

**JOHNSON COUNTY                      CODE OF ORDINANCES**  
**Chapter 3 – Law Enforcement**

**Chapter 3:              LAW ENFORCEMENT**

**Article**

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**Article I. COUNTY POLICIES**

**Section**

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**Article II. COUNTY JAILS**

**A.C.A. § 12-41-502. Supervision.**

The county sheriff of each county in this state shall have the custody, rule, and charge of the jail within his or her county and all prisoners committed in his or her county, and he or she may appoint a jailer for whose conduct he or she is responsible.

**A.C.A § 12-41-503(a)-(b). Management of local jail populations.**

- (a) County sheriffs and other keepers or administrators of jails within the State of Arkansas are responsible for managing the populations and operations of their respective facilities in compliance with the laws and the Arkansas Constitution and within the requirements of the United States Constitution.
- (b) Neither a county sheriff nor another keeper or administrator of a jail shall refuse to accept any prisoner lawfully arrested or committed within the jurisdiction of the supporting agency of the jail except as necessary to limit prisoner population in compliance with subsection (a) of this section.

**A.C.A. § 12-41-506(a). Municipal prisoners; expenses.**

- (a) (1) In the absence of an agreement on jail costs between a county and all municipalities having law enforcement agencies in the county, the quorum court in a county in this state may by ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the county jail.
- (2) The fee shall be based upon the reasonable expenses which the county incurs in keeping such prisoners in the county jail.

**Section**

320.00            Fees for maintaining and keeping prisoners of all other governmental units; established.

320.01            Inmate health care payment policy established.

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**§ 320.00 FEES FOR MAINTAINING AND KEEPING PRISONERS OF ALL OTHER GOVERNMENTAL UNITS; ESTABLISHED.**

- 1) Johnson County Quorum Court Ordinances 274 (11-9-1983) and 761 (4-10-1997) are repealed in their entirety and replaced with the following.
- 2) In the absence of a written contract on jail costs between Johnson County and a government unit that presents a prisoner(s) to the County Detention Center for incarceration, the Sheriff shall levy the daily fee(s) established by this Ordinance, which shall be charged for all prisoners kept in the Johnson County Detention Center pursuant to A.C.A. § 12-41-506. Where a written contract between this County and a particular governmental unit exists, the rate established in the written contract shall be levied and charged by the Sheriff.
- 3) A prisoner shall mean “those offenders who are arrested by municipal law enforcement and delivered to the county jail for incarceration, from the point of intake until (a) charging on a felony offense; (b) sentencing on a misdemeanor offense; and (c) release on a municipal ordinance violation,” as set out in *Mississippi County v. City of Blytheville*, et al, 2018 Ark. 50.
- 4) It shall be the obligation of the Johnson County Sheriff’s Department to maintain reports containing the name of each prisoner, the governmental unit committing the prisoner and the number of days each prisoner is incarcerated in the Johnson County Jail.
- 5) The Johnson County Sheriff’s Department shall charge and collect per diem costs of \$50.00 per prisoner per day, or any part thereof, for any and all prisoners incarcerated by any other governmental unit in the Johnson County Jail. Per diem costs set by this Ordinance are subject to recalculation at any time and solely at the option of Johnson County through the Ordinance process.
- 6) All funds collected pursuant to this Ordinance shall be accounted for and turned over to the County Treasurer as they are received and shall be deposited by said County Treasurer into the County General Fund.
- 7) All fees levied and charged under this Ordinance and/or under any written contract between Johnson County and any governmental unit shall be due and payable by the 10<sup>th</sup> day of the succeeding month in which billed.
- 8) Medical or dental treatment shall be provided to any prisoner as required under state and federal law. Any medical and/or dental treatment costs shall be billed to the prisoner

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and/or the governmental unit responsible for the arrest of the prisoner.

- 9) SEVERABILITY CLAUSE. If any portion of this Ordinance shall be subsequently held invalid, the remaining parts thereof shall remain in full force and effect.
- 10) EFFECTIVE DATE. This Ordinance shall take effect January 1, 2021 and shall renew each year on January 1 unless repealed, revised, or replaced prior to that date.  
(Ord. 1983-274, passed 11-9-1983; Am. Ord. 1997-761, passed 04-10-1997; Am. Ord. 2020-1740, passed 10-08-2020)

**§ 320.01 INMATE HEALTH CARE PAYMENT POLICY; ESTABLISHED.**

- 1) All prisoners housed in the Detention Center shall pay a Twenty-Five Dollar (\$25.00) co-payment fee for any medical and/or dental service requested by the inmate;
- 2) All prisoners housed in the Detention Center shall pay a Ten Dollar (\$10.00) co-payment fee for each prescription drug provided to the inmate by a licensed physician, nurse practitioner or other health care professional authorized to write prescriptions in the State of Arkansas;
- 3) The co-payments identified in Sections 1 and 2 shall be paid by the inmate at the time of the service or prescription drug is delivered to the inmate. If the particular inmate does not have sufficient funds in his or her personal property which may have been removed from his/her person and maintained at the Sheriff's Office at the time of his or her arrest, the co-payments and expenses aforesaid shall be deducted from the inmate's "commissary account," which is currently maintained for each prisoner housed in the Detention Center which they may draw upon if funds are available therein to purchase snacks and other items;
- 4) If any prisoner lacks sufficient funds in his or her commissary account to pay for the aforementioned medical and/or dental services, said prisoner shall not be denied access to health care based on his or her inability to pay. Said prisoner will, however, reimburse the County for all charges he/she incurs for medical and/or dental care while housed in the Detention Center. The amount paid by the County on the prisoner's behalf shall be calculated by the Johnson County Sheriff or his designee, and the amount owing to the County shall constitute the prisoner's "account balance" which will be subject to payment at any time as hereinafter provided or should the particular prisoner return to the Detention Center and thereafter have funds in his or her personal property or his "commissary account" to satisfy all or any portion of said balance;

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- 5) When a prisoner appears before the District Court or the Criminal or Juvenile Division of the Circuit Court for sentencing or other disposition of the charge(s) pending against him or her, the Sheriff or Sheriff's designee shall provide the appropriate court with an invoice reflecting the expenses incurred under this Ordinance not covered by the prisoner's commissary account or by the prisoner himself/herself. The Sheriff's Office shall request that the Court assess the prisoner's outstanding account balance against him/her as long as such assessment can be made consistent with law. In the event the Court determines that the costs incurred by the prisoner hereunder are allowable, the Court shall consider whether to require the prisoner to pay said cost(s) as a condition of a suspended or probated sentence and may likewise render judgment against the inmate in the County's favor for the amount reflected on the prisoner's account;
- 6) In the event the account balance has been reduced to judgment as contemplated in Section 5 hereof, it shall be enforced in the same manner as fines, court costs, and restitution is collected. Moreover, property of the prisoner shall be subject to the payment of such balance in accordance with A.C.A. § 12-41-505;
- 7) Nothing contained herein shall preclude the County from utilizing any other collection process which may be available to it including execution and/or garnishment.
- 8) SEVERABILITY CLAUSE. If any portion of this Ordinance is declared to be invalid or unenforceable by a Court of competent jurisdiction, then the remainder shall be given full force and effect, it being the intention of the Quorum Court that the provisions hereof are severable.
- 9) EMERGENCY CLAUSE. The Quorum Court has determined that the costs to the County for providing medical and/or dental care to individuals incarcerated in the Johnson County Detention Center are increasing and that the County is no longer able to continue to shoulder said expenses without assistance from those individuals who request the provision of medical and/or dental services. Accordingly, the immediate adoption of the Ordinance being necessary for the proper and efficient administration of the Detention Center and to defray the expenses involved in the provision of health care to the Detention Center inmates being necessary, an emergency is hereby declared to exist, and this Ordinance shall forthwith be in full force and effect upon its passage.  
(Ord. 2012-1401, passed 08-02-2012)

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**Article III. COURT COSTS**

**A.C.A. § 16-10-305(a), (c)-(d). Court costs.**

- (a) There shall be levied and collected the following court costs from each defendant upon conviction, each plea of guilty or nolo contendere, or each forfeiture of bond.

. . .

- (c) No county, city or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

- (d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

. . .

**Section**

340.00 Additional court cost of \$3.00 for the County Law Library.

340.01 Additional fine of \$20.00 to help defray the expense of incarcerating prisoners.

**§ 340.00    ADDITIONAL COURT COST OF \$3.00 FOR THE COUNTY LAW LIBRARY.**

- 1) Be it ordained by the Quorum Court of Johnson County, Arkansas, that the court cost to be levied against each defendant upon each judgment of conviction, plea of guilty, or nolo contendere or forfeiture for failure to appear shall be increased from its present rate of one dollar (\$1.00) per each conviction to three dollars (\$3.00) per each conviction as provided in A.C.A. § 16-23-103.  
(Ord. 1991-461, passed 04-10-1991)

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**§ 340.01    ADDITIONAL FINE OF \$20.00 TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS.**

- 1) Under the authority of Act 209 of 2009, there is hereby levied, and shall be collected, an additional fine in the amount of twenty dollars (\$20.00) from each defendant upon conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in A.C.A. § 16-17-707. The additional fine shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or violation.
- 2) The additional fine levied in Section 1 hereinabove shall apply to all applicable cases brought before all District Courts and departments thereof that now exist and are in operation, or may hereafter be created and placed into operation, within Johnson County.
- 3) All additional fines levied and collected under the provisions of this Ordinance shall be deposited into a special fund within the County Treasury to be used for capital expenditures of the County Jail or as otherwise specifically permitted under the provisions of Act 209 of 2009.
- 4) REPEALER. All ordinances or parts of ordinances found to be in conflict herewith, including specifically County Ordinance No. 2003-52 in its entirety, are hereby repealed.
- 5) EMERGENCY CLAUSE. This Ordinance shall take effect and be in full force and effect, immediately upon its passage, approval, and publication as required by law.  
(Ord. 2009-1324, passed 05-13-2009)



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**Article IV. COUNTY LAW**

**Section**

360.00 Reporting requirements for pawnbrokers, junk dealers and dealers in second hand articles.

360.01 County-wide burn ban; penalty.

360.02 Eliminate litter.

360.03 Regulation of the sale, possession and ingestion of certain substances; penalties.

**§ 360.00    REPORTING REQUIREMENTS FOR PAWNBROKERS, JUNK DEALERS, AND DEALERS IN SECOND HAND ARTICLES.**

- 1) It shall be the duty of each and every pawn shop and pawnbroker, junk dealer, and dealers in second hand articles doing business in the County of Johnson to keep a record showing pawnbrokers, pawn shops, junk dealers, and dealers in second hand articles, which record shall include a detailed description, serial number, and record of each and every item of property bought, sold, leased, or pledged. Said record shall include the name, address, and physical description of the person from whom said property was purchased, pledged, or pawned, or to whom said property was delivered regardless of whether or not consideration was received for the same.
- 2) That the records required to be kept in Section 1 above by pawnbrokers, pawn shops, junk dealers, and dealers in second hand articles shall be kept daily and shall be made available to any member of the Arkansas State Police, County Sheriff's Department, or Office of the Prosecuting Attorney, as well as all other law enforcement officers at the request of the same.
- 3) All pawnbrokers, pawn shops, junk dealers, and dealers in second hand articles in Johnson County, Arkansas, shall keep duplicate records which shall be subject to the inspection of and shall be delivered to said law enforcement officer by making the duplicate available at the business address of the pawnbroker, pawn shop, junk dealer, and dealer in second hand articles.
- 4) That it shall be unlawful for any pawnbroker, pawnshop, junk dealer, or dealer in second hand articles or their agents or employees to accept any pawn or pledge or buy from any minor, or to knowingly advance any money or other thing of value, upon the property of a minor, except with the written consent of the parent or guardian of said minor.

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- 5) Any person, firm, or corporation violating any part of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine not to exceed five hundred dollars (\$500.00) for each offense; provided further that each day that any pawnbroker, pawn shop, junk dealer, or dealer in second hand articles shall fail, refuse, or neglect to furnish to any law enforcement officer the records, as herein provided, or shall refuse to keep duplicates of said reports for the inspection of said law enforcement officers named, shall constitute a separate offense.
- 6) EMERGENCY CLAUSE. It is hereby recognized that items of stolen property are often pawned, pledged, or sold and that it is difficult to recover said items of property and determine the identification of the person selling said articles; therefore, it is hereby declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its adoption. (Ord. 1979-095, passed 04-27-1979; Am. Ord. 1995-655, passed 01-12-1995)

**§ 360.01 COUNTY-WIDE BURN BAN; PENALTY.**

- 1) Be it hereby ordained by the Johnson County Quorum Court that when the County Judge issues a county-wide burn ban, a penalty of fifty dollars (\$50.00) is hereby affixed to a first offense of burning in violation of a burn ban and two hundred dollars (\$200.00) affixed to a second offense of burning in the same ban period and five hundred dollars (\$500.00) is affixed to a third offense of burning within the same period.
- 2) EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval. (Ord. 1991-470, passed 08-08-1991)

**§ 360.02 ELIMINATE LITTER.**

- 1) For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the same meanings given herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The “shall” is always mandatory and not merely directory.
  - a) “**COUNTY**” shall mean and include the County of Johnson, Arkansas.
  - b) “**ELEMENTS**” shall mean and include any element, whether created by nature or created by man, which with reasonable foreseeability could carry litter from one place to another. “**ELEMENTS**” shall include, but not be limited to, air current, water current, and animals.

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- c) “**HANDBILL**” shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any printed matter or literature which is not delivered by the United States mail.
  - d) “**LITTER**” shall mean and include any uncontainerized man-made or man-used waste which, if deposited within the County, other than in a litter receptacle, tends to create a danger to public health, safety, and welfare, or to impair the environment of the people of the County. “**LITTER**” may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn garden waste, newspaper, magazine, glass, metal, plastic, or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or noxious or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.
  - e) “**NEWSPAPER**” shall mean and include any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal services in accordance with federal statutes or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, shall mean and include periodical or current magazine regularly published with not less than four (4) issues per year and sold or distributed to the public.
  - f) “**PERSON**” shall mean and include any natural person, firm, partnership, association, corporation, company, non-profit organization, or any governmental entity.
  - g) “**PRIVATE PREMISES**” shall mean and include any dwelling house, building, or other structure designed to be used, wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yards, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house, building, or other structure.
  - h) “**PUBLIC PLACE**” shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or public ways, and parks, squares, plazas, grounds, and buildings frequented by the general public, whether publicly or privately owned.
- 2) ENFORCEMENT. This chapter shall be enforced by the Johnson County Sheriff’s Office.
- 3) PENALTIES.
- a) Except as otherwise provided herein, any person convicted of a violation of any section of this chapter shall upon conviction be punished by a fine of not more

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than twenty-five dollars (\$25.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder.

- b) In addition to the foregoing penalties, the County, by appropriate action, may seek injunctive relief, requesting the Court to enjoin or order the abatement of any violation of this chapter.
- 4) **THROWING OR DISTRIBUTING IN PUBLIC PLACES.** No person shall throw, scatter, or cast any kind of handbill or newspaper in or upon any public place within the County; provided, however, it shall not be unlawful for any person to hand out or distribute handbills, newspapers, or any other things which are otherwise permitted and authorized by law in any public place to any person willing to accept it.
- 5) **PLACING IN OR UPON VEHICLES.** No person shall deposit, fasten, throw, or cast any handbill or newspaper in or upon any vehicle. The provisions of this chapter shall not be deemed to prohibit the handing of any handbill or newspaper to the owner or other occupant of any vehicle who is willing to accept it.
- 6) **DISTRIBUTION ON VACANT PRIVATE PREMISES.** No person shall place any handbill or newspaper in or upon any private premises which is vacant, unless attached in such a manner as not to deface the property.
- 7) **PREMISES POSTED AGAINST DISTRIBUTION.** No person shall place any handbill or newspaper upon any premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near any entrance thereof a sign bearing notice indicating in any manner that the occupant of said premises does not desire to have any such handbills or newspapers left upon said premises.
- 8) **MANNER OF DISTRIBUTION ON INHABITED PRIVATE PREMISES.** In the case of inhabited private premises which are not posted against handbill or newspaper distribution as provided in this chapter, any person, unless requested by someone upon such premises not to do so, may place or deposit any handbill or newspaper in or upon the inhabited private premises, if the handbill or newspaper is placed or deposited so as to prevent it from being carried by the elements about such premises or elsewhere, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
- 9) **CLEANUP.** Any person distributing handbills or newspapers shall maintain the area they are utilizing free of any litter caused or related to such distribution.
- 10) **EXEMPT ACTIVITIES.** The provisions of this chapter shall not be deemed to apply to the distribution of mail by the United States Postal Service.

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- 11) SEVERABILITY CLAUSE. If any part of this Ordinance is determined by the courts to be invalid or unconstitutional, that decision shall not affect the validity of the remaining parts.
- 12) REPEALER. All ordinances or parts of ordinances conflicting with this Ordinance are hereby rescinded.
- 13) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and take effect from and after its date of passage and approval.  
(Ord. 1981-201, passed 04-08-1981; Am. Ord. 2000-933, passed 03-09-2000)

**§ 360.03 REGULATION OF THE SALE, POSSESSION, AND INGESTION OF CERTAIN SUBSTANCES; PENALTIES.**

- 1) It is hereby declared to be unlawful for any person to give, barter, or sell to an individual within the limits of Johnson County, Arkansas, the following:
- a) Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salviadinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or extracts.
  - b) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3)2-methyloctan-2-yl)-6aq, 7, 10, 10a-tetrahydrobenzol{c}chromen-1-o1 some trade names or other names: HY-210
  - c) 1-Pentyl-3-(1naphthoyl)indole-some trade names or other names: JWH-018/spice
  - d) 1-Butyl-3-(1naphthoy)indole-some trade names or other names: JWH-073
  - e) N-benzylpiperazine-some trade names or other names: BZP
  - f) 1-(3-{trifulouromethylphenyl}) piperzine-some trade names or other names: TFMPP
  - g) Or any similar structure.
- 2) It is unlawful for an individual to use, possess, purchase, or attempt to purchase, within Johnson County, Arkansas:
- a) Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salviadinorum, whether growing or not, the seeds thereof, any

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extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plants, its seeds, or extracts.

- b) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzol{c}chromen-1-ol some trade names or other names: HY-210
  - c) 1-Pentyl-3-(1naphthoyl)indole-some trade names or other names: JWH-073
  - d) N-benzylpiperazine-some trade names or other names: BZP
  - e) 1-(3-{trifluoromethylphenyl}) piperzine-some trade names or other names: TFMPP
  - f) Or any similar substance.
- 3) It is not an offense under Section 2 above of this Ordinance if:
- a) The individual was acting at the direction of an authorized agent of Johnson County, Arkansas, to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance to individuals; or
  - b) The individual was acting as an agent of a retail provider within the scope of employment.
- 4) It is unlawful for any person to knowingly breathe, inhale, or drink any compound, liquid, or chemical listed within this Ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, or mental process.
- 5) It is unlawful for any person to knowingly, within Johnson County, Arkansas, sell, offer for sale, deliver, give, or possess with the intent to sell, deliver, or give to any other person any compound, liquid, or chemical set forth herein, or other substance that will induce a condition of intoxication through breathing or inhalation, if he or she has reasonable cause to believe that the compound, liquid, or chemical sold, offered for sale, delivered, given, or possessed with the intent to sell, or given will be used for the purpose of violating this Ordinance.
- 6) This Ordinance does not apply to any person who commits any act described in this Ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

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- 7) PENALTY. Any person found to be in violation of this Ordinance will be guilty of a misdemeanor and subject to a fine not to exceed one thousand dollars (\$1,000.00) for a first offense or up to double that sum for each repetition of such offense. In the event the violation would also be punishable by state law, a term of imprisonment consistent with the comparable state legislation may be imposed by the court.  
(Ord. 2010-1349, passed 06-10-2010)

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