

**JOHNSON COUNTY
CODE OF ORDINANCES
2024**

VOLUME ONE – GENERAL

CHAPTERS

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2. BUSINESS AND OCCUPATIONS
3. STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION
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INTRODUCTION

The Johnson County Code of Ordinances is published pursuant to Iowa Code § 331.302(10) (2024).

The Code of Ordinances is published in two volumes. Volume One contains a compilation of the County's General Ordinances, as produced in this document. Volume Two contains the Unified Development Ordinance, which can be examined in the County Auditor's Office and [here](#).

Ordinance No. 09-19-24-01 amended Volume One of the Johnson County Code of Ordinances by repealing, replacing, and adding, the following:

- A. Adding 2:2 Establishing the Naples Avenue Area Urban Revitalization District**
- B. Repealing and Replacing 3:3 Area Service System "B" Road Classification and Maintenance Policies**
- C. Repealing and Replacing 4:6 Establishing Voting Precincts**
- D. Adding 4:7 Minimum Wage**
- E. Adding 4:8 Smokefree Places**
- F. Adding 4:9 Authorizing Ambulance Service to Bill and Collect for Patient Services**
- G. Adding 5:1 Uniform Court Appointed Attorney and Guardian Ad Litem Fees**
- H. Reserving Chapter 7**

Footnotes specify the ordinance adopting the changes to the Johnson County Code. References to specific Iowa Code chapters or sections have been updated to reflect current law.

The [Appendix](#) contains the full text of ordinances (current law, amended, repealed, expired).

The effective date cited is the date of publication of Ordinance No. 09-19-24-01, as part of the proceedings of the Board of Supervisors.

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

/s/Erin Shane
County Auditor

/s/Rachel Zimmerman-Smith
County Attorney

CHAPTER 1. PUBLIC SERVICES

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

1:1.1 Purpose.

The purpose of this article 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.

A. *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 article shall constitute a county infraction under Iowa Code § 331.307.

1:1.5 Effective Date.

Effective May 13, 1991¹

¹ Ordinance 05-02-91-1 (Enacted May 2, 1991) *Appendix p.8*

CHAPTER 2. BUSINESS AND OCCUPATIONS

Article 2:1 Property Tax Exemption for Improved Industrial Property

2:1.1 Purpose.

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

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 Iowa Code § 427A.1(1)(e).

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

1. *Actual value added* means 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* means 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* means new machinery and equipment assessed as real estate pursuant to Iowa Code § 427A.1(1)(e) 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 (75) percent.
 - b. For the second year, sixty (60) percent.
 - c. For the third year, forty-five (45) percent.
 - d. For the fourth year, thirty (30) percent.

- e. For the fifth year, fifteen (15) percent.
2. Limitation on Amount of Exemption. The granting of the exemption under this article 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 provisions of the Johnson County Unified Development Ordinance, (Volume 2, Chapter 8, 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 § 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 article ceases to be of benefit to the County, the Board of Supervisors may repeal this article, but all existing exemptions shall continue until their expiration.
6. Dual Exemptions Prohibited. A property tax exemption under this article shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

2:1.3 Effective Date.

Effective February 18, 1985²

² Ordinance 02-07-85-1 (Enacted February 7, 1985) *Appendix p. 10*

Article 2:2 Establishing the Naples Avenue Area Urban Revitalization District

2:2.1 Purpose.

The purpose of this article is to establish the Naples Avenue Area Urban Revitalization District.

2:2.2 Establishment.

The Naples Avenue Area Urban Revitalization District, as legally described below, shall be established pursuant to the approved Naples Avenue Area Urban Revitalization Plan that was adopted via Resolution 12-21-21-02.

LEGAL DESCRIPTION

LOT 1 OF SCOTT'S FIRST ADDITION, LOTS 2 AND 3 OF SCOTT'S SECOND ADDITION, LOT 1 OF SCOTT'S THIRD ADDITION, LOTS 1-7 OF SCOTT'S FOURTH ADDITION, LOTS 1 AND 2 OF SCOTT'S FIFTH ADDITION ALL IN JOHNSON COUNTY, IOWA

2:2.3 Effective Date.

Effective January 6, 2022³

³ Ordinance 12-22-21-02 (Enacted December 22, 2021) *Appendix p.13*

CHAPTER 3. STREETS, ROADS, PUBLIC WAYS, AND TRANSPORTATION

Article 3:1 County Employee Parking Lots

3:1.1 Purpose.

The purpose of this article 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.

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.

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 article or such rules as have been established by resolution of the Board of Supervisors.
- 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.
- 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.
- D. Penalty. Violation of the provisions of this article 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.
- E. Impoundment. Any motor vehicle found to be parked in violation of this article 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.
- F. Owner Prima Facie Responsible. If any motor vehicle is found stopped, standing or parked in any manner violating the provisions of this article 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.

3:1.5 Effective Date.

Effective November 1, 1979⁴, and subsequently amended July 13, 2011⁵

⁴ Ordinance 10-17-79-1 (Enacted October 17, 1979) *Appendix p. 16*

⁵ Ordinance 06-30-11-01 (Enacted June 30, 2011) *Appendix p. 15*

Article 3:2 Rural Address System

3:2.1 Purpose.

The purpose of this article 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, Development and Sustainability 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, Development and Sustainability Department shall be responsible for preparing and updating the map or maps which shall be in such form as the Planning, Development and Sustainability 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 article 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 (20) 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 Planning, Development and Sustainability Director is responsible for enforcement of the terms of this article. This responsibility includes notifying in writing every location which has been assigned a new address. In addition, the Planning, Development and Sustainability Director will notify the postal service of any new or changed address.
- D. Penalties. Violation of any provision of this article shall constitute a county infraction under Iowa Code § 331.307. 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.

3:2.6 Effective Date.

Effective June 12, 1989⁶

⁶ Ordinance 06-01-89-1 (Enacted June 1, 2089) *Appendix p. 18*

Article 3:3 Area Service System “B” Road Classification and Maintenance Policies

3:3.1 Purpose.

The purpose of this article is to classify certain roads as Level “B” on the Area Service System in Johnson County to provide for a reduced level of maintenance.

Additionally, this article provides for re-instatement of Level B Roads to Level A maintenance. Typically, a Level B Road has minimal traffic and often serves only as field access. However, given changing land use, it may become necessary to upgrade the roadway and restore full service thereby requiring reclassification as an “Area Service System ‘A’ Road”.

3:3.2 Definitions.

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

- A. *Area Service System* means those public roads outside of municipalities not otherwise classified on the Secondary Road System.**
- B. *Area Service System “A” Roads* means roads that are maintained in conformance with applicable state statutes. Such roads may also be referred to herein as “Level A Roads”.**
- C. *Area Service System “B” Roads* means roads that do not require standards of maintenance equal to Area Service System A roads. Area Service System B roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling. Such roads may also be referred to herein as “Level B Roads”.**
- D. *Board* means the Board of Supervisors of Johnson County.**
- E. *Engineer* means the County Engineer of Johnson County.**
- F. *County* means Johnson County, Iowa.**

3:3.3 Powers of the Board.

All jurisdiction and control over Area Service System “B” roads as provided by this Ordinance shall rest with the Board of Supervisors of Johnson County.

3:3.4 Authority to Establish.

The Board is empowered under authority of Iowa Code § 309.57 (2022) to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board may, upon consultation with the Engineer, declare its intention to establish a road as an Area Service System “B” Road in Johnson County, and/or declare its intention to re-establish an Area Service System “B” Road in Johnson County, or portion thereof, to an Area Service System “A” Road. Accordingly:

- A. The Board may, on its own motion, or upon recommendation of the Engineer, determine to establish a roadway or roadways, or portion thereof, as a Level B Road(s).**
- B. The Board may, on its own motion, or upon recommendation of the Engineer, determine to re-establish a roadway or portion thereof as an Area Service System “A” Road upon a finding that the proposed upgrade in service level is in the interests of the general public welfare.**

C. The Board may, upon receiving a petition from at least 50% of the landowners owning property adjacent to an applicable Level B Road or segment, in consultation with the Engineer, determine to re-establish a roadway or portion thereof as a Level A Road. Such landowner(s) shall make their petition to the Engineer upon forms or format determined by the Engineer. Upon receipt of such application, the Engineer shall prepare an estimate of the costs to upgrade the road to Level A standards (e.g., IDOT I.M. 3.210). The Engineer shall request a public hearing and provide such cost estimate, together with a recommendation either in support of or against such application to the Board, and a copy to the applicant. Upon hearing, the Board, in its sole discretion, may determine to grant the application or deny the application based on the feasibility, economic benefits, cost sharing proposed by the landowners, and other relevant factors associated with upgrading the Level B Road. Should the Board determine to grant the application, the Board may require as a condition of approving such upgrade from Level B to Level A Road, that the applicant(s) perform or assume the costs of performing all of the following:

1. Adjacent landowners must provide a minimum of 33 feet right-of-way, or as determined by Engineer to meet current design standards, to the County on each side of the centerline of the roadway and remove any fencing remaining within the new right-of-way area. Additional right-of-way may be required to meet the referenced design standards. Acquisition of such right-of-way shall be at no cost to the County, nor shall the County bear any responsibility for expenses or damages incurred.
2. No less than one half (1/2) of the costs of upgrading the road to a Level A Road, including, but not limited to granular surfacing, and culvert and/or bridge repair or replacement, as determined on a case-by-case basis by the Engineer in their estimate of costs to upgrade the road. The applicant shall provide said funds to the County prior to the commencement of work. Said funds shall be held in escrow, and shall be disbursed on not less than a monthly basis upon percentage completion of the work or restoring the road. The Engineer shall, together with the County Auditor, account for such funds and the disbursement thereof to the Board and to the applicant. Should the actual cost of upgrading the road to current Area Service System A standards be less than estimated, the County, upon completion of the work and accounting thereof, shall refund the pro-rata share to the applicant(s). Should the actual cost of restoring the road to current Level A Road system standards be more than estimated, the applicant shall not be required to further contribute, and the County shall bear the additional cost.

All Level B Roads to be re-established as Level A Roads, must be upgraded full length and must connect to a present Level A Road at each end of the road segment to be improved, unless otherwise approved by the Board. It is the policy of the County not to improve dead end roads at the request of a resident, landowner, or tenant. Upon the road improvements being satisfactorily made to bring the road up to Area Service System A standards, the Board will reclassify the road.

3:3.5 Notice and Hearing.

The Board shall fix a time and place for a hearing for classification of a road(s) or portion(s) thereof as an Area Service System “B” Road, or for re-establishment of an Area Service System “B” Road to an Area Service System “A” Road, and cause notice to be published as provided by law for a normal public meeting of the Board. The notice shall set forth the termini of the affected road or portion thereof, and shall state that all persons interested may appear and be heard at such hearing.

3:3.6 Hearing: Road Classification Established by Board Motion.

On the day fixed for the hearing or any day to which the hearing has been adjourned, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System “B” Road(s) is/are practicable, it may so establish it by resolution. In the case of a proposed re-establishment to an Area Service

System “A” Road, if the Board finds that such re-establishment is practicable, as set forth in this Ordinance, it may so re-establish, or re-establish with certain conditions, by resolution.

3:3.7 Level B Maintenance Policy.

Only the minimum effort, expense, and attention will be provided to keep Area Service System “B” Roads open to traffic. Bridges might not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations and/or closures. For the various maintenance activities, the minimum maintenance on Area Service System “B” Roads (i.e. Level B Roads) will be as follows:

- A. Blading. Blading or dragging will not be performed on a regular basis.
- B. Snow and Ice Removal. Snow and ice will not be removed, nor will the road surface be sanded or salted.
- C. Signing. Except for load limit posting for bridges, signing will not be continued or provided. NOTE: all Area Service System “B” Roads will be identified with a sign at all points of access from the Level A Road network to warn the public of the lower level of maintenance.
- D. Weeds, Brush, and Trees. Mowing or spraying weeds, cutting brush, and tree removal will not be performed, and might not be sufficient to allow vehicular passage. Adequate sight distances will not be maintained.
- E. Structures. Bridges and culverts might not be maintained to carry legal loads. Upon failure or loss, the structure might not be replaced, or might be replaced with a structure appropriate for the traffic thereon. In addition, the section of roadway involved will be reviewed by the Board to determine if the section of roadway will be vacated.
- F. Road Surfacing. Surfacing materials might not be applied to Area Service System “B” Roads.
- G. Shoulders. Shoulders will not be maintained.
- H. Crown. A crown might not be maintained.
- I. Repairs. Road repairs might not be made on a regular or timely basis.
- J. Uniform Width. Uniform width for the traveled portion of the road might not be maintained.
- K. Inspections. Regular inspections will not be conducted.
- L. Dust Control. Dust control will not be provided.

Blading or dragging operations will cease at such time as vegetation growth encroaches over the road right-of-way to the point that it interferes with entry by the equipment necessary to perform this work. Individuals can make application to the County Engineer for a permit allowing these private parties to remove the vegetation. At such time as that work is complete and equipment can once again access the roadway, surface maintenance as previously described, will be resumed.

For purposes of this section 7, the words “will”, “will not”, and “might not” have the following meanings:

- “Will” describes an activity to occur or be performed.
- “Will not” describes an activity that is not going to occur or be performed.
- “Might not” describes an activity that is possible but unlikely to occur.

3:3.8 Other Maintenance.

Nothing in section 7 shall be construed to limit such other maintenance that the Engineer and Board may deem appropriate from time to time with respect to a Level B Road. Performing any such maintenance shall not be construed as a modification of the maintenance standards set forth in section 7.

3:3.9 Rock Surfacing of Area Service System “B” Roads; Snow Removal.

Adjacent landowners on Level B Roads may apply for the road to be rocked to the driveway of their property at their expense as stated below. Rocking the road will not change the road’s level of service for snow removal, signing, maintenance blading, or otherwise, except as provided for in this section 9. The landowner must apply to the Engineer’s office and be granted a permit to surface the Level B Road with gravel prior to any rock being placed, subject to any terms the County Engineer may reasonably require. The County may or may not prepare the road surface prior to rocking, and will not bill adjacent landowners for motor grader time used for preparing the road top for rock application (or reapplication). Landowners will notify the County at least 48 hours in advance of rock being hauled to the road or road segment.

- A. Rock on Level B Roads with Residential Domicile(s). For those Level B Roads that are adjacent to property on which a domicile was located and occupied for use as a residence as of January 1, 2017, and remains so occupied continuously thereafter, the Engineer is authorized to approve or deny any such permit application based upon their professional judgment exercised in accordance with Iowa Code Chapter 309. A permit applicant under this subsection whose permit application is denied by the Engineer may seek review of the decision by the Board by filing a written request for review with the Engineer within ten (10) days of the date of the Engineer’s decision. A residential landowner granted a permit for rock surfacing must arrange to have the rock hauled. The Engineer will determine the classification and size of rock used. The applicant must pay the full cost of the rock, plus hauling charges, but may seek reimbursement from the County for 50% of such expenses, except that the County will have no obligation to reimburse for amounts of rock surfacing in excess of that determined by the County Engineer to be sufficient for the length and condition of the road segment to be treated. Private haulers must maintain insurance policies in such amounts and lines of coverage as required in the rock surfacing permit.
- B. Rock on Level B Roads without a Residential Domicile. For any Level B Road other than those serving a domicile as described in subsection 1, above, a landowner may apply for rock surfacing for all or part of a Level B Road that meets the conditions set forth below, and such application shall be reviewed and approved or denied by the Board of Supervisors in its sole discretion, upon consultation with the County Engineer. Any such Level B Roads for which a surfacing permit may be granted must meet the following minimum standards:
 1. Minimum right-of-way width shall be determined by the Engineer in order to provide adequate drainage and/or meet appropriate design standards, but shall not be less than 66 feet. If right-of-way is less than the minimum width, the landowner(s) may donate the additional needed right-of-way to the County for widening the road and must remove any fencing remaining within the new right-of-way at no cost to the County. Rights-of-way less than 66 feet in width will not be approved for rock surfacing under this subsection 2.
 2. All ditches must be of adequate size and grade to evacuate runoff from the road, right-of-way, and adjacent properties, without flowing over the road surface or ponding alongside the road to create locally soft areas. Adjacent landowners are to pay all costs for providing and/or restoring drainage to the roadway prior to surfacing. Culverts and bridges must be clear and not impede drainage. The judgment of the County Engineer on the adequacy of the right-of-way and roadbed will be final in this regard.

3. Minimum road top width is to be 22 feet. If road top is narrower than 22 feet, the adjacent landowner(s) will pay all costs necessary to widen the road top to accommodate the road surfacing.
4. All crossroad culverts and bridges must meet legal load and width requirements.

Upon approval of the road for initial surfacing by the Board of Supervisors under this subsection 2, or the approval of resurfacing by the County Engineer, the landowner may arrange to have the rock hauled in accordance with the rock surfacing permit. All costs of rock and hauling under this subsection 2 are the responsibility of the landowner.

- C. Non-Liability for Rock Surface Repair or Maintenance. The County may, in the course of ditch maintenance, road surface maintenance, or otherwise, damage or cover the road surfacing placed by a landowner. The County shall not be liable for replacing any damaged or covered road surfacing material. Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads except as set forth in this section 9 and will not accept these roads into the County Area Service System A unless upgraded in accordance with the procedure established by this Ordinance.
- D. Snow and Ice Removal. The Johnson County Snow and Ice Removal Policy, adopted March 31, 2011 and as amended in the future, will be followed unless discontinued by the County, which it may at any time. Snow removal will be provided in accordance with that policy for Level B Roads serving a domicile as defined in subsection 1, above, provided a rock surfacing permit has been approved for an applicable Level B Road segment within the five (5) years preceding a winter storm event necessitating snow removal, and vegetation growth does not encroach to the point that it prohibits entry by equipment necessary to perform this work.

3:3.10 Exemption from Liability.

As provided in said Iowa Code § 309.57 (2022), the County and officers, agents, and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service System “B”, if the road has been maintained as provided in section 7 of this article.

3:3.11 Additions to Area Service System.

It shall be the policy of the Board not to accept any additional roads or streets into the County Highway System.

3:3.12. Effective Date

Effective December 21, 2017⁷

⁷ Ordinance 12-11-17-01 (Enacted December 11, 2017) *Appendix p. 21*

CHAPTER 4. PUBLIC ORDER, SAFETY AND HEALTH

Article 4:1 Fireworks

4:1.1 Purpose.

The purpose of this article 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 § 727.2 (2022).

4:1.2 Definition.

- A. As used in this article, 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 Iowa Code § 727.2 (2022). 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 article, 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 article, 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 article, the term “operator” means a person trained in fireworks safety who will set up and explode the fireworks.
- E. As used in this article, the term “applicant” means the municipality, organization, or group of individuals requesting a fireworks permit.
- F. As used in this article, 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 article 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 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 article 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 their designees may suspend any permit issued pursuant to this article should they 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 article. 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 article shall constitute a simple misdemeanor and the penalty for such violations shall be provided by the Iowa Code for simple misdemeanors.

4:1.9 Effective Date.

Effective April 21, 1983⁸; Amended June 4, 1997⁹; Amended April 9, 2013¹⁰

⁸ Ordinance 04-07-83-1 (Enacted April 7, 1983) *Appendix p. 33*

⁹ Ordinance 05-22-97-1 (Enacted May 22, 1997) *Appendix p. 32*

¹⁰ Ordinance 03-28-13-01 (Enacted March 28, 2013) *Appendix p. 30*

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

4:2.1 Purpose.

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

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 Iowa Code § 123.3(40) (2022) 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.
- 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 (5) 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 article 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.

4:2.4 Effective Date.

Effective July 1, 1988¹¹; Amended December 6, 2000.¹²

¹¹ Ordinance 06-21-88-1 (Enacted June 21, 1988) *Appendix p. 42*

¹² Ordinance 11-21-00-01 (Enacted November 21, 2000) *Appendix p. 41*

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

4:3.1 Purpose.

The purpose of this article 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 article 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 article.

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.

4:3.7 Effective Date

Effective June 19, 2008¹³

¹³ Ordinance 06-12-08-01 (Enacted June 12, 2008) *Appendix p. 44*

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

4:4.1 Purpose.

The purpose of this article 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 article, 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 article.

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.

4:4.7 Effective Date.

Effective June 21, 2008¹⁴

¹⁴ Ordinance 06-14-08-01 (Enacted June 14, 2008) *Appendix p. 46*

Article 4:5 Human Rights

4:5.1 Purpose.

The purpose of this article 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 article 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* (1969), 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 article, the Iowa Civil Rights Act (1965), as amended, the federal Civil Rights Act (1964), 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:

- A. *Age* means the chronological age of any person.
- B. *County Attorney* means the Johnson County Attorney or the Johnson County Attorney's designee.
- C. *Disability* means:
 1. The physical or mental impairment of a person which substantially limits one or more of such person's major life activities, or the condition of a person with a positive human immunodeficiency virus (HIV) test result, a diagnosis of acquired immunodeficiency syndrome (AIDS), a diagnosis of an AIDS related complex, or any other condition related to AIDS;
 - a. The inclusion of a condition related to a positive HIV 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.
 2. A Record of having such impairment; or
 3. Being regarded as having such an impairment.

"Disability" does not include current illegal use of, or addiction to, a controlled substance as defined by Iowa Code Chapter 124 (2022), as amended.

D. *Employee* means:

1. Any person who works for wages, salary or commission or any combination thereof; or
2. Persons who are seeking or applying for employment.

E. *Employer* means:

1. 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
2. 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.

- F. *Employment Agency* means any person or entity undertaking to procure employees or opportunities to work for any other person or entity.
- G. *Familial Status* means one or more individuals under the age of eighteen (18) domiciled with:
 - 1. A parent or another person having legal custody of the individual or individuals; or
 - 2. 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.

- H. *Family* means a single individual, and includes persons who are registered as domestic partners.
- I. *Gender Identity* means 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.
- J. *Johnson County* means the unincorporated areas of Johnson County unless this article 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.
- K. *Labor Organization* means 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.
- L. *Marital Status* means the state of being married, a member of a legally recognized domestic partnership, single, divorced, separated or widowed.
- M. *Person* means 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.
- N. *Public Accommodation* means 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:
 - 1. By a public body or agency;
 - 2. For or without regard to profit; or
 - 3. 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.

- O. *Source of Income* means 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.
- P. *Religion* means all aspects of religious observance and practice, as well as belief, or the actual identification with or perceived identification with a religion.
- Q. *Respondent* means 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.
- R. *Sexual Harassment* means 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.
- S. *Sexual Orientation* means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality.
- T. *Unfair Practice or Discriminatory Practice* means those practices specified as unfair or discriminatory in Iowa Code § 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.9, 216.10, 216.11, and 216.11A (2022), as amended, or this article.

4:5.4 Employment.

- A. Prohibitions. The prohibitions against unlawful discrimination contained in section 4 of this article apply to employment that is or would be in whole or in part in Johnson County, or 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 article.
 - 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. Section 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 Transactions* means a consumer credit sale or consumer loan, or a refinancing or consolidation thereof, or a consumer lease, or a consumer rental purchase agreement. As defined in Iowa Code § 537.1301(12), as amended.
2. *Credit* means the right granted by a person extending credit to a person to defer payment of debt, to incur debt and defer its payment, or to purchase property or services and defer payment thereof. As defined in Iowa Code § 537.1301(16), as amended.
3. *Creditor* means the person who grants credit in a consumer credit transaction or, except as otherwise provided, an assignee of a creditor's right to payment, but use of the term does not does not in itself impose on an assignee any obligation to the assignee's assignor. As defined in Iowa Code § 537.1301(18), 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 Iowa Code Chapter 524, 533, 534, 536, or 536A, 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 article.

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* means 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* means any person who:
 - a. Claims to have been injured by a discriminatory housing practice; or
 - b. Believes that such person will be injured by a discriminatory housing practice that is about to occur.
3. *Dwelling* means 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* means 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* means 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 article, 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 Institution. 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 article 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 a 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 D(3)(c) 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.

- 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 article.
- 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 their having exercised or enjoyed, or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article.

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 article 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 Iowa Code Chapter 216, 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 Chapter 216. If the complaint alleges violation of Iowa Code Chapter 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 article.

C. Procedure. For the complaints of discrimination determined to be covered exclusively by this article 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 article, whether reflected in notes, memoranda, or other work product, is confidential as provided in this article.

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 article 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 Iowa Code § 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 Procedure.

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 article 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.

1. 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 article; 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. Post-hearing Procedures.

1. Briefs.
 - a. Submission of Post-hearing Briefs. The administrative law judge may fix times for submission of post-hearing 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 non-appelling 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 their 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 their 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, they 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. Award 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 article. 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 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 Iowa Code § 17A.19, 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 article.

B. Judicial Review. Judicial review of the decision of the County Attorney may be sought in accordance with the terms of the Iowa Administrative Procedures Act, as amended. For purposes of the time limit for filing a petition for judicial review under the Iowa Administrative Procedures Act, as amended, the issuance of a final decision of the County Attorney under this article occurs on the date notice of the decision is mailed by certified mail to the parties. Notwithstanding the time limit provided in Iowa Code § 17A.19(3), 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 10A of this article. 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 10A of this article.
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 article.
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 article. 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.

4:5.16 Effective Date.

Effective January 11, 2007¹⁵

¹⁵ Ordinance 12-28-06-01 (Enacted December 28, 2006) *Appendix p. 48*

Article 4:6 Voting Precincts in Johnson County

4:6.1 Purpose.

The purpose of this article is to establish the voting precincts in Johnson County in compliance with § 49.3 and § 49.4 of the Iowa Code.

4:6.2 Precincts and Descriptions.

The County of Johnson County is hereby divided into 65 precincts as follows:

Big Grove shall include Big Grove Township excluding the City of Solon, except the following City area based on a revised Letter of Agreement entered into by both jurisdictions: the annexation recorded in bk. 6291 pg. 37 that encompasses Census Block 191030101002005, 191030101002007, 191030101002008, a portion of 191030101002006, a portion of 191030101003015, and a portion of 191030101003031. And excludes township area within the city limits of Solon that encompasses Census Block 191030101003039.

Cedar shall include Cedar Township.

Coralville 01, Coralville 02, Coralville 03, Coralville 04, Coralville 05, Coralville 06, Coralville 07, Coralville 08, and Coralville 09 – located within the corporate limits of City of Coralville as described in Ordinance No. 2022-1005; except the following City area based on revised Letter of Agreement entered into by both jurisdictions: Beginning at the intersection of the corporate limits of the City of Coralville and the northeast corner of the Auburn East Subdivision, Coralville, Iowa (also the north line of the SE ¼ NE ¼ of Section 29, Township 80 North, Range 6 West of the 5th P.M.); thence east along the north line of Auburn Ridge Subdivision, Coralville Iowa to the centerline of Dubuque Street NE.; thence south along the centerline of said Dubuque Street NE to the northeast corner of Lot 1, Ladd's First Subdivision, Johnson County, Iowa; thence west along the north line of said Lot 1 to the south line of the SE ¼ NE ¼ of Section 29, Township 80 North, Range 6 West of the 5th P.M.; thence west along said south line of the SE ¼ NE ¼ to the southwest corner of Auburn Ridge Outlot A, Coralville, Iowa; thence north along the west boundary of Auburn Ridge Subdivision to the point of beginning.

Fremont-Lincoln (includes Lone Tree) shall include Fremont Township and Lincoln Township, including the City of Lone Tree.

Graham shall include Graham Township.

Hardin shall include Hardin Township.

Iowa City 01, Iowa City 02, Iowa City 03, Iowa City 04, Iowa City 05, Iowa City 06, Iowa City 07, Iowa City 08, Iowa City 09, Iowa City 11, Iowa City 12, Iowa City 13, Iowa City 14, Iowa City 16, Iowa City 17, Iowa City 18, Iowa City 19, Iowa City 20, Iowa City 21, Iowa City 23, Iowa City 24, Iowa City 25, Iowa City 26, Iowa City 27 – located within the corporate limits of City of Iowa City as described in Ordinance No. 21-4870.

Iowa City 10 (includes East Lucas South West)- shall include Iowa City 10 located within the corporate limits of City of Iowa City as described in Ordinance No. 21-4870 and that portion of East Lucas Township lying southerly and westerly of the Iowa City corporate boundary, said portion lying westerly of Soccer Park Road.

Iowa City 15 (includes East Lucas South East) shall include Iowa City 15 located within the corporate limits of City of Iowa City as described in Ordinance No. 21-4870 and that portion of East Lucas Township lying southerly and easterly of the Iowa City corporate boundary, said portion lying easterly of Soccer Park Road.

Iowa City 16 shall include Iowa City 16 within the corporate limits of City of Iowa City as described in Ordinance No. 21-4870 and the following township area based on a revised Letter of Agreement entered into by both jurisdictions: that portion of Scott Township within the city limits known as Census Block 191030105012046, 191030105012035, and 191030105012039. Excludes the following city area based on a revised Letter of Agreement entered into by both jurisdictions: the area south of Scott Park and north of American Legion Road SE, also known as the Community View Subdivision and also known as Census Block 191030105012044, that was annexed after January 1, 2020.

Iowa City 22 (includes East Lucas North) shall include Iowa City 22 located within the corporate limits of City of Iowa City as described in Ordinance No. 21-4870 and that portion of East Lucas Township lying north of the Iowa City corporate boundary.

Jefferson East (includes Shueyville) shall include 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) shall include 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 (includes Hills) shall include Pleasant Valley Township, Liberty Township, and the City of Hills.

Madison shall include Madison Township except area included in City of North Liberty precincts based on a Letter of Agreement entered into by both jurisdictions: Census Block 191030103053002 included in North Liberty Precinct 6; and Census Blocks 191030103034026, 191030103034027, and 191030103034028 included in Precinct 7. And includes the following City of North Liberty area based on a Letter of Agreement entered into by both jurisdictions: City territory west of Interstate 380 also known as Census Block 191030103061018.

Newport shall include Newport Township.

North Liberty 01, North Liberty 02, North Liberty 03, North Liberty 04, North Liberty 05, North Liberty 08 - located within the corporate limits of City of North Liberty as described in Ordinance No. 2022-11.

North Liberty 06 shall include North Liberty 06 within the corporate limits of City of North Liberty as described in Ordinance No. 2022-11 and the following Madison township area based on a Letter of Agreement entered into by both jurisdictions: Census Block 191030103053002.

North Liberty 07 shall include North Liberty 07 within the corporate limits of City of North Liberty as described in Ordinance No. 2022-11 and the following: Census Block 191030103034032 in Clear Creek Township; Census Blocks 191030103034026, 191030103034027, and 191030103034028 in Madison Township.

Oxford (includes city and township) shall include Oxford Township, and the City of Oxford.

Penn shall include Penn Township including the following City of Coralville area based on a revised Letter of Agreement entered into by both jurisdictions: City area within Census Block 191030103081004; and city area that within Census Blocks 191030103042023, 191030103062003, and 191030103062004.

Scott (includes West Branch) shall include Scott Township, excluding the following township area in Iowa City Precinct 16 based on a revised Letter of Agreement entered into by both jurisdictions: that portion of Scott Township within the city limits of Iowa City known as Census Block 191030105012046, 191030105012035, and 191030105012039, including that portion of the City of West Branch lying within Johnson County, and including the following area based on a revised Letter of Agreement entered into by both jurisdictions: the area south of Scott Park and north of American Legion Road SE, also known as the Community View Subdivision, also known as Census Block 191030105012044, that was annexed after January 1, 2020.

Sharon shall include Sharon Township

Solon shall include City of Solon except the following city area based on a Letter of Agreement entered into by both jurisdictions: the annexation recorded in bk. 6291 pg. 37 that encompasses Census Block 191030101002005, 191030101002007, 191030101002008, a portion of 191030101002006, and a portion of 191030101003031. And includes township area within the city limits of Solon that encompasses Census Block 191030101003039.

Tiffin 01 (includes Clear Creek) - shall include Tiffin 01 located within the corporate limits of City of Tiffin as described in Ordinance No. 2021-490 and Clear Creek Township except the following township area based on a Letter of Agreement entered into by both jurisdictions: Census Block 191030103034032 included in North Liberty Precinct 7.

Tiffin 02 - located within the corporate limits of City of Tiffin as described in Ordinance No. 2021-490.

Union shall include Union Township.

University Heights shall include City of University Heights.

Washington shall include Washington Township.

West Lucas shall include West Lucas Township.

4:6.5 Correction of Errors.

If this Ordinance fails to place any part of the County of Johnson within a precinct established by this Ordinance, the Commissioner of Elections shall assign the omitted area to an adjacent precinct within the same Representative District. If this Ordinance places any part of the County of Johnson in more than one precinct established by this Ordinance, the Commissioner of Elections shall assign that territory to an adjacent precinct within the proper Representative District. The Commissioner of Elections may also correct obvious clerical errors in this Ordinance.

4:6.6 Publication of Changes.

The Johnson County Commissioner of Elections is hereby directed to forward a copy of this Ordinance to the Secretary of State and to publish notice of the boundaries established by this Ordinance once each week for three consecutive weeks, with the final publication to be no later than 30 days prior to the next general election, as prescribed by Iowa Code § 49.11.

4:6.7 Effective Date.

Pursuant to Iowa Code § 49.7, this Ordinance shall be in full force and effect upon its final passage and approval. Effective September 15, 2022¹⁶

¹⁶ Ordinance 09-15-22-01 (Enacted September 15, 2022) *Appendix p. 69*

Article 4:7 Minimum Wage

4:7.1 Purpose.

The purpose of this article shall be to establish a minimum hourly wage applicable to certain employees and employers within the geographical boundaries of Johnson County, Iowa.

4:7.2 Authority.

This article is adopted pursuant to Johnson County's home rule authority as set out in Article III, § 39A of the Iowa Constitution, and consistent with the County's independent police powers and its ability to adopt standards that exceed the standards set forth by the State, both as set out in Iowa Code § 331.301.

4:7.3 Applicability within Johnson County Municipalities.

This article shall be applicable within the unincorporated areas of Johnson County, Iowa, and within any Johnson County municipality that has not adopted a conflicting ordinance.

4:7.4 Minimum Wage Requirements.

- A. The Johnson County hourly wage shall be at least \$8.20 as of November 1, 2015, \$9.15 as of May 1, 2016, and \$10.10 as of January 1, 2017. Beginning on July 1, 2018, and each July 1st thereafter, the Johnson County hourly wage shall be increased by an amount corresponding to the previous calendar year's increase (i.e., January 1, 2017 through December 31, 2017), if any, in the Consumer Price Index for the Midwest region as published by the Bureau of Labor Statistics, U.S. Department of Labor or its successor index. The adjusted Johnson County hourly wage shall be announced by the Board of Supervisors by April 1 of each year.
- B. Every employer, as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, shall pay to each of the employer's employees, as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, the Johnson County hourly wage stated in paragraph "a", the current state hourly wage, pursuant to Iowa Code § 91D.1, as amended, or the current federal minimum wage, pursuant to 29 U.S.C. § 206, as amended, whichever is greater.
- C. For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than thirty dollars a month in tips is receiving the minimum hourly wage rate prescribed in this section, the amount paid the employee by the employer shall be deemed to be increased on account of the tips by an amount determined by the employer, not to exceed forty percent of the applicable minimum wage.
- D. An employer is not required to pay an employee the applicable Johnson County hourly wage provided in paragraph "a" until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer prior to November 1, 2015, May 1, 2016, or January 1, 2017, shall earn the applicable Johnson County hourly minimum wage as of that date. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least \$6.35.
- E. Employees are covered by this article for each hour worked within the geographic boundaries of Johnson County or one of the municipalities located therein, provided that an employee who performs work in the geographic boundaries of Johnson County or one of the municipalities located therein on an occasional basis is covered by this article in a two-week period only if the employee performs more than two hours of work within Johnson County or an applicable municipality during that two-week period.

4:7.5 Exceptions.

The exemptions from the minimum wage requirements stated in Iowa Code § 91D.1(2) shall apply to this article.

4:7.6 Enforcement of Violations.

Any violation of this article shall be considered a county infraction, punishable as provided by Iowa Code § 331.307. Additionally, this article may be enforced pursuant to Iowa Code Chapter 91A.

4:7.7 Applicability.

Notwithstanding the above, this article shall not be applicable within the geographic boundaries of any Johnson County municipality that has adopted a conflicting ordinance, or to work performed by employees within said Johnson County municipality.

4:7.8 Effective Date.

Effective November 1, 2015¹⁷

¹⁷ Ordinance 09-10-15-01 (Enacted September 10, 2015) *Appendix p. 77*

Article 4:8 Smokefree Places

4:8.1 Purpose.

The purpose of this article is to protect and preserve the health and welfare of Johnson County residents and visitors by regulating the use of e-cigarettes and the protection of areas outside of public places from certain smoking-related activities.

4:8.2 Adoption.

There is hereby adopted by reference that certain state statute known as Iowa Code Chapter 142D, as may be amended from time to time, and enlarged by this section 4:8, as establishing those places within Johnson County where smoking is or may be prohibited. Smoking is prohibited and a person shall not smoke in any of the places lying in Johnson County, Iowa that are described in Iowa Code § 142D.3 or that may be declared nonsmoking pursuant to Iowa Code § 142D.5, subject to the exceptions in Iowa Code § 142D.4.

4:8.3 Additional Definitions.

For purposes of this section:

- A. All definitions set out in Iowa Code § 142D.2 are incorporated herein.
- B. The following definitions are added to § 142D.2 of the Smokefree Air Act:
 1. *Vapor product* means any noncombustible product, which may or may not contain nicotine, which employs a heating element, power source, electronic circuit, or other electrical, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution of other substance. “Vapor Product” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. “Vapor Product” does not include any product regulated as a drug or device by the United States Food and Drug Administration, under Chapter V of the federal Food, Drug and Cosmetic Act.
 2. *Alternative nicotine product* means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting or sniffing or by any other means. Alternative nicotine product does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V, of the federal Food, Drug and Cosmetic Act.

4:8.4 Alternative Nicotine Products and Vapor Products.

It shall be unlawful for any person to use any alternative nicotine product or any vapor product in any place where cigarettes are prohibited to be used pursuant to section 4:8.2 of this article.

4:8.5 Additional Protected Areas.

It shall be unlawful for any person to smoke, or use any alternative nicotine product or vapor product within twenty-five (25) feet of the entrance to any public places where smoking is not allowed under section 4:8.2 of this article.

4:8.6 Penalties.

In addition to the civil penalties provided for in Iowa Code Chapter 142D, violation of any provision of this article shall constitute a county infraction under Iowa Code § 331.307, punishable by a penalty of \$100.00 for a person’s first violation thereof and \$200.00 for each repeat violation, enforceable by any officer authorized by

Johnson County to enforce county codes or regulations. Alternatively, violation of this article can be charged by a peace office of the county or a city therein as a simple misdemeanor.

4:8.7 Jurisdiction.

The provisions of this article shall apply throughout Johnson County, Iowa including within the corporate limits of all cities in Johnson County that have not enacted an ordinance addressing vapor products and/or alternative nicotine products. If a city within Johnson County enacts or has enacted such an ordinance, then this article shall have no effect within such city to the extent this article conflicts with the city ordinance. If a city within Johnson County enacts an ordinance stating that this article shall have no effect within the corporate limits of said city, then such a city ordinance shall be a complete defense for any violations of this article occurring within the corporate limits of said city for so long as the local city ordinance remains effective.

4:8.8 Conflicts.

All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this article are hereby repealed.

4:8.9 Adjudication.

If any section, provision, or part of this article shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the article as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

4:8.10 Effective Date.

Effective May 9, 2019¹⁸

¹⁸ Ordinance 04-25-19-01 (Enacted April 25, 2019) *Appendix p. 80*

Article 4:9 Authorizing Ambulance Service to Bill and Collect for Patient Services

4:9.1 Purpose.

The purpose of this ordinance is to authorize the Johnson County Ambulance Service to:

- a. Establish and set its schedule of fees by setting pricing and determining how much services cost
- b. Update, modify, or change its schedule of fees as often as necessary, as determined by and within the sole discretion of the director and the director's staff
- c. Charge fees for its services to its patients
- d. Determine how much to bill patients and what to charge to patients
- e. Assess charges, fees, and amounts due to patients by billing the patients
- f. Engage in debt collection activities to collect the unpaid amounts from the patients as well as from any other relevant third parties that may be involved such as insurance companies
- g. Participate in the Iowa Department of Revenue's Setoff in compliance with Iowa Code section 421.65
- h. Participate and appear in legal actions by
 - i. Filing legal claims or cases against patients to collect unpaid bills and debts, and
 - ii. Defend against any or all actions or claims filed by patients against the ambulance service, including but not limited to actions for wrongful setoff, probate of estates, bankruptcy, or receivership.

4:9.2 Applicability.

This ordinance shall apply to any and all fees or bills charged to patients by the Johnson County Ambulance Service and is intended to comply with Iowa Code section 421.65 and any other Iowa Code section that provides for the State collection of debts owed to public agencies.

4:9.3 Reasonable Fees.

The Johnson County Ambulance Service shall set reasonable, appropriate, and competitive market-based rates it charges for services rendered to patients. The director and the director's staff are authorized to update, modify, or change its schedule of fees as often as necessary, as determined by and within the director's sole discretion.

Payment of fees shall be made to the Johnson County Ambulance Service and reported to the Board of Supervisors on an annual basis in the usual and normal course of reporting money collected for the benefit of the Johnson County Ambulance Service.

4:9.4 Responsibility.

The Director of the Johnson County Ambulance Service shall be responsible for developing and implementing policies, procedures, and protocols to ensure emergency medical services provided are charged, billed, and collected in compliance with applicable laws, regulations, and standards. The Johnson County Ambulance Service may collect any liquidated sum certain, owing, and payable to the Johnson County Ambulance Service, with respect to which the ambulance service has provided the obligor an opportunity to protest or challenge the sum in a manner in compliance with applicable law and due process, and which has been determined as owing through the challenge or protest, or for which the time period provided by the ambulance service to challenge or protest has expired.

4:9.5 Notice.

The Johnson County Ambulance Service will send a notice to patient obligors stating any liquidated sum certain, owing, and payable to the Johnson County Ambulance Service. The ambulance service will provide the obligor an opportunity to protest or challenge the sum in a manner in compliance with applicable law and due process.

Patient obligors who wish to dispute or challenge their bill must submit their dispute in writing to the Johnson County Ambulance within fifteen (15) days after the Johnson County Ambulance Service has mailed the notice of patient's options to dispute or challenge the patient's bill (the invoice due and payable to Johnson County Ambulance Service). If the patient obligor submits a written contest or dispute to the Johnson County Ambulance Service, then the Johnson County Ambulance shall respond within thirty (30) days after receiving the party's challenge or dispute and indicate:

- a. The time when the County will review the relevant facts of the challenge with the obligor; and
- b. A statement to the obligor that an alternative time may be set at the request of the obligor; and
- c. A statement to the obligor that if the obligor does not participate in the review at the scheduled time and an alternative time is not requested and approved, the review shall take place without the obligor being present.
- d. Information in favor of the obligor shall be considered at the review only if that information is presented or offered at the review. Information in favor of the ambulance service shall be considered in the review.

4:9.6 Outcome of review.

If a review occurs because a patient obligor submits a challenge or dispute within fifteen days after the notice was mailed by the ambulance service, then the patient obligor will continue to owe the amount due unless the outcome of the review is one of the following:

- a. a determination that the debt is not a qualified debt, or
- b. the bill is erroneous because of a mistake of fact, including a mistake in the identity of the obligor, or a mistake in the amount owed.

Only those two grounds shall be considered as a reason to reduce or eliminate the amount due from the disputing or challenging patient obligor.

If it has been determined as owing through the challenge or protest, or, if the time period provided by the ambulance service to challenge or protest has expired, then the Johnson County Ambulance Service shall have the option and authority to engage in collection activities to try to collect. This includes but is not limited to submitting the unpaid billing invoice to the Iowa Department of Revenue's Setoff Program, referring the account to a third-party debt collection service, and filing claims against or taking legal action against the patient-obligor.

4:9.7 Failure to provide notice to the County.

The Johnson County Ambulance Service may object to non-payment of a portion or all of a patient obligor's bill based on the patient obligor's failure to timely dispute or challenge the unpaid fee or bill.

4.9.8 Effective Date.

Effective June 27, 2024¹⁹

¹⁹ Ordinance No. 06-13-24-01 (Enacted June 13, 2024) *Appendix p. 83*

CHAPTER 5. SOCIAL AND HUMAN RIGHTS

Article 5:1 Uniform Court Appointed Attorney and Guardian Ad Litem Fees

5:1.1. Purpose.

The purpose of this ordinance is to establish a uniform hourly rate for court appointed attorneys when appointed as counsel, guardian ad litem, or a court visitor and the attorney is to be paid at county expense.

5:1.2. Applicability.

This ordinance shall apply to an attorney appointed by the court pursuant to Iowa Code sections 125.78, 232D.505, 598.12, 598.12A, 598.12B, 633.561, 633.562 or any other Iowa Code section that provides for the appointment of an attorney to be paid at county expense when those fees are not otherwise set by statute.

5:1.3. Reasonable Attorney Fees.

An attorney who is appointed by the court to represent any person at county expense shall be entitled to reasonable compensation. Compensation for such appointments in Johnson County shall be deemed reasonable and calculated at the current lowest hourly rate for payment of attorneys and guardians ad litem consistent with Iowa Code section 815.7. In the event that Iowa Code section 815.7 is amended to change the reasonable hourly rate for payment of attorneys and guardians ad litem, Johnson County will pay the lowest reasonable rate in place at the time of the attorney's appointment.

5:1.4. Fee Cap.

Attorney fee claims in cases where Johnson County is responsible for payment are subject to a maximum ten (10) billable hours. Additional billable hours at the lowest reasonable hourly rate consistent with Iowa Code section 815.7 may be paid only if the court has granted a motion to exceed fee guidelines prior to submission of the invoice to the County Attorney for review.

5:1.5. Notice and Proof of Indigent Status.

Johnson County is entitled to notice when any party claims to be indigent and entitled to court appointed counsel at county expense. Any party claiming to be indigent shall submit objective proof of their indigent status in writing to the Johnson County Attorney within ten (10) days of the filing of any petition or request for court appointed counsel at county expense. The Johnson County Attorney shall respond within fifteen (15) days of receipt of the proof of the party's indigent status and indicate:

- A. The County Attorney does not object to the appointment of counsel at county expense; or
- B. The County Attorney objects to the appointment of counsel at county expense stating the reasons therefore and requests a hearing to be set to determine if the person requesting counsel is actually indigent; or
- C. The County Attorney needs more information prior to making a determination.

5:1.6. Notice of Fee Claim to be Paid at County Expense.

Johnson County is entitled to notice when any person intends to submit an attorney fee claim to be paid at county expense. Any attorney intending to submit a fee claim to Johnson County for payment shall first submit the fee claim in writing to the Johnson County Attorney for review with any motion and order to exceed the fee cap attached. The Johnson County Attorney shall respond within fifteen (15) days of receipt of the invoice and indicate:

- A. The County Attorney does not object to payment of the fee claim by the county; or

- B. The County Attorney objects to payment of the fee claim at county expense stating the reasons therefore and requests a hearing to be set to determine what portion, if any, of the fee claim shall be paid by the county; or
- C. The County Attorney needs more information prior to making a determination.

5:1.7. Failure to Provide Notice to the County Attorney.

The Johnson County Attorney may object to payment of a portion or all of an attorney fee claim at county expense for failure to timely provide notice and proof of indigent status or failure to provide notice of intent to submit a fee claim to be paid at county expense.

5:1.8. Effective Date.

Effective October 28, 2021²⁰

²⁰ Ordinance 10-14-21-01 (Enacted October 14, 2021) *Appendix p. 88*

CHAPTER 6. CULTURE, EDUCATION AND RECREATION

No Ordinances in Chapter 6 as of 2024

CHAPTER 7. [RESERVED]

No Ordinances in Chapter 7 as of 2024