

ORDINANCE NO. 22-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF AUBURN, IOWA, BY AMENDING PROVISIONS PERTAINING TO PUBLIC DISORDER

Be It Enacted by the City Council of the City of Auburn, Iowa:

SECTION 1. SECTION MODIFIED. Section 40.03 of the Code of Ordinances of the City of Auburn, Iowa, is repealed and the following adopted in lieu thereof:

40.03 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage 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 that is reasonably related to that sport.

(Code of Iowa, Sec. 723.4[1a])

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which intentionally or recklessly causes unreasonable distress to the occupants thereof.

(Code of Iowa, Sec. 723.4[1b])

3. Abusive Language. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

(Code of Iowa, Sec. 723.4[1c])

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4[1d])

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4[1e])

6. Disrespect of Flag. Knowingly and publicly use 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. As used in this subsection:

(Code of Iowa, Sec. 723.4[1f])

- A. "Deface" means to intentionally mar the external appearance.
- B. "Defile" means to intentionally make physically unclean.
- C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.
- D. "Mutilate" means to intentionally cut up or alter so as to make imperfect.
- E. "Show disrespect" means to deface, defile, mutilate, or trample.
- F. "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

7. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

(Code of Iowa, Sec. 723.5)

SECTION 2. SECTION REPEALED. Section 40.04 of the Code of Ordinances of the City of Auburn, Iowa, is repealed in its entirety.

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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 10TH day of January, 2022,
and approved this 10th day of January, 2022.



Richard Heim, Mayor

ATTEST:




Tamara Nuckolls, City Clerk

First Reading: 01/10/2022

Second Reading: waived

Third Reading: waived

I certify that the foregoing was published as Ordinance No. 22-04 on the
10th day of January, 2022.



Tamara Nuckolls, City Clerk