WOODBURY COUNTY, IOWA
ORDINANCE NO. 9

TITLE: This ordinance shall be known and cited as the "County Ordinance Regarding a Citizens Duty to Obey a Peace Officer" of Woodbury County, Iowa.

WHEREAS, the Woodbury County Board of Supervisors finds that Iowa law currently fails to properly address a citizens duty to obey peace officers; and

WHEREAS, the Woodbury County Board of Supervisors finds that this Ordinance will aid in the protection of the peace and safety of the citizens of Woodbury County;

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

Failure to Obey a Peace Officer

A. It is unlawful for any person to elude, attempt to elude, or fail to stop for a peace officer, by use of a motor vehicle or any other means, after the officer has given visible and/or audible order or signal for the person to stop or desist from further movement. "Visible and/or audible order" includes a spoken command to stop or halt. "Visible and/or audible signal" includes:

1. The officer's use of police patrol car siren or flashing red light(s);

2. The officer's use of a police whistle; and

3. The officer's waving of an arm or arms.

B. It is unlawful for any person to knowingly resists or obstructs anyone known by the person to be a peace officer or fire fighter or civilian city employee in the performance of any act which is within the scope of the lawful duty or authority of that officer, fire fighter, or employee, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court. However, this section shall not apply if a person commits an interference with official acts as defined by Iowa Code and in so doing inflicts bodily injury or attempts to inflict serious bodily injury or displays a dangerous weapon or is armed with a firearm. The terms "resist" and "obstruct" as used in this section, do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

C. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. It is

unlawful for any person who, unreasonably and without lawful cause, refuses or neglects to render assistance when so requested.

D. No person shall willfully fail or refuse to comply with any lawful order or direction of a peace officer.

E. It is unlawful for any person to report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or to report the alleged occurrence of a criminal act or fire, knowing the same did not occur.

F. It is also unlawful for any person to provide false information to a fire department or a law enforcement authority regarding their name, age, or social security number.

G. Mandatory minimum penalties.

1. If a person is convicted of a first violation of sections A-F of this ordinance, the court shall impose a fine of not less than $ 50.00 nor more than $ 200.00 and/or up to 30 days of imprisonment.

2. If a person is convicted of a second violation of sections A-F of this ordinance, the court shall impose a fine of not less than $ 100.00 nor more than $ 200.00 and/or up to 30 days of imprisonment.

3. If a person is convicted of a third or subsequent violation of sections A-F of this ordinance, the court shall impose a fine of not less than $ 200.00 and/or up to 30 days of imprisonment.

This Ordinance passed and approved by the Board of Supervisors of Woodbury County, Iowa, on this 16th day of May, 2000.

First Hearing: May 2, 2000

Second Hearing: May 9, 2000

Third Hearing: May 16, 2000

Chairman, Woodbury County Board of Supervisors

Woodbury County Supervisor

Woodbury County Supervisor

Woodbury County Supervisor

Woodbury County Supervisor

ATTEST:

Patrick Gill, Woodbury County Auditor