

# **JOHNSON COUNTY CODE OF ORDINANCES**

## **VOLUME ONE GENERAL (Chapters One Through Six)**

- 1. Public Services**
- 2. Business and Occupations**
- 3. Streets, Roads, Public Ways and transportation**
- 4. Public Order, Safety and Health**
- 5. Social and Human Services**
- 6. Culture, Education and Recreation**

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**Volume One**

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## Note

The Johnson County Code of Ordinances is published pursuant to Section 331.302(10), *Iowa Code* (2011) which reads in part: “At least once every five years, the board [of supervisors] shall compile a code of ordinances containing all of the county ordinances in effect.” The Code of Ordinances is published in two volumes.

Footnotes specify the ordinance or resolution which amended the original ordinance. The original Book of Ordinances can be examined in the County Auditor’s Office in the Johnson County Administration Building, 913 South Dubuque Street, Iowa City, Iowa.

Ordinance 05-30-13-01 amended the Johnson County Code of Ordinances, as provided in Chapter 331.302 of the Code of Iowa, by making statutory corrections which adjusted language to reflect current practices, inserting earlier omissions, deleting redundancies and inaccuracies, deleting temporary language, resolving inconsistencies and conflicts, updating ongoing provisions, or removing ambiguities, and providing effective and retroactive applicability dates.

The following types of changes to the Johnson County Code of Ordinances by Ordinance 05-30-13-01 have not been footnoted: punctuation changes; changes in capitalization; changes in underlining; the renumbering of lists to reflect deletions or additions; corrections in spelling; updating titles of departments, agencies or officials to current usage; wording to make gender neutral language; and changing references in the original ordinance to be consistent with current practice, such as changing “this ordinance” to “this chapter” as appropriate. References in the original ordinance to “the date of the passage of this ordinance” have been changed to the earliest date of publication of the ordinance in the official publications of Johnson County.

The effective date cited after the title of each individual chapter is the earliest date of publication of the original ordinance in the official publications of Johnson County.

The editorial staff of the Code welcomes your comments and suggestions for improvements.

Travis Weipert  
County Auditor

Janet Lyness  
County Attorney

## **Chapter 1. Public Services**

### **1:1 Requiring the Separation of Yard Wastes from All Other Garbage and Refuse**

## **1:1 Requiring the Separation of Yard Wastes from All Other Garbage and Refuse**

Effective May 13, 1991

- 1:1.1 Purpose**
- 1:1.2 Definition**
- 1:1.3 Separation of Yard Wastes Required**
- 1:1.4 Penalty**

### **1:1.1 Purpose.**

The purpose of this chapter is to require the separation of yard wastes from all other garbage and refuse to facilitate waste volume reduction under *Iowa Code* Chapter 455D.

### **1:1.2 Definition.**

“Yard Waste” means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

### **1:1.3 Separation of Yard Wastes Required.**

All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on any premises and shall be composted or land-applied on the premises or placed in approved container(s) for collection and disposal at a permitted sanitary land fill or other approved disposal facility.

### **1:1.4 Penalty.**

Violation of the requirements of this chapter shall constitute a county infraction under *Iowa Code* Section 331.307.

## **Chapter 2. Business and Occupations**

**2:1 Property Tax Exemption for Improved Industrial Property**

**2:2 School Infrastructure Local Option Sales and Services Tax**



## 2:1 Property Tax Exemption for Improved Industrial Property

Effective February 18, 1985

### 2:1.1 Purpose

### 2:1.2 Establishment

#### 2:1.1 Purpose.

The purpose of this chapter is to provide for the partial exemption from property taxes for industrial properties as authorized by Chapter 427B of *Iowa Code*.

#### 2:1.2 Establishment.

**A. Partial Property Tax Exemption for Industrial Property.** There is hereby established a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1, subsection 1, paragraph “e” of the *Iowa Code*.

**B. Definitions.** For the purpose of this chapter, the following definitions shall apply:

1. Actual value added. The actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.
2. New construction. New building and structures and new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products, which determination shall receive prior approval from the Board of Supervisors upon the recommendation of the Iowa Development Commission.
3. New machinery and equipment. New machinery and equipment assessed as real estate pursuant to Section 427A.1, subsection 1, paragraph “e” of the *Code of Iowa* unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

#### C. Procedure.

1. Period and amount of Exemption. The actual value added to industrial real estate is eligible to receive a partial exemption from taxation for a period of five years. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:
  - a. For the first year, seventy-five percent.
  - b. For the second year, sixty percent.
  - c. For the third year, forty-five percent.
  - d. For the fourth year, thirty percent.
  - e. For the fifth year, fifteen percent.

2. Limitation on Amount of Exemption. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value for the industrial real estate before the start of the new construction added.

3. Application for Exemption. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

4. Application for Prior Approval. A person may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for tax exemption on new construction. The Board of Supervisors, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the provision of Chapter 8:1 of the Johnson County Code of Ordinances. The ordinance may be enacted not less than 30 days after a public hearing is held in accordance with Section 358A.6 of the 1983 *Code of Iowa*. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

5. Repeal. When in the opinion of the Board of Supervisors continuation of the exemption granted by this chapter ceases to be of benefit to the County, the Board of Supervisors may repeal this chapter, but all existing exemptions shall continue until their expiration.

6. Dual Exemptions Prohibited. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

## 2:2 School Infrastructure Local Option Sales and Services Tax<sup>1</sup>

Effective April 5, 2007

- 2:2.1 Purpose
- 2:2.2 Establishment
- 2:2.3 Collection of Tax
- 2:2.4 Adopted by Reference
- 2:2.5 Effective Dates

### 2:2.1 Purpose.

There is imposed a School Infrastructure local option sales and services tax applicable to transactions within Johnson County.

### 2:2.2 Establishment.

- A. **RATE:** The rate of the tax shall be 1 (one) percent upon the gross receipts taxed under Iowa Code chapter 423E – School Local Option Tax.
- B. **APPLICABLE SCHOOL DISTRICTS:** The tax shall apply in the following Johnson County School Districts: the Iowa City Community School District, the Lisbon Community School District, the Mount Vernon Community School District, the West Branch Community School District, the Williamsburg Community School District, the West Liberty Community School District, the Highland Community School District, the Mid-Prairie Community School District, and the Lone Tree Community School District.

### 2:2.3 Collection of Tax.

All persons required to collect state gross receipts taxes shall collect the tax pursuant to Iowa Code section 423E.3 for school infrastructure local option sales and services tax.

### 2:2.4 Adopted by Reference.

All applicable provisions of the appropriate sections of Chapter 423, Division IV, of the Iowa Code are adopted by reference.

### 2:2.5 Effective Dates.

The School Infrastructure local sales tax is imposed on transactions occurring on or after July 1, 2007, and will be in effect for a period of 10 (ten) years until June 30, 2017, within Johnson County. All persons required to collect state gross receipts taxes shall collect the tax pursuant to Iowa Code section 423E.3 for school infrastructure local option sales and services tax.

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<sup>1</sup> Ordinance 04-05-07-01

## **Chapter 3. Streets, Roads, Public Ways and Transportation**

**3:1 County Employee Parking Lots**

**3:2 Rural Address System**

**3:3 Area Service “B” Road Classification**

## 3:1 County Employee Parking Lots

Effective November 1, 1979, and subsequently amended

- 3:1.1 Purpose**
- 3:1.2 Establishment**
- 3:1.3 Administration**
- 3:1.4 Regulation**

### 3:1.1 Purpose.

The purpose of this chapter is to provide procedures for the establishment of County employee parking lots and for the administration and regulation of such County employee parking lots.

### 3:1.2 Establishment.

County employee parking lots shall be established within Johnson County at such locations and in such manner as may be prescribed by resolution of the Board of Supervisors of Johnson County, Iowa. Whenever county employee parking lots have been thus established, the designee of the Board of Supervisors shall post such signs or markers in and around said lots as deemed necessary to clearly designate the area or areas therein for the parking purposes established.<sup>2</sup>

### 3:1.3 Administration.

Parking permits, parking spot designations, and parking lot designations shall be issued to County employees and non-county employees working in County-owned buildings by such person or persons as may be authorized by resolution of the Board of Supervisors. Such permits and designations shall be in accordance with applicable rules and procedures as the Board of Supervisors may from time to time establish.<sup>3</sup>

### 3:1.4 Regulation.

A. Prohibited Parking. No person shall stop, stand or park any motor vehicle in any area in any County employee parking lot contrary to this chapter or such rules as have been established by resolution of the Board of Supervisors.<sup>4</sup>

B. Time Limit. No person shall stop, stand or park any motor vehicle on any County employee parking lot for a continuous period exceeding 24 hours without the prior written approval of the designee of the Board of Supervisors.<sup>5</sup>

C. Obstructions. No person shall place, leave or deposit any object, other than a duly permitted motor vehicle and the contents thereof, in or upon any County employee parking lot without the written approval of the designee of the Board of Supervisors.<sup>6</sup>

D. Penalty. Violation of the provisions of this chapter shall constitute a county infraction punishable as provided by Iowa Code § 331.307 and a simple misdemeanor punishable as provided by the Iowa Criminal Code for simple misdemeanors.<sup>7</sup>

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<sup>2</sup> Ordinance 06-30-11-01

<sup>3</sup> Ordinance 06-30-11-01

<sup>4</sup> Ordinance 06-30-11-01

<sup>5</sup> Ordinance 06-30-11-01

<sup>6</sup> Ordinance 06-30-11-01

<sup>7</sup> Ordinance 06-30-11-01

E. Impoundment. Any motor vehicle found to be parked in violation of this chapter may upon order of the County Sheriff, or other designee of the Board of Supervisors, be towed from a County employee parking lot to any designated place or impoundment site. The owner of such vehicle shall pay, in addition to any civil penalty or fine imposed hereunder, such reasonable towing charges and storage fees as may be charged by the towing and storage agents.<sup>8</sup>

F. Owner Prima Facie Responsible. If any motor vehicle is found stopped, standing or parked in any manner violating the provisions of this chapter or the rules established by the Board of Supervisors, and the identity of the operator cannot be immediately determined, the person or persons in whose name said motor vehicle is registered shall be held prima facie responsible for said violation.<sup>9</sup>

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<sup>8</sup> Ordinance 06-30-11-01

<sup>9</sup> Ordinance 06-30-11-01

## 3:2 Rural Address System

Effective June 12, 1989

- 3:2.1 Purpose
- 3:2.2 Establishment
- 3:2.3 Administration
- 3:2.4 Standards
- 3:2.5 Regulation

### 3:2.1 Purpose.

The purpose of this chapter is to provide procedures for establishing official names for public roads and for establishing a uniform property numbering system for the unincorporated areas of Johnson County, Iowa.

### 3:2.2 Establishment.

A rural address system is hereby established whereby each public road and residence or commercial property in the unincorporated areas of Johnson County shall be known and referred to by that name and address established by resolution of the Johnson County Board of Supervisors.

### 3:2.3 Administration.

A. Maps. The Planning and Zoning Department shall maintain a map or maps depicting the Rural Address System and upon which shall be recorded the official property numbering system and the official name for all roads in accordance with resolutions adopted by the Board of Supervisors. The Planning and Zoning Department shall be responsible for preparing and updating the map or maps which shall be in such form as the Planning and Zoning Department determines, in their discretion, best facilitates maintenance of the maps and their use and reference.

B. Subdivisions. All existing subdivisions in unincorporated Johnson County with existing address systems are encouraged to adopt the Rural Address System, wherever possible and practical, on public and private roadways. All existing subdivisions that do not have an existing address system are required by this ordinance to comply with the Rural Address System. All new subdivisions shall be required to comply with the rural address system.

### 3:2.4 Standards.

#### A. Points of Reference.

1. North-south roads shall be named and designated as Avenues and east-west roads shall be numbered and designated as streets. Roads which do not have a primary north-south or east-west orientation, or which meander, shall be named and designated as "Roads"

2. The "zero point" (the point from which property numbering begins) for the Rural Address System shall be the northwest corner of the county. This is the point from which north-south roads are alphabetized and east-west roads are numbered.

3. Property numbers shall be assigned at a rate of 200 numbers per mile. This means 100 numbers of each side of the road or a new property number approximately every 50 feet.

4. The numbering of east-west roads shall progress by twenty numbers per mile. Alphabetizing of north-south roads shall progress by one letter per mile.

B. Name Co-Ordination.

1. Roads which extend out of a city and have commonly used names may retain those names. They shall also continue to use city property numbers which have previously been assigned rather than be assigned county property numbers.

2. County road names which duplicate Iowa City street names shall be changed.

3. Historical continuity of road names may, in the discretion of the Board of Supervisors, be given preference.

C. Private Subdivisions.

1. Existing subdivisions that are already using a property number and street address that is recognized by the post office (rather than a rural route and box number) will be given the option of retaining their existing system or having the County assign property numbers and street names. The street name that is recorded on the plat will continue to be used.

2. Existing subdivisions, developments and mobile home parks that are using rural route and box numbers will be assigned property numbers by the County.

3. Future subdivisions and mobile home parks will be assigned property numbers by the county.

4. Private subdivisions and mobile home parks shall be required to erect street signs.

D. Posting.

Location numbers shall be posted within 25 feet of the centerline of the driveway or entry providing immediate access to the location.

**3:2.5 Regulation.**

A. Prohibition. No road names, addresses or property numbers shall be used or displayed by any person except those established by resolution of the Johnson County Board of Supervisors.

B. Signs. The size and design of all road identification signs and the location of their installation shall be determined by the County Engineer. Upon authorization by the Board of Supervisors, the County Engineer shall install and maintain road identification signs on public roads and approve installation on private roads.

C. Notice. The County Planner is responsible for enforcement of the terms of this chapter. This responsibility includes notifying in writing every location which has been assigned a new address. In addition, the County Planner will notify the postal service of any new or changed address.

D. Penalties. Violation of any provision of this chapter shall constitute a county infraction under Section 331.307, *Iowa Code*. In addition, any person who, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down or removes any road identification sign shall be guilty of a simple misdemeanor.



## 3:3 Area Service “B” Road Classification

Effective February 19, 1990

- 3:3.1 Purpose
- 3:3.2 Definitions
- 3:3.3 Powers of the Board
- 3:3.4 Establishment
- 3:3.5 Notice of Hearing
- 3:3.6 Hearing-Area Service B Road Established by Resolution
- 3:3.7 Maintenance Policy
- 3:3.8 Exemption from Liability

### 3:3.1 Purpose.

The purpose of this chapter is to provide for classification of certain roads in Johnson County as area service “B” roads as authorized by Section 309.57, *Iowa Code*.

### 3:3.2 Definitions.

For use in this chapter, certain terms and words used herein shall be interpreted or defined as follows:

1. “Area Service Roads” includes those roads outside of municipalities not otherwise classified.
  - a. “Area Service A” roads consist of all roads not established as “Area Service B” roads and not otherwise classified and shall be maintained in conformance with applicable statutes.
  - b. “Area Service B” roads consist of those roads so classified by the Board as authorized by Section 309.57 of the *Iowa Code* and shall have a lesser level of maintenance as provided by this ordinance.
2. “Board” shall mean the Board of Supervisors of Johnson County.
3. “Engineer” shall mean the County Engineer of Johnson County.

### 3:3.3 Powers of the Board.

All jurisdiction and control over Area Service B Roads as provided by this chapter shall rest with the Board.

### 3:3.4 Establishment.

From time to time as it deems appropriate, the Board may, after consultation with the Engineer, by public notice, declare its intention to establish a road as an Area Service B road.

### 3:3.5 Notice of Hearing.

The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the termini of the proposed Area Service B road or roads by written description or map, and shall state that all persons interested may appear and be heard at such hearing.

### 3:3.6 Hearing-Area Service B Road Established by Resolution.

Following such hearing, the Board shall consider any and all relevant evidence and if the Board finds the proposed Area Service B road or roads practicable, it may establish it or them by resolution. In the same manner the Board may disestablish or remove a road or roads from Area Service B classification.

**3:3.7 Maintenance Policy.**

Only the minimum effort, expense and attention may be provided to keep Area Service B roads open to traffic. Area Service B roads should be entered only with specific knowledge of current conditions and are entered at the individual's own risk. Minimum maintenance on Area Service B roads may be provided only as follows:

A. Blading--blading or dragging may be performed on an irregular basis only to provide the minimum type of access to adjacent properties.

B. Signing--except for load limit posting for bridges, signing will not be continued or provided. However, all Area Service B roads shall be identified with a sign at all points of access to roads on this system from other public roads to warn the public of the lower level of maintenance.

C. Weeds, Brush and Trees--mowing or spraying weeds, cutting brush, and tree removal may not be performed. Adequate sight distance will not be maintained. Obstructions of this type may be removed to allow a minimum type of access to the adjacent properties.

D. Structures--bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the section of roadway involved will be reviewed by the Board to determine what, if any, replacement is needed or to determine if the section of roadway will be vacated.

E. Road Surfacing--there may be no surfacing materials applied to Area Service B roads.

F. Crown--a crown may not be maintained.

G. Repairs--repairs may be made on an irregular basis only to provide minimum type of access to adjacent property. Repairs, if any are made, may not necessarily be timely.

H. Uniform Width--uniform width for the traveled portion of the road may not be maintained.

I. Inspections--irregular inspections will be conducted.

J. Dust control--dust control will not be provided.

**3:3.8 Exemption from Liability.**

As provided in Section 309.57 of the *Iowa Code*, the County and its officers, agents and employees are not liable for the injury to any person or damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as Area Service B, if the road had been maintained to the level provided in Chapter 3:3.7.

## **Chapter 4. Public Order, Safety and Health**

**4:1 Fireworks**

**4:2 Reviewing Liquor License, Beer Permit and Wine Permit Applications**

**4:3 Mandatory Evacuations in the Event of Civil Emergencies**

**4:4 Mandatory Curfews in the Event of Civil Emergencies**

**4:5 Human Rights**

**4:6 Rural Voting Precincts**

## 4:1 Fireworks<sup>10</sup>

Effective April 19, 1983; repealed with June 4, 1997 version; repealed with current version effective April 9, 2013

- 4:1.1 Purpose
- 4:1.2 Definition
- 4:1.3 Prohibition
- 4:1.4 Application
- 4:1.5 Age and Qualifications of the Applicant
- 4:1.6 Fireworks Displays, Search for and Disposal of Unexploded Fireworks
- 4:1.7 Permit Suspension
- 4:1.8 Penalty

### 4:1.1 Purpose.

The purpose of this chapter is to provide for a process for the consideration and granting of permits for the use of fireworks in Johnson County, Iowa, consistent with the discretion granted to the Board of Supervisors in Iowa Code Section 727.2.

### 4:1.2 Definition.

(A) As used in this ordinance, the term “fireworks” includes any explosive composition, combination of explosive substances, or device for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of Section 727.2, Iowa Code. The term fireworks does not include goldstar-producing sparklers on wires which contain no magnesium, chlorate or perchlorate; flitter sparklers in paper tubes that do not exceed one-eighth inch in diameter; toy snakes which contain no mercury; or caps used in cap pistols.

(B) As used in this ordinance, the term “consumer fireworks” means fireworks devices classified as fireworks 1.4 UN #0336 and #0337 by the U.S. Department of Transportation at 49 CFR 172.101, and include those small firework items intended for personal use and which can be purchased over-the-counter in many states. These items include small fountains, small arterial shells, sparklers, firecrackers, and small rockets.

(C) As used in this ordinance, the term “display fireworks” means fireworks devices intended for use in fireworks displays and classified as explosives 1.3 as described as fireworks, UN #0333, #0334 and #0335 by the U.S. Department of Transportation at 49 CFR 172.101.

(D) As used in this ordinance, the term “operator” means a person trained in fireworks safety who will set up and explode the fireworks.

(E) As used in this ordinance, the term “applicant” means the municipality, organization, or group of individuals requesting a fireworks permit.

(F) As used in this ordinance, the term “fireworks display” means the explosion of fireworks regulated herein. The test-firing of fireworks by a person certified by the ATF to build fireworks shall not be considered a fireworks display so long as said person’s name and address are on file with the Board of Supervisors.

### 4:1.3 Prohibition.

No person shall conduct a fireworks display in Johnson County, Iowa, unless a permit for such display is first obtained from the Johnson County Board of Supervisors.

### 4:1.4 Application.

Application for a permit under this ordinance shall be made in writing on a form prescribed by the Board of Supervisors no later than 14 days before the anticipated fireworks display. The Board may, in its discretion, accept applications filed beyond the deadline set out herein. The application shall include such information as deemed by the Board to be necessary for its consideration, including but not limited to the name, address and

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<sup>10</sup> Ordinance 03-28-13-01

telephone number of the applicant; the name, address and telephone number of the operator; an explanation of the operator's proficiency or training in the use of fireworks; a drawing of the shoot site and drop zone, including their distance from spectators and any buildings; and the proposed approximate time of the display. Additionally, the application shall be accompanied by a signed hold harmless agreement in favor of the County; proof of insurance for a display of "consumer fireworks", or a bond or proof of insurance in an amount not less than \$1,000,000.00 for a display of "display fireworks;" proof of workers compensation insurance, where appropriate; and a copy of any necessary ATF permits or certifications.

**4:1.5 Age and Qualifications of the Applicant and Operator.** Permits may be granted to municipalities, organizations or groups of individuals. Any applicant requesting a permit for a display of "display fireworks" shall have an operator who possesses a current and valid ATF permit as set forth by the Safe Explosives Act and is certified by a nationally-recognized fireworks safety organization such as the American Fireworks Association or the Pyrotechnics Guild International, Inc. Any applicant requesting a permit for a display of "consumer fireworks" shall have an operator who is certified by a nationally-recognized fireworks safety organization such as the American Fireworks Association or the Pyrotechnics Guild International, Inc. and who is at least 21 years of age on the date of the display.

**4:1.6 Fireworks Displays, Search for and Disposal of Unexploded Fireworks.**

The discharge of fireworks under a permit granted pursuant to this ordinance will not be allowed before sunrise or after midnight of the date of the display unless otherwise permitted by the Johnson County Board of Supervisors at the time the permit application is approved. Any fireworks that remain unexploded after the display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, as soon as practicable after the conclusion of the display, shall make a complete and thorough search for any fireworks or fuses, or parts thereof, which have not exploded or functioned.

**4:1.7 Permit Suspension.**

The Johnson County Sheriff and his or her designees may suspend any permit issued pursuant to this ordinance should he or she determine that the health, safety, welfare of the public would require the suspension, or should the applicant and or operator fail to meet the qualifications as set out in this ordinance. In the event of any such suspension, the Sheriff shall file a report thereof with the Board of Supervisors. Thereupon, the Board of Supervisors shall, at its next formal meeting, affirm the suspension of permit or reinstate the same. In the event a burn ban is issued for Johnson County by the State Fire Marshall or other appropriate authority, all permits granted shall be automatically suspended until such time as the burn ban is lifted.

**4:1.8 Penalty.**

Violation of the provision of this ordinance shall constitute a simple misdemeanor and the penalty for such violations shall be provided by the Iowa Code for simple misdemeanors.

## 4:2 Reviewing Liquor License, Beer Permit and Wine Permit Applications

Effective July 1, 1988

- 4:2.1 Purpose
- 4:2.2 Investigation of the Applicant
- 4:2.3 Requirements for Premises

### 4:2.1 Purpose.

The purpose of this chapter is to provide for local review of liquor license, beer permit and wine permit applications in accordance with Chapter 123, Iowa Code.

### 4:2.2 Investigation of the Applicant.

A. It shall be the responsibility of the applicant for a liquor control license, beer permit or wine permit, or a renewal of any of these, to obtain the appropriate application from the County Auditor. The application must be submitted to the county sheriff and secondly, to the county attorney, prior to submission to the Board of Supervisors. The county sheriff and the county attorney must each make an investigation to determine if the applicant is of good moral character as defined in Section 123.3(26) of the Iowa Code, and recommend in writing approval or disapproval of the application. With regard to a renewal application, that investigation shall include any relevant information about prior operations under the license or permit.<sup>11</sup>

B. If the recommendation is for disapproval, the official shall attach a memorandum of explanation to the application prior to returning it to the applicant. The memorandum shall set forth such facts and conclusions as were a factor in such recommendation for disapproval.

C. The official must complete the investigation and, if applicable, the memorandum of explanation, by the end of the fifth working day following receipt of the application. Though the recommendation may be for disapproval, the application shall be deemed approved and promptly returned to the applicant if, at the end of five working days,

1. no written recommendation has been made, or
2. the memorandum of explanation has not been attached to the disapproved application.

D. The County Sheriff and County Attorney are authorized by this chapter to utilize such forms as are necessary to implement both the written recommendation of approval or disapproval of the application and the memorandum of explanation required when the application is disapproved.

### 4:2.3 Requirements for Premises.

An applicant for a liquor control license, beer permit or wine permit, or a renewal of any of these, as a further condition for approval by the Board of Supervisors, must give consent in writing on the application that members of the Fire, Sheriff, and Health Departments, and the County Attorney and the Zoning Administrator may enter upon the premises without a warrant to inspect for violations of the provisions of state law or local ordinances and regulations.<sup>12</sup>

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<sup>11</sup> Ordinance 11-21-00-01

<sup>12</sup> Ordinance 11-21-00-01

## 4:3 Mandatory Evacuations in the Event of Civil Emergencies

Effective June 19, 2008

- 4:3.1 Purpose
- 4:3.2 Definition of Civil Emergency
- 4:3.3 Mandatory Evacuation
- 4:3.4 Form of Order of Mandatory Evacuation
- 4:3.5 Access to Evacuated Area(s)
- 4:3.6 Violation of Order of Mandatory Evacuation

### 4:3.1 Purpose.

The purpose of this ordinance is to protect and preserve the rights, privileges, and property of the County and/or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents by authorizing orders of mandatory evacuations in the unincorporated areas of Johnson County in the event there is a civil emergency.

### 4:3.2 Definition of Civil Emergency.

For the purposes of this chapter a Civil Emergency shall include, when proclaimed so by the Board of Supervisors, any natural disaster or human-made catastrophe, including but not limited to flood, fire, cyclone, tornado, earthquake or explosion occurring in or significantly impacting the unincorporated areas of Johnson County when the same results or is likely to result in the death or injury of persons or the destruction of or significant damage to property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare. A Civil Emergency shall also include any instance in which the Governor of the State of Iowa has proclaimed there to be a state of disaster emergency in and for any portion of unincorporated Johnson County.

### 4:3.3 Mandatory Evacuation.

After it has been determined, pursuant to the above definition, that there is a civil emergency in the unincorporated area of Johnson County, the Chairperson of the Board of Supervisors, or if the Chairperson is unavailable the Vice-Chairperson, may issue an Order of Mandatory Evacuation for any part of unincorporated Johnson County the Chairperson, or when appropriate the Vice-Chairperson, deems advisable as necessary to protect or preserve life or property; as necessary to assist in disaster mitigation, response or recovery; or as necessary to otherwise carry out the purposes of this ordinance.

### 4:3.4 Form of Order of Mandatory Evacuation.

Any Order of Mandatory Evacuation shall be made in writing and communicated in such a manner as to reasonably apprise the affected residents and the general public of the specific location of the areas to be evacuated. It shall indicate the date and time by which said areas shall be evacuated.

### 4:3.5 Access to Evacuated Area(s).

In addition to the evacuation of the designated areas, ingress and egress to and from an area subject to an Order of Mandatory Evacuation shall be limited to authorized law enforcement, emergency management personnel and other necessary government officials.

### 4:3.6 Violation of Order of Mandatory Evacuation.

The violation of an Order of Mandatory Evacuation shall be unlawful and shall constitute a simple misdemeanor and the penalty for such violation shall be as provided by the Iowa Code for simple misdemeanors.

## 4:4 Mandatory Curfews in the Event of Civil Emergencies

Effective June 21, 2008

- 4:4.1 Purpose
- 4:4.2 Definition of Civil Emergency
- 4:4.3 Mandatory Curfew
- 4:4.4 Form of Order of Mandatory Curfew
- 4:4.5 Exemptions
- 4:4.6 Violation of Order of Mandatory Curfew

### 4:4.1 Purpose.

The purpose of this ordinance is to protect and preserve the rights, privileges, and property of the County and/or of its residents, and to preserve and improve the peace safety, health, welfare, comfort, and convenience of its residents by authorizing orders of mandatory curfews in the unincorporated areas of Johnson County in the event there is a civil emergency.

### 4:4.2 Definition of Civil Emergency.

For the purposes of this chapter a Civil Emergency shall include, when proclaimed so by the Board of Supervisors, any natural disaster or human-made catastrophe, including but not limited to flood, fire, cyclone, tornado, earthquake or explosion occurring in or significantly impacting the unincorporated areas of Johnson County when the same results or is likely to result in the death or injury of persons or the destruction of or significant damage to property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare. A Civil Emergency shall also include any instance in which the Governor of the State of Iowa has proclaimed there to be a state of disaster emergency in and for any portion of unincorporated Johnson County.

### 4:4.3 Mandatory Curfew.

After it has been determined, pursuant to the above definition, that there is a civil emergency in the unincorporated area of Johnson County, the Chairperson of the Board of Supervisors, or if the Chairperson is unavailable the Vice-Chairperson, may issue an Order of Mandatory Curfew for any part of unincorporated Johnson County the Chairperson deems advisable as necessary to protect or preserve life or property; as necessary to assist in disaster mitigation, response or recover; or as necessary to otherwise carry out the purposes of this ordinance.

### 4:4.4 Form of Order of Mandatory Curfew.

Any Order of Mandatory Curfew shall be made in writing and published in such a manner as to reasonably apprise the affected residents and the general public of the specific times and location of the areas to be under curfew. It shall indicate the date and time by which said areas shall be under curfew, not to exceed ten days without further order.

### 4:4.5 Exemptions.

Exemptions to the curfew order shall be limited to authorized law enforcement, emergency management personnel and other necessary government officials and those individuals directed by law enforcement, emergency management personnel and other necessary government officials.

### 4:4.6 Violation of Order of Mandatory Curfew.

The violation of an Order of Mandatory Curfew shall be unlawful and shall constitute a simple misdemeanor and the penalty for such violation shall be as provided by the Iowa Code for simple misdemeanors.



## 4:5 Human Rights

Effective January 11, 2007

- 4:5.1 Purpose
- 4:5.2 Construction
- 4:5.3 Definitions
- 4:5.4 Employment
- 4:5.5 Public Accommodation
- 4:5.6 Credit Transactions
- 4:5.7 Education
- 4:5.8 Housing
- 4:5.9 Additional Civil Rights Violations
- 4:5.10 Enforcement
- 4:5.11 Remedial Action
- 4:5.12 Notice and Hearing
- 4:5.13 Judicial Review; Enforcement
- 4:5.14 Sixty Day Release From Administrative Process; Alternative Judicial Proceedings Upon Complaints
- 4:5.15 Effect On Other Law

### 4:5.1 Purpose.

The purpose of this ordinance is to protect the people of Johnson County from discrimination on the basis of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex, or sexual orientation.

### 4:5.2 Construction.

This ordinance shall be construed broadly to effectuate its purpose, and shall be enforced consistent with the intent, language, and spirit of the preamble and part I (articles 1-7) of the "international convention on the elimination of all forms of racial discrimination (1966)," as amended. However, the construction and enforcement of the preamble and part I of said international convention shall in no event operate to diminish protection that otherwise exists under this ordinance, the Iowa civil rights act, as amended, the federal civil rights acts, as amended, or the constitution of the State of Iowa, as amended, or the constitution of the United States of America, as amended.

### 4:5.3 Definitions.

As used in this title, the following terms shall have the meanings indicated:

1. **Age.** Chronological age of any person.
2. **County Attorney.** The Johnson County Attorney or the Johnson County Attorney's designee.
3. **Disability:**
  - a. (a)(i) The physical or mental impairment of a person which substantially limits one or more of such person's major life activities, or (ii) the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this title does not preclude the application of the provisions of this title to conditions resulting from other contagious or infectious diseases;
  - b. (b) A record of having such impairment;

- c. (c) Being regarded as having such an impairment. "Disability" does not include current illegal use of or addiction to a controlled substance as defined by chapter 124A of the code of Iowa, as amended.
4. **Employee.** (a) Any person who works for wages, salary or commission or any combination thereof, or (b) persons who are seeking or applying for employment.
5. **Employer.** (a) Any person who employs one or more employees within Johnson County, whether the person has its principle place of business within or does business within Johnson County, or (b) who solicits individuals to apply for employment within the county or elsewhere. The term includes the county itself, and to the extent not inconsistent with state or federal law, all other political subdivisions, public corporations, governmental units conducting any activity within the unincorporated area of Johnson County and public agencies or corporations.
6. **Employment Agency.** Any person or entity undertaking to procure employees or opportunities to work for any other person or entity.
7. **Familial Status.** One or more individuals under the age of eighteen (18) domiciled with: (a) a parent or another person having legal custody of the individual or individuals; or (b) the designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person. Protections against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.
8. **Family** For purposes of this title "family" includes a single individual, and includes persons who are registered as domestic partners.
9. **Gender Identity.** A person's actual or perceived appearance, expression, identity of, or behavior, as they are understood to be masculine and/or feminine of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.
10. **Johnson County.** The unincorporated areas of Johnson County unless this ordinance is adopted by a municipality within Johnson County, in which case the adopting municipality is also included if agreed to by the Johnson County Board of Supervisors.
11. **Labor Organization.** Any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.
12. **Marital Status.** The state of being married, a member of a legally recognized domestic partnership, single, divorced, separated or widowed.
13. **Person.** One or more individuals, partnerships, associations or organizations, corporations, legal representatives, trustees, receivers, recipients of county funds, the county or any board, commission, department or agency thereof, and all other governmental units conducting any activity in Johnson County.
14. **Public Accommodation.** Any person, place, business establishment or agency that sells, leases, provides or offers any product, facility or service to the general public of Johnson County, regardless of

ownership or operation (a) by a public body or agency; (b) for or without regard to profit; or (c) for a fee or not for a fee. Public accommodation shall not mean any bona fide private club or other place, establishment or facility which is by its nature distinctly private, except that, when such distinctly private place, establishment or facility caters or offers services, facilities or goods to the general public for a fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

15. **Source Of Income.** Income and support derived from any tax-supported federal, state or local funds, including, but not limited to, social security, supplemental security income, temporary assistance for needy families, family investment program, general relief, food stamps, and unemployment compensation, but not including rent subsidies.
16. **Religion.** Includes all aspects of religious observance and practice, as well as belief, or the actual identification with or perceived identification with a religion.
17. **Respondent.** A person who is alleged to have committed an act prohibited by this title and/or against whom a complaint has been filed under this title.
18. **Sexual Harassment.** A form of sex discrimination. Sexual harassment may take the form of deliberate or repeated comments, questions, representations or physical contacts of a sexual nature which are unwelcome to the recipient. Sexual harassment may also take the form of conduct that has the purpose or effect of creating an intimidating, hostile or offensive environment.
19. **Sexual Orientation.** A person's actual or perceived heterosexuality, homosexuality, or bisexuality.
20. **Unfair Practice Or Discriminatory Practice.** Those practices specified as unfair or discriminatory in sections 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.9, 216.10, 216.11, and 216.11A of the code of Iowa, as amended, or this ordinance.

#### 4:5.4 Employment.

##### A. PROHIBITIONS:

The prohibitions against unlawful discrimination contained in Article 4 apply as follows: (i) to employment that is or would be in whole or in part in Johnson County; or (ii) when the act of unlawful discrimination takes place in Johnson County.

1. **EMPLOYMENT.** It shall be unlawful for any employer to refuse to hire, accept, register, classify, promote or refer for employment, or to otherwise discriminate in employment against any other person or to discharge any employee because of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation.
2. **LABOR ORGANIZATIONS.** It shall be unlawful for any labor organization to refuse to admit to membership, apprenticeship or training an applicant, to expel any member, or to otherwise discriminate against any applicant for membership, apprenticeship or training any member in the privileges, rights or benefits of such membership, apprenticeship or training because of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation of such applicant or member.
3. **DISCRIMINATORY SOLICITATIONS.** It shall be unlawful for any employer, employment agency, labor organization or the employees or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals are unwelcome, objectionable or not solicited for employment or membership because of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation.

4. PREGNANCY. Employment policies relating to pregnancy and childbirth shall be governed by the following:
  - a. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this ordinance.
  - b. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth and recovery there from are, for all job related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment or any written or unwritten employment policies and practices involving terms and conditions of employment as applied to other temporary disabilities.
5. HUMAN IMMUNODEFICIENCY VIRUS (HIV). It shall be unlawful for any person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to HIV. An agreement between an employer, employment agency, labor organization or their employees, agents or members and an employee or prospective employee concerning employment, pay or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to HIV, is prohibited. The prohibitions of this subsection do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the Center for Disease Control of the United States Department of Health and Human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of HIV to other persons in a specific occupation.

#### **B. EXCEPTIONS:**

The following are exempted from the provisions of this section:

1. RELIGION. Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution shall be presumed to be a bona fide occupational qualification.
2. EMPLOYMENT FOR ELDERLY OR DISABLED. An employer or employment agency which chooses to offer employment or advertise for employment to only the disabled or elderly. Any such employment or offer of employment shall not discriminate among the disabled or elderly on the basis of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation.
3. WORKERS WITHIN A HOME. The employment of individuals for work within the home of the employer if the employer or members of the family reside therein during such employment.
4. PERSONAL SERVICES. The employment of individuals to render personal service to the person of the employer or members of the employer's family.
5. BONA FIDE OCCUPATIONAL QUALIFICATIONS.
  - a. The employment on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of a particular business or enterprise. The bona fide occupational qualification shall be interpreted narrowly.
  - b. The employment on the basis of disability in those certain instances where presence of disability is a bona fide occupational qualification reasonably necessary to the normal operation of a particular business or enterprise. The bona fide occupational qualification shall be interpreted narrowly.

#### **4:5.5 Public Accommodation.**

##### **A. PROHIBITIONS:**

1. DENIAL OF SERVICES. It shall be unlawful for any person to deny any other person the full and equal enjoyment of the goods, services, facilities, privileges, advantages of any place of public accommodation because of age, color, creed, disability, gender identity, marital status, national origin,

race, religion, sex or sexual orientation. This section shall not apply to discounts for services or accommodations based upon age.

2. **DISCRIMINATORY SOLICITATIONS.** It shall be unlawful to directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons is unwelcome, objectionable or not solicited because of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation.

**B. EXCEPTIONS:**

1. **RELIGION.** This section shall not apply to any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose.
2. **ELDERLY AND DISABLED.** Public accommodations may be designated specifically for the elderly and disabled. However, public accommodations may not be restricted among the elderly or disabled on the basis of age, color, creed, disability, identity, marital status, national origin, race, religion, sex or sexual orientation.
3. **DISTINCTLY PRIVATE FACILITY.** Article 5 shall not apply to sex discrimination to any facility that is distinctly private in nature, such as rest rooms, shower rooms, bath houses, dressing rooms, or health clubs.

**4:5.6 Credit Transactions.**

**A. DEFINITIONS:**

1. **CONSUMER CREDIT TRANSACTION:** As defined in section 537.1301(12) of the code of Iowa, as amended.
2. **CREDIT:** As defined in section 537.1301(16) of the code of Iowa, as amended.
3. **CREDITOR:** As defined in section 537.1301(18) of the code of Iowa, as amended.

**B. PROHIBITIONS:**

1. **CONSUMER CREDIT.** It shall be unlawful for any creditor to refuse to enter into any consumer credit transaction or to impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation.
2. **EXTENSION OF CREDIT.** It shall be unlawful for any person authorized or licensed to do business in this state pursuant to chapter 524, 533, 534, 536, or 536A of the code of Iowa, as amended, to refuse to loan or to extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation.
3. **INSURANCE.** It shall be unlawful for any creditor to refuse to offer credit, life or health and accident insurance because of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation. Refusal by a creditor to offer credit, life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by title XIII, subtitle 1, code of Iowa, as amended. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this ordinance.

**4:5.7 Education.****A. DEFINITIONS:**

For the purpose of this section, "educational institution" includes any preschool, elementary, secondary or merged area school, area education agency or postsecondary college and their governing boards, with the exception that this section shall not include the University of Iowa or any other educational division of the state.

**B. PROHIBITIONS:**

It shall be an unfair or discriminatory practice for any educational institution to discriminate on the basis of age, color, creed, disability, gender identity, marital status, national origin, race, religion, sex or sexual orientation in any program or activity. Such discriminatory practices shall include, but not be limited to, the following practices:

1. Exclusion of a person or persons from participation in, denial of the benefits of, or subject to discrimination in any academic, extracurricular, research, occupational training or other program or activity.
2. Denial of comparable opportunity in intramural and interscholastic athletic programs.
3. Discrimination among persons in employment and the conditions of employment.
4. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

**C. EXCEPTIONS:**

1. **FACILITIES.** This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided.
2. **RELIGION.** Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

**4:5.8 Housing.****A. DEFINITIONS:**

1. **AGENT:** a person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents or public assistance source of income.
2. **AGGRIEVED PERSON:** includes any person who: 1) claims to have been injured by a discriminatory housing practice; or 2) believes that such person will be injured by a discriminatory housing practice that is about to occur.
3. **DWELLING:** any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
4. **COVERED MULTI-FAMILY DWELLING:** means any of the following:
  - a. A building consisting of four (4) or more dwelling units if the building has one or more elevators.
  - b. The ground floor units of a building consisting of four (4) or more units.
5. **HOUSING ACCOMMODATION:** Any improved or unimproved real estate which is used or intended for use as a residence or sleeping place for one or more persons.

**6. HOUSING FOR OLDER PERSONS:**

- a. Provided under any State or Federal program that is specifically designed and operated to assist elderly persons (as defined in the State or Federal program and as determined by the Secretary of Housing and Urban Development); or
- b. Intended for, and solely occupied by, persons sixty two (62) years of age or older; or
- c. Intended and operated for occupancy by at least one person fifty five (55) years of age or older per unit.

In determining whether housing qualifies as housing for older persons, under this subsection, the regulations promulgated by the Secretary of Housing and Urban Development shall apply and at least the following two (2) criteria must be present:

- a. That at least eighty percent (80%) of the units are occupied by at least one person fifty five (55) years of age or older per unit; and
  - b. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty five (55) years of age or older.
- 7. HOUSING TRANSACTION:** The sale, exchange, rental, occupancy, lease, sublease, or lease renewal of real property for residential purposes in Johnson County or the provision of services or utilities in connection with such sale, exchange, rental, occupancy, lease, sublease, or lease renewal. "Real estate transaction" also means with respect to activity conducted on property located in Johnson County, the brokering or appraising of residential real property in Johnson County and the making, purchasing, or guaranteeing of loans or mortgages or providing any other financial assistance either (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling or (b) secured by residential real property.

**B. PROHIBITIONS:**

It shall be an unlawful or discriminatory practice for any person to:

1. **GENERAL.** Refuse to sell, rent, lease, assign, sublease, refuse to negotiate or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion or interest therein, to any person because of the age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents or source of income of that person.
2. **TERMS AND CONDITIONS.** Discriminate against any other person in the terms, conditions or privileges of any real estate transaction or the facilities in connections with the dwelling because of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents or public assistance source of income.
3. **DISCRIMINATORY SOLICITATIONS.** Directly or indirectly advertise, or in any other manner indicate or publicize in any real estate transaction that any person is not welcome or not solicited because of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents or public assistance source of income.
4. **EXCLUSIONARY PRACTICES.** A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents, or public assistance source of income.
5. **REPRESENTATIONS.** A person shall not represent to a person of a particular age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents, or public assistance source of income that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection, sale or rental.

**C. EXCEPTIONS:**

The following are exempted from the provisions of this ordinance, except that the subsection of this article prohibiting discrimination in advertising shall apply with regard to subsections 3, 4, and 5 of this section.

1. **RELIGIOUS INSTITUTION.** Any bona fide religious institution with respect to any qualifications it may impose based on religion, when these qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, sex, sexual orientation, presence or absence of dependents or public assistance source of income.
2. **NONPROFIT INSTITUTIONS.** Any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, sex, sexual orientation, presence or absence of dependents or public assistance source of income.
3. **RESIDENT OWNER.** Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner occupies the premises, or some portion thereof, and actually resides therein. For the purposes of this exemption, "owner" shall be defined as a person having at least a fifty percent (50%) interest in the property.
4. **SHARED PRIVATE FACILITIES.** Restrictions based on sex in the rental or leasing of housing accommodations within which residents of both sexes would share a common bathroom facility on the same floor of the building.
5. **CODIFIED RESTRICTIONS.** Nothing in this section limits the applicability of any codified restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this ordinance regarding familial status apply with respect to housing for older persons.
6. **HOUSING FOR OLDER PERSONS.** Housing designed and intended as housing for older persons. However, such housing may not otherwise be restricted on the basis of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, public assistance source of income or presence or absence of dependents.
7. **HOUSING FOR PERSONS WITH DISABILITIES.** Housing designed and intended for housing persons with disabilities. The facility must show adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons with disabilities. However, such housing may not otherwise be restricted on the basis of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, public assistance source of income or presence or absence of dependents.
8. **STATE OR LOCAL ZONING.** If the County Attorney determines that the matter involves the legality of a State or local zoning or other land use ordinance, the County Attorney shall not issue determinations and shall review the matter for appropriate action.

**D. REASONABLE ACCOMMODATIONS**

1. **MODIFICATION BY OCCUPANT.** A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. In the case of a rental, a landlord may, where reasonable to do so, condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. **ACCOMMODATION IN PRACTICES.** A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.



3. **CONSTRUCTION OF DWELLING.** In connection with the design and construction of covered multi-family dwellings for first occupancy after January 1, 2007, a failure to design and construct those dwellings in a manner that meets the following requirements:
  - a. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons.
  - b. All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs.
  - c. All premises within the dwellings contain the following features of adaptive design:
    - i. An accessible route into and through the dwelling.
    - ii. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
    - iii. Reinforcements in bathroom walls to allow later installation of grab bars.
    - iv. Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.
  - d. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People, as amended, commonly cited as "ANSI A 117.1", satisfies the requirements of subsection E3c of this Section.
4. **SAFETY EXCEPTION.** Nothing in this subsection requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

#### **4:5.9 Additional Civil Rights Violations.**

It shall be an unfair or discriminatory practice for:

##### **A. AIDING AND ABETTING:**

Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this ordinance.

##### **B. RETALIATION:**

Any person to discriminate against another person because such person has either lawfully opposed any discriminatory practice forbidden by this title, obeyed the provisions of this title, or has filed a complaint, testified, or assisted in any proceeding under this title.

##### **C. INTIMIDATION:**

Any person to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this ordinance.

#### **4:5.10 Enforcement.**

##### **A. FILING ELIGIBILITY AND METHOD:**

1. All persons claiming to be aggrieved by a discriminatory or unfair practice within Johnson County may, by themselves or by counsel make, sign and file with the Johnson County Attorney's Office a verified, written complaint which shall state the name and address of the person, employer, employment agency or labor organization alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars thereof, and shall contain such other information as may be required by the county.
2. The county attorney or any other person aware of the existence of a discriminatory practice may in like manner make, sign and file such complaint.

3. A claim under this ordinance shall not be maintained unless a complaint is filed with the County Attorney within one hundred eighty (180) days after the alleged discriminatory or unfair practice occurred.
4. A verified copy of a complaint filed with the state civil rights commission, or its successor, under the provisions of chapter 216, code of Iowa, as amended, or EEOC, or its successor, shall be sufficient complaint for the purpose of this title if it alleges either in the text thereof or in accompanying statements that the alleged discriminatory practice occurred within Johnson County.

**B. DETERMINATION OF STATE OR COUNTY INVESTIGATION:**

1. Upon the filing of a complaint, the County Attorney shall determine if the complaint alleges violations of Iowa code section 216. If the complaint alleges violation of Iowa code section 216, the County Attorney's Office will forward a copy of the complaint to the Iowa Civil Rights Commission for review and investigation by the Iowa Civil Rights Commission.
2. If the complaint alleges a violation of the Johnson County Human Rights ordinance but is not covered by state or federal law, the County Attorney's Office will review and investigate the complaint as provided in this ordinance.

**C. PROCEDURE:**

For the complaints of discrimination determined to be covered exclusively by this ordinance and not state or federal law, the following procedures will apply:

1. Upon the filing of a complaint, the Johnson County Attorney's Office shall serve notice on the complainant acknowledging the filing and advising the complainant of the time limits and choice of forums provided under the law.
2. After the filing of a verified complaint, a true copy shall be served within twenty (20) days by certified mail on the person against whom the complaint is filed. Service is effective upon mailing.

**D. AMENDING COMPLAINTS:**

Complaints and answers may be amended as follows:

1. The complainant shall have the power to amend any complaint at any time prior to the County Attorney's probable cause recommendation.
2. The County Attorney shall have the power to amend any complaint after a probable cause finding and prior to the decision to have a public hearing.
3. At the discretion of the administrative law judge, the complaint may be amended after the decision to have a public hearing.
4. The respondent shall have like power to amend such respondent's answer, at any time prior to hearing, and thereafter at the discretion of the administrative law judge.
5. Amendments to the complaint and answer alleging additional acts which constitute unfair or discriminatory practices related to or growing out of the subject matter of the original complaint will relate back to the date the original complaint or answer was filed.

**E. WITHDRAWING COMPLAINTS:**

A complaint or any part thereof may be withdrawn by the complainant at any time prior to the notice of the public hearing and thereafter at the discretion of the County Attorney. However, nothing herein shall preclude the County Attorney from continuing the investigation and initiating a complaint on the County's behalf against the original respondent whenever deemed to be in the public interest.

**F. INVESTIGATION OF COMPLAINTS:**

If the complaint alleges a violation of the Johnson County ordinance, and the violation is not covered by state law, the following investigatory procedure will apply:

1. The County Attorney must commence proceedings with respect to the complaint before the end of the thirtieth day after receipt of the complaint. The County Attorney may draft and mail to the parties written questionnaire/document requests to which respondent and complainant are required to respond. Answers and documents are to be received by the County Attorney's office within thirty (30) days of the receipt of the questionnaire/document request unless an extension has been granted by the County Attorney.
2. After reviewing materials responsive to the questionnaire/document request, the County Attorney shall determine whether the complaint warrants further investigation. If the County Attorney finds there is a reasonable possibility of a probable cause determination or the legal issues present in the complaint need further development, the County Attorney shall promptly resume the investigation of the complaint. If the County Attorney determines that the complaint does not warrant further investigation, it shall be administratively closed. Notice of such closure shall be promptly served upon the complainant and the respondent by certified mail. Service is effective upon mailing. Such notice shall state the reasons for administrative closure.
3. A complainant may object to the administrative closure and request review within twenty (20) days of service. If a complainant makes a timely written request for review of the administrative closure, the County Attorney shall promptly review the complainant's request and all relevant material. If, after review by the County Attorney, it is determined that the complaint does not warrant further processing, the County Attorney shall close the file and notify the complainant and respondent of the final decision of administrative closure. If, after review, the County Attorney determines that there is a reasonable possibility of a probable cause determination or the legal issues presented in the complaint need further development, the allegations will be investigated further.
4. Upon completion of the investigation, the County Attorney shall issue a written opinion as to whether probable cause exists to believe a discriminatory practice occurred as alleged by the complainant.
5. Any time after a complaint is filed under this title, but before a probable cause determination is made, the County Attorney may seek a disposition of the complaint through a predetermination settlement.

#### **G. CLOSURE:**

1. A complaint may be administratively closed at any time if the complainant cannot be contacted after diligent efforts or is uncooperative causing unreasonable delay in the processing of a complaint.
2. A complaint may be closed as satisfactorily resolved when the respondent has made an offer of settlement acceptable to the County Attorney but not the complainant. Notice of intended closure shall state the reasons for closure and be served by certified mail upon the complainant. The complainant shall be allowed thirty (30) days to respond in writing to the County Attorney either stating the reasons why the offer is unacceptable or accepting the offer. The County Attorney will review and consider the response before making a closure decision.

#### **H. MEDIATION:**

The complainant or respondent may request mediation of the complaint at any time during the complaint process prior to the probable cause determination. Mediation shall not be undertaken unless both the complainant and respondent agree to participate. Mediation may be discontinued at the request of either party. If the complainant and respondent do not reach a mediation agreement, the complaint process shall continue to resolution as provided in this section.

1. A mediation agreement is an agreement between the respondent and complainant. It is not subject to review or approval of the County Attorney.
2. All verbal or written information relating to the subject matter of a mediation agreement and transmitted between either the complainant or respondent and a mediator to resolve a complaint filed under this chapter, whether reflected in notes, memoranda, or other work product, is confidential as provided in this ordinance.

**4:5.11 Remedial Action.**

For the purposes of this title, remedial action includes, but is not limited to, the following:

**A. REMEDIAL ACTIONS BY THE RESPONDENT:**

1. Hiring, reinstating or promoting of employees with or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.
2. Admission or restoration of individuals to a labor organization, admission to or participation in a guidance program, apprenticeship training program, on the job training program or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such programs.
3. Admission of individuals to a public accommodation or an educational institution.
4. Sale, exchange, lease, rental, assignment or sublease of real property to an individual.
5. Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent denied to the complainant because of the discriminatory or unfair practice.
6. Reporting as to the manner of compliance.
7. Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the County Attorney and inclusion of notices in advertising material.
8. Payment to the complainant of damages caused by the discriminatory or unfair practice which may include actual damages, emotional distress damages, front pay, court costs and reasonable attorney fees.

**B. REMEDIAL ACTION ORDERED BY COUNTY ATTORNEY:** In addition to the remedies in the preceding provisions of this section, the County Attorney may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as in the judgment of the County Attorney will carry out the purposes of this chapter as follows:

1. In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the County Attorney, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory or unfair practice and that the practice was authorized, requested, commanded, performed or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of their employment, the County Attorney shall so certify to the licensing agency. Unless the practice is reversed in the course of judicial review, the finding of discrimination is binding on the licensing agency. If a certification is made pursuant to this subsection, the licensing agency may initiate licensee disciplinary procedures.
2. In the case of a respondent who is found by the County Attorney to have engaged in a discriminatory or unfair practice in the course of performing under a contract or subcontract with the state or political subdivision or agency, if the practice was authorized, requested, commanded, performed or knowingly or recklessly tolerated by the board or executive agent acting within the scope of their employment, the County Attorney shall so certify to the contracting agency. Unless the County Attorney's finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the contracting agency.
3. Upon receiving a certification made under this subsection, a contracting agency may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with the provisions of this title, and assist the state and all political subdivisions and agencies thereof to refrain from entering into further contracts.

**C. MULTIPLE REMEDIES AVAILABLE:** The election of an affirmative order under subsection B of this section shall not bar the election of affirmative remedies provided in subsection A of this section.**D. CIVIL PENALTIES:** In connection with housing discrimination complaints, the County Attorney may, to vindicate the public interest, assess a civil penalty against the respondent in an amount not to exceed those

established by code of Iowa chapter 216.15A, as amended. Funds collected under this section shall be paid to the County for deposit to the County treasury to the credit of the general fund.

**E. OTHER REMEDIES:** Any other relief that the administrative law judge finds to be appropriate.

#### **4:5.12 Notice And Hearing.**

**A. LITIGATION WORTHY:** If conciliation has been bypassed or unsuccessful, the County Attorney shall form an opinion as to whether the case is litigation worthy. If the County Attorney determines the case not to be litigation worthy, the case will be administratively closed.

#### **B. PRE-HEARING PROCEEDINGS:**

1. Statement Of Charges:
  - a. When a complaint proceeds to public hearing, the County Attorney shall prepare a written statement of charges in support of the complaint, which shall contain a factual allegation or allegations of an unfair or discriminatory practice or practices against the respondent.
  - b. The statement of charges shall also specifically identify all allegations, if any, in the complaint, as amended, which have been closed by other than a probable cause finding, or the County Attorney has elected not to prosecute despite a probable cause finding.
2. Scheduling Conference: The administrative law judge may set the matter for a scheduling conference in order that the parties, including the County Attorney, and the presiding officer may arrive at a mutually agreed date for the public hearing.
3. Notice Of Hearing: Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Delivery shall be executed by any of the following means: certified mail, with return receipt requested, personal service as provided in the Iowa rules of civil procedure, first class mail, or publication as provided by the Iowa rules of civil procedure to all interested parties or their attorneys at least thirty (30) days before the date of the hearing. Certified mail return receipts, returns of service, or similar evidence of service shall be filed with the presiding officer. The notice shall include the time and place of hearing; the nature of the hearing, the legal authority and jurisdiction under which the hearing is being held; a short and plain statement of the matters asserted. This requirement may be satisfied by a statement of the issues as described by the statement of charges or an incorporation of the attached statement of charges; the reference to the sections of this ordinance involved; identification of all parties including the name, address and telephone number of the person who will act as advocate for the County Attorney and of parties' counsel where known; and identification of the administrative law judge.
4. Answer To Notice Of Hearing: The respondent is encouraged to file an answer to the allegation contained within the notice of hearing within twenty (20) days of the service of the notice of hearing. Answers are encouraged as a means of sharpening the issues and preserving claimed error.
5. Default:
  - a. If a party fails to appear or participate in a contested case proceeding after proper service of notice, the administrative law judge may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.
  - b. Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become the final decision unless, within fifteen (15) days after the date of notification of mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated.
  - c. "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under Iowa rules of civil procedure 1.977.
6. Filing And Service Of Documents: After the notice of hearing, all pleadings, motions, documents or other papers shall be filed with the administrative law judge with a copy to parties of record, with separate copies to the County Attorney. Except as provided by these rules, the Iowa rules of civil

procedure pertaining to discovery, or other laws, all pleadings, motions, documents or other papers that are required to be served upon a party shall be filed simultaneously with the administrative law judge.

7. Procedures for discovery, subpoenas, motions, pre-hearing conferences, continuances, disqualification, and ex parte communication shall be set forth in writing by the County Attorney and provided to all parties.

**C. POWERS OF ADMINISTRATIVE LAW JUDGE:** The administrative law judge who presides at the hearing shall have all powers necessary to the conduct of a fair and impartial hearing including, but not limited to, the power to conduct formal hearing in accordance with the provisions of this ordinance; administer oaths and examine witnesses; compel production of documents and appearance of witnesses in control of the parties; issue subpoenas; issue decisions and orders; rule on motions, and other procedural items or matters; require the submission of briefs; issue such orders and rulings as will ensure the orderly conduct of the proceedings; receive, rule on, exclude or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious; maintain the decorum of the hearing including the power to refuse to admit or to expel anyone whose conduct is disorderly; take any action authorized by these rules; and impose appropriate sanctions against any party or person failing to obey an order.

**D. HEARING PROCEDURES:**

1. **Objections:** All objections shall be timely made and stated in the record. Any objection not duly made before the administrative law judge shall be deemed waived.
2. **Representation Of Parties:** Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case.
3. **Rights Of Parties:** Subject to terms and conditions prescribed by the administrative law judge, parties have the right to introduce evidence on issues of material fact, cross examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.
4. **Sequestration Of Witnesses:** At the request of a party or sua sponte, the administrative law judge may order witnesses sequestered so they cannot hear the testimony of other witnesses.
5. **Contents Of Record:** The record in a contested case before the administrative law judge shall include:
  - a. All pleadings, motions, and rulings;
  - b. All evidence received or considered and all other submissions;
  - c. A statement of matters officially noticed;
  - d. All questions and offers of proof, objections, and rulings thereon;
  - e. All proposed findings and exceptions;
  - f. Any decision, opinion, or report by the administrative law judge at the hearing. Deliberations of the County Attorney when deciding whether to adopt a proposed decision are not part of the record unless expressly made part of the record by order of the County Attorney or the administrative law judge.

**E. EVIDENCE:**

1. The administrative law judge shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.
2. Stipulation of facts is encouraged.
3. Evidence in the proceeding shall be confined to the issues as to which the parties receive notice prior to the hearing unless the parties waive their right to such notice by express or implied waiver, or the administrative law judge determines that good cause justifies their expansion.
4. Although the rules of evidence do not apply in a contested case hearing, a finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury

trial. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The administrative law judge shall give effect to the rules of privilege recognized by law.

5. No evidence shall be received at any hearing concerning offers or counter offers of adjustment during efforts to conciliate or settle an alleged unfair or discriminatory practice.
6. The burden of proof shall be by a preponderance of evidence.
7. Evidence Of Past Sexual Practices:
  - a. Discovery: In a contested case alleging conduct which constitutes sexual harassment, a party seeking discovery of information concerning the complainant's sexual conduct with persons other than the person who committed the alleged act of sexual harassment must establish specific facts showing good cause for discovery, and that the information sought is relevant to the subject matter of the action, and reasonably calculated to lead to the discovery of admissible evidence.
  - b. Evidence: In a contested case against a respondent who is accused of sexual harassment, or whose agent or employee is accused of sexual harassment, evidence concerning the past sexual behavior of the alleged victim is not admissible.

#### **F. POSTHEARING PROCEDURES:**

1. Briefs:
  - a. Submission Of Posthearing Briefs: The administrative law judge may fix times for submission of posthearing briefs. Unless otherwise ordered, such briefs shall be filed simultaneously by all parties and there shall be no page limit or any other formal requirements.
  - b. Reply Briefs: If simultaneous briefs are filed, then any party may file a reply brief within ten (10) days after service of the brief to which the reply is made.
2. Requests To Present Additional Evidence:
  - a. In General: A party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence.
  - b. Filing Request: If a request to present additional evidence is made after the issuance of the proposed decision, then the request must be filed with the appeal or, by a nonappealing party, within fourteen (14) days after the service of the appeal. If the County Attorney grants the motion to present additional evidence, the County Attorney shall remand the case to the administrative law judge for the taking of the additional evidence and any appropriate modification of the proposed order.

**G. PROPOSED DECISION:** After a review of the transcript, the evidence, and the briefs, the administrative law judge shall set forth, in writing, findings of fact, conclusions of law, and a proposed decision and order. The proposed decision becomes the final decision without further proceedings unless there is an appeal to, or review on motion of the County Attorney within thirty (30) days.

#### **H. REVIEW OF PROPOSED DECISION ON APPEAL TO THE COUNTY ATTORNEY:**

1. Appeal By Party: Any adversely affected party may appeal a proposed decision to the County Attorney within thirty (30) days after issuance of the proposed decision.
2. Review: The County Attorney may initiate review of a proposed decision on his or her own motion at any time within thirty (30) days following the issuance of such a decision.
3. Notice Of Appeal: An appeal of a proposed decision is initiated by filing a timely notice of appeal with the County Attorney. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:
  - a. The parties initiating the appeal;
  - b. The proposed decision or order appealed from;
  - c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
  - d. The relief sought; and

- e. The grounds for relief.
- 4. Oral Argument: All parties or their attorneys shall be allowed ten (10) minutes to present oral argument to the County Attorney whenever the County Attorney reviews a proposed decision pursuant to this rule. The County Attorney may, in his or her discretion, allow oral argument to continue longer.
- 5. Briefs And Arguments: Unless otherwise ordered, within twenty (20) days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within ten (10) days thereafter, any party may file a responsive brief. The County Attorney may shorten or extend the briefing period as appropriate.

**I. SCOPE OF REVIEW BY THE COUNTY ATTORNEY:**

- 1. Whenever the County Attorney reviews a proposed decision, the County Attorney has all the power as when initially making the final decision. The County Attorney may adopt, modify, or reject the administrative law judge's proposed decision or may remand the case to the administrative law judge for the taking of additional evidence and the making of any further proposed findings of fact, conclusions of law, or decision that it deems necessary.
- 2. Whenever the County Attorney reviews a proposed decision, he or she shall consider only those issues actually presented to the administrative law judge unless the issue was one which either:
  - a. Was raised prior to the proposed decision by a party, but not ruled upon, or
  - b. Was discussed in the proposed decision, but not argued on brief by the parties.

**J. AWARDS OF ATTORNEY FEES:**

- 1. In any final decision in which it is determined that the complainant is entitled to an award of attorney fees, but the actual amount has not yet been determined, there is, by operation of this provision, an express retention of jurisdiction of the case by the County Attorney in order to determine the actual amount of attorney fees to which the party is entitled and to enter a subsequent order awarding those fees, regardless of whether or not such retention of jurisdiction is expressed in the final decision. In such case, the decision is final in all other respects except the determination of the amount of the attorney fees.
- 2. If the amount of attorney fees is not stipulated to by the parties, the administrative law judge shall schedule a hearing on the issue of the amount of the attorney fees. The administrative law judge's decision is a proposed decision, and either party may appeal as provided in subsections H-J of this section.

**K. WAIVER, MODIFICATION OF RULES:**

- 1. Upon notice to all parties, the administrative law judge may, with respect to matters pending, modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served.
- 2. Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the administrative law judge, in the discretion of the presiding officer, may refuse to give effect to such a waiver when the administrative law judge deems the waiver to be inconsistent with the public interest.

**L. ASSESSMENT OF COSTS OF HEARING:**

- 1. General Rule: If the complainant prevails in the hearing, the respondent shall pay the "contested case costs" incurred by the County. If the respondent prevails in the hearing, the County shall itself bear the "contested case costs" incurred by the County.
- 2. Mixed Results: Where the complainant is successful as to part of the remedies sought at the hearing and unsuccessful as to part of the remedies, the administrative law judge may recommend an equitable apportionment of "contested case costs" between the County and the respondent.
- 3. Costs Allowable: The following "contested case costs" and no others will be assessed or apportioned:



- a. The daily charge of the court reporter for attending and transcribing the hearing.
- b. All mileage charges of the court reporter for traveling to and from the hearing.
- c. All travel time charges of the court reporter for traveling to and from the hearing.
- d. The cost of the original of the transcripts of the hearing.
- e. Postage incurred by the administrative law judge in sending by mail (regular or certified) any papers which are made part of the record.
- f. Expenses and fees of the administrative law judge, including, but not limited to, lodging and transportation.

#### **4:5.13 Judicial Review; Enforcement.**

##### **A. ENFORCEMENT:**

1. The County Attorney may obtain an order of court for the enforcement of the orders in a proceeding as provided in this section. Such an enforcement proceeding shall be brought in the district court of the county where the discriminatory practice occurred.
2. Such an enforcement proceeding shall be initiated by the filing of a petition in the court and the service of a copy thereof upon the person charged. The County Attorney shall then file with the court a transcript of the record of the hearing before it. The court has the power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceeding set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the County Attorney, in whole or in part.
3. An objection that has not been urged before the County Attorney shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.
4. Any party to the enforcement proceeding may move the court to remit the case to the County Attorney in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereof, providing such parties shall show reasonable grounds for the failure to adduce such evidence before.
5. In the enforcement proceeding the court shall determine its order on the same basis as it would in a proceeding reviewing commission action under section 17A.19, code of Iowa, as amended.
6. The administrative law judge's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the County Attorney's orders.
7. If no proceeding to obtain judicial review is instituted within thirty (30) days from the service of an order of the County Attorney issued pursuant to this section, the County Attorney may obtain an order of the court for the enforcement of such order upon showing that the person charged is subject to the jurisdiction of the ordinance.

**B. JUDICIAL REVIEW:** Judicial review of the decision of the County Attorney may be sought in accordance with the terms of the Iowa administrative procedure act, as amended. For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure act, as amended, the issuance of a final decision of the County Attorney under this ordinance occurs on the date notice of the decision is mailed by certified mail to the parties. Notwithstanding the time limit provided in section 17A.19, subsection 3 of the code of Iowa, as amended, a petition for judicial review of no probable cause decisions and other final agency actions which are not of general applicability must be filed within thirty (30) days of the issuance of the final action.

#### **4:5.14 Sixty Day Release From Administrative Process; Alternative Judicial Proceedings Upon Complaints.**

- A. CONDITIONS FOR RELEASE:** A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek administrative relief by filing a complaint with the County Attorney's Office in accordance with section 10 (A) of this chapter. After the proper filing of a complaint, a person may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:
1. The complainant has timely filed the complaint with the County Attorney's office as provided in subsection 10 (A) of this chapter.
  2. The complaint has been on file with the County Attorney at least sixty (60) days and the County Attorney has determined the complaint is not covered by state or federal law but is covered by this ordinance.
  3. The County Attorney has issued a release to the complainant pursuant to subsection B of this section.
- B. REQUIREMENTS FOR ISSUANCE OF RELEASE:** Upon a request by the complainant, and after the expiration of sixty (60) days from the timely filing of a complaint, the County Attorney shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint, or a conciliation agreement has been executed, or the County Attorney has served notice of hearing upon the respondent, or the complaint is closed as an administrative closure and two (2) years have elapsed since the issuance date of the closure.
- C. COMMENCEMENT OF ACTION:** An action authorized under this section is barred unless commenced within ninety (90) days after issuance by the County Attorney of a release under subsection B of this section. If a complainant obtains a release under subsection B of this section, the County shall be barred from further action on that complaint unless the County is a party in the action.
- D. VENUE:** Venue for an action under this section shall be in Johnson County, Iowa.
- E. RELIEF:** The district court may grant any relief in an action under this section which is authorized by this ordinance. The district court may also award the respondent reasonable attorney fees and court costs when the court finds that the complainant's action was frivolous.

#### **4:5.15 Effect On Other Law.**

- A. OCCUPANCY RESTRICTIONS:** This Chapter does not affect a reasonable local or State restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.
- B. OTHER COUNTY ORDINANCES:** This Chapter does not affect a requirement of nondiscrimination in other County ordinances.

## 4:6 Rural Voting Precincts<sup>13</sup>

Effective October 26, 2011

### 4:6.1 Purpose

### 4:2.2 Precinct Descriptions

#### 4:6.1 Purpose.

The purpose of this chapter is to establish voting precincts in Johnson County.

#### 4:6.2 Precinct Descriptions.

Big Grove	Big Grove Township, excluding the City of Solon.
Cedar	Cedar Township.
Clear Creek (includes Tiffin)	Clear Creek Township, including the City of Tiffin.
East Lucas Southeast	That portion of East Lucas Township lying southerly and easterly of the Iowa City corporate boundary, said portion lying easterly of Soccer Park Road, and including census block identified by GEOID 191030018012031.
East Lucas Southwest	That portion of East Lucas Township lying southerly and westerly of the Iowa City corporate boundary, said portion lying westerly of Soccer Park Road, and excluding census block identified by GEOID 191030018012031.
Fremont-Lincoln (includes Lone Tree)	Fremont Township and Lincoln Township, including the City of Lone Tree.
Graham	Graham Township.
Hardin	Hardin Township.
Hills	City of Hills, not including the portion of West Lucas Township and the portion of Liberty Township de-annexed by the City of Hills as filed with the Iowa Secretary of State's office on May 20, 2010.
Jefferson East (includes Shueyville)	That portion of Jefferson Township that is east of Interstate 380, including the City of Shueyville, and including that portion of Shueyville lying westerly of Interstate 380.
Jefferson West-Monroe (includes Swisher)	Monroe Township and that portion of Jefferson Township that is west of Interstate 380, except that portion of Shueyville lying westerly of Interstate 380, and including the City of Swisher.
Liberty-Pleasant Valley	Pleasant Valley Township and Liberty Township, including the portion of Liberty Township de-annexed by the City of Hills as filed with the Iowa Secretary of State's office on May 20, 2010 and excluding the City of Hills.
Madison (includes Clear Creek North)	Madison Township and that portion of Clear Creek Township bounded on the east, south, and west by the City of North Liberty and bounded on the north by Madison Township.
Newport	Newport Township.
Oxford (includes City and Township)	Oxford Township, including the City of Oxford.
Penn (includes East Lucas	Penn Township, except that portion bounded on all sides by the

North)	City of North Liberty, and that portion of East Lucas Township lying north of the Iowa City corporate boundary.
Penn West	That portion of Penn Township bounded on all sides by the City of North Liberty.
Scott (includes portion of West Branch)	Scott Township, including that portion of the City of West Branch lying within Johnson County.
Sharon	Sharon Township.
Solon	City of Solon.
Union	Union Township.
University Heights	City of University Heights.
Washington	Washington Township.
West Lucas	West Lucas Township, including the portion of said township de-annexed by the City of Hills as filed with the Iowa Secretary of State's office on May 20, 2010.

## **Chapter 5. Social and Human Services**

**[Reserved]**

## **Chapter 6. Culture, Education and Recreation**

**[Reserved]**