address listed on its rental registration on file with the City. Said notice shall describe the condition that at the residential rental property which gives rise to a violation of this Section 40.06 and a notice that the failure to remedy the prohibited activity at the residential rental property may result in a violation of this Section 40.06. However, if the Landlord takes either of the following actions, the City shall not file a municipal infraction against the Landlord for violation of said Section 40.06:

- A. Commenced procedures under Chapter 562A of the Code of Iowa to evict the tenant from the residential rental property; or
- B. If a first offense against this particular tenant at the residential rental property, the Landlord provides to the City a plan to ensure that a recurrence of the violations will not continue at the residential rental property.

If the Landlord fails to take any action within thirty (30) days within the mailing of the notice described in this subparagraph 4, the City may file a municipal infraction citation against the Landlord for violation of said Section 40.06.

5. Appeals. A Landlord, within thirty (30) days of the mailing of the notice above, may file written notice of appeal to the City Clerk. The appeal will be heard in accordance with the appeal procedures outlined in Chapter 50 of this Code.

4.6. Penalty.

~~A.~~ A. Any person violating the provisions of this ~~section~~ Section shall be deemed guilty of a simple misdemeanor and ~~upon~~ conviction ~~shall be punished in accordance with subsection of such~~ may impose punishment as outlined in Section 1.14 of this Code of Ordinances.

~~B.~~ B. Any repeat violations of this ~~subsection~~ Section 40.06 by a property owner or tenant may be considered a municipal infraction ~~and punished~~ punishable as outlined in ~~accordance with~~ 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.

Proposed Revisions for 2nd Reading, 12/3/19

SECTION 3. **Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2019.

Jaron P. Rosien, Mayor

Attest:

Illa Earnest, City Clerk

Approved on First Reading: _____ October 15, 2019

Approved on Second Reading: _____

Approved on Third & Final Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2019.

City Clerk