

Chapter 8-1

NUISANCES

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Section 8-1-1	Definitions

For use in this Ordinance, the following terms are defined:

(A) The term "nuisance" shall mean whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

1. The erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. The causing or suffering any offal, filth or noisome substance, trash, junk, used tires, rock piles, broken concrete or asphalt, or hazards waste, to be collected or to remain in any place which shall be unsightly, or create an odor, or constitute a health hazard, or create a hazard to children who might pass upon the property.
3. The obstructing or impeding without legal authority the passage of any stream, lake or collection of water.
4. The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. Houses of prostitution or other establishments where sex acts (as defined in the Code of Iowa) are performed for compensation, gambling houses, houses resorted to for the use of controlled substances (as defined in the Code of Iowa), houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

7. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.
8. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.
9. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of any city, unless it be in a building of fireproof construction.
10. The emission of dense smoke, noxious fumes or fly ash.
11. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.
12. Trees infected with Dutch elm disease.
13. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.
14. All limbs of trees which are less than eight feet (8') above the surface of any public sidewalk, or street.
15. All wires which are strung less than fifteen feet (15') above the surface of the ground.
16. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) their original value, and which are situated as to endanger the safety of the public.
17. All explosives, flammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law.

(B) The term "property owner" shall mean the contract purchaser if there is one of record, otherwise the record holder of legal title.

Section 8-1-2 Nuisances Prohibited

The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this Ordinance.

Section 8-1-3 Other Conditions Prohibited

The following actions are required and may also be abated in the manner provided in this Ordinance:

(A) The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

- (B) The removal, repair or dismantling of a dangerous building or structure.
- (C) The connection to public drainage systems from abutting property when necessary for public health or safety.
- (D) The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.
- (E) The cutting or destruction of weeds or other growth which constitutes a health, safety or fire hazard.

Section 8-1-4 Notice To Abate Nuisance Or Condition

Whenever the Mayor, City Administrator, Code Enforcement Officer or other authorized municipal officer finds that a nuisance or other condition listed in 8-1-3 exists, he/she shall cause to be served upon the property owner as shown by the records of the county auditor, a written notice to abate the nuisance within a reasonable time after notice.

Section 8-1-5 Contents Of Notice To Abate

The notice to abate shall contain:

- (A) A description of what constitutes the nuisance or other condition;
- (B) The location of the nuisance or condition;
- (C) A statement of the act or acts necessary to abate the nuisance or condition;
- (D) A reasonable time within which to complete the abatement;
- (E) A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

Section 8-1-6 Method Of Service

The notice may be in the form of an ordinance or sent by certified mail to the property owner as shown by the records of the county auditor.

Section 8-1-7 Request For Hearing And Appeal

Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If he/she finds that a nuisance or prohibited condition exists,

he/she must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by filing a written notice with the hearing officer within twenty-four (24) hours. This appeal will be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

Section 8-1-8 Abatement In Emergency

If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this Ordinance without prior notice. The City shall assess the costs as provided in 8-1-10 of this Ordinance, after notice to the property owner under the applicable provision of Section 8-1-4 and 8-1-5 and hearing as provided in Section 8-1-7.

Section 8-1-9 Abatement By Municipality

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

Section 8-1-10 Collection Of Cost Of Abatement

The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, he/she shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

Section 8-1-11 Installment Payment Of Cost Of Abatement

If the amount expended to abate the nuisance or condition exceeds \$500, the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest as benefitted property.

Section 8-1-12 Severability Clause

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

Section 8-1-13 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the

Code of Iowa.

Chapter 8-2

PUBLIC ORDER

Sections:

8-2-1 Misdemeanors

Section 8-2-1 Misdemeanors

It shall be unlawful to commit any of the following acts:

(A) General:

1. Indecent Exposure: No person shall expose that person's genitals or pubes to another not the person's spouse nor shall a person commit a sex act (as defined in the Iowa Code) in the presence of or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party; and the person knows or reasonably should know that the act is offensive to the viewer.
2. Intoxication: It is hereby made unlawful for any person to use or consume any alcoholic liquors or alcoholic beverages upon the public street or highways and no person shall be intoxicated or simulate intoxication in a public place.
3. Parking Of Semi-Truck Trailer: No person shall park a semi-truck trailer on any street located within a residential district, excepting when said trailer is being used on a service or other business call.
4. Eliminating of Bodily Waste: No person shall urinate or defecate in a public place other than in a public restroom.

(B) Peace:

1. Firearms: Discharge any gun, rifle, shotgun, pistol, revolver or other firearm of any description within the City limits except law enforcement officers or members of the National Guard while officially engaged in the performance of their duty and with the further exception that such discharge of weapons shall not be prohibited at indoor shooting ranges properly designed to protect the public and other persons outside the shooting range.
2. Concealed Weapons: Carry any concealed weapon including razors, dirk, brass or other metal knuckles, black jack, throwing stars, switch blades or other spring-backed knives, revolvers or pistols, unless authorized by special permit.
3. Prohibited Weapons: No person shall possess or sell stun guns, ballistic knives, or teflon coated bullets.
4. Disturbing Peace Or Quiet: It shall be unlawful for any person to disturb or aid in disturbing the peace, quiet or good order of, or to disrupt, or to aid in disrupting, any person, or assembly, place or meeting, public or private, by an act of violence or by any act likely to produce violence or by engaging in fighting, threatening or tumultuous behavior, or by making any unreasonably loud noise including the creation of any unreasonably loud noise by the driver of a motor vehicle, or by addressing abusive language or threats to any person present which creates a clear and present danger of violence. Nothing herein contained shall be held to prohibit peaceful picketing, public speaking,

the ordinary conduct of a legitimate business, or other lawful expressions of opinion not in contravention of other laws.

5. Peeping: No person shall trespass upon private property to look into private dwellings, other accommodations or other places of business where privacy would reasonably be expected.

(C) Health:

1. Filth In Public Places: Throw, place or deposit or cause or permit to be thrown, placed or deposited on any street, alley, sidewalk, stream, ditch, ravine, drain or other public place, or upon the premises of any other person, any filth, carrion, offal, trash, waste, manure, ashes, cinders, bottles, broken glass, cans, rubbish, hazardous waste, or petroleum based products of any kind.
2. Filth In Private Places: Pile, accumulate or collect upon any private property any filth, carrion, offal, trash, waste, manure, ashes, cinders, bottles, broken glass, cans or rubbish or hazardous waste of any kind which are offensive to the senses of those living in close proximity.

(D) Public Property:

1. Fire On Pavement: Start, maintain or allow a fire of any kind on any public property except in designated barbecue pits or bon fire areas within the park system.
2. Obstructing Public Work: Hinder or obstruct the making or repairing of any public improvements or work.
3. Removing Public Property: Remove or cause to be removed any dirt, sand, stone, rock, tree, shrub, plant, sidewalk, fence, or sign from any street, alley, highway, lot of ground, belonging to the City without permission from the Council.
4. Damaging Streets Or Walks: Dig into or in any manner break any sidewalk, curb, pavement, street, alley, or public ground without replacing the same in as good condition as found.
5. Destruction Or Possession Of Signs: Tear down, deface or destroy any house number, street sign, or other sign which is not the property of the person committing the act, or have in one's possession any such street sign or other sign which is not the property of the possessor.
6. Fire Prevention System: Deface, mark or in any way injure or meddle with any fire hydrant, valve or other appurtenance of the waterworks system or attempt to work or operate them without authority.
7. Use Of Water And Sewer System: Make any connection with the waterworks system or sewer system, unless the person making the connection is a licensed plumber or an employee of the street or water department and acting with proper authority.
8. Use Of Water And Sewer System: Make, or cause to be made, any excavation in any street, alley or highway for the purpose of laying any drain, sewer or water connection, without first obtaining a permit for the same.
9. Use Of Water And Sewer System: Make or attempt to make any connection with the sewer or waterworks systems without first obtaining a permit for the same.
10. Use Of Water And Sewer System: Open or enter any manhole of the sewer system, except by

authority of the City Administrator, Code Enforcement Officer, or Street or Wastewater Superintendent.

11. Damage To Public Utilities: Destroy, injure, damage or remove any street lamp, light or lighting apparatus, any electrical light or telephone pole, any fixtures or apparatus thereto belonging.
12. Use Of Parks: Drive any vehicle in any portion of the parks except upon established drives or upon the grounds for special activities with special authorization from the Council.
13. Damage In Parks: Cut, mark, break, mar, injure or disfigure in any way any building, monument, foundation, bandstand, table, seat, step, fire apparatus, equipment or any tree, shrubbery, plant or flower within said parks.
14. Refuse In Parks: Leave any papers, refuse, debris or garbage within the City parks except in such receptacles as may be provided and designated for the deposit of the same and provided further that no person shall deposit papers, refuse, debris or garbage within the receptacles which has been generated elsewhere than in the park system.
15. Fire Hose: Drive or cause to be driven any automobile or vehicle of any kind over or across fire hose while the same is in use.
16. Signs On Private Property: Paste, write, print, stamp, nail or affix to any building, erection, fence, tree, lamp-post, sidewalk, telephone or other utility pole, or to any other improvement, any poster, show bill, hand bill or other printed or written notice or sign which would be in violation of the Sign Ordinance or which would be done without the permission of the owner of the pole, tree or structure involved.
17. Throwing Stones Or Missiles: Throw any stone, stick, or other thing whereby any person may be, or shall be hit or hurt, or any window broken, or other property injured or destroyed, or throw any projectile from any sling, catapult, sling shot or air gun, or shoot an arrow with any bow or cross-bow upon any street, alley or other public place.

(E) Streets Safe:

1. Obstructing Streets: The streets, sidewalks and alleys of the City shall be kept free and clear of all obstructions, encumbrances and encroachments for the use of the public, and shall not be used and occupied in any other way than as provided in this Code.
2. Obstructing Vision: No person shall place rocks, boulders or other decorative objects including ornamental shrubs on any portion of the street right of way including the area commonly referred to as the parking nor shall any such decorative object having a height greater than two feet (2') or a width greater than three feet (3') be placed on a property owner's property within three feet (3') of the street right of way line. Any rock, boulder or decorative object or ornament shrub situated on any portion of the parking or the property owner's property in violation of this section shall be relocated or removed within thirty (30) days after written notice from a Code Enforcement Officer.
3. Coasting On Streets: Coast or slide on any sidewalk or upon any street in the business section by means of any sled, coaster, wagon or other contrivance.
4. Skateboards: No person shall ride or use skateboards on the sidewalks, streets or parking lots within the Central Business District of the City as that term is defined in Section 9-10-2.

5. Games On Streets: Play ball or any other game or sport of any kind upon the streets, avenues, public grounds or sidewalks except at such times as permission or consent has been granted by the Council.
6. Moving Buildings: Move, aid or assist in moving any building, in, along or over any of the streets or alleys without having obtained a written permit therefor from the Code Enforcement Officer.
7. Weeds In Streets: Permit any weeds, thistles, brush or plants to overhang or encroach on any sidewalk adjoining the owner's property.
8. Use Of Streets: Place upon or suffer to be placed upon any sidewalk without Council permission any goods, wares, merchandise, for sale or for show, or to suspend the same in any manner over the sidewalk so as to interfere in any manner with the free and uninterrupted passage on the sidewalk by pedestrians.
9. Basement Entrances: Keep open any cellar door, grating or cover to any vault, or fail to properly protect, or guard all openings on or within six feet (6') of any street, alley, sidewalk or highway.
10. Building Stairways. Erect any stairs or steps to the first or second floor of any building upon or over any part of any sidewalk, street or alley without having first obtained permission, by resolution of the Council.
11. Building Stairways: Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, street or alley or enclose any portion of the same with a railing, without having first obtained permission, by resolution of the Council.
12. Building Materials In Streets: Place or deposit any building material in any street, without the approval of the Council and which approval may be revoked, and provided further that all material shall be placed in such a manner as to not obstruct the gutters of the street. Any person placing building material in the street with the authority of the Council shall at all times enclose or guard the same in such a manner as to protect persons and animals from injury thereby, and which obstruction shall be marked with flashing safety lights in place and operational throughout the entire night.
13. Barbed Wire Fences: Place or maintain any barb wire to enclose in whole or in part any park, terrace, lot or parcel of ground fronting on or adjacent to any sidewalk, street or alley in any residential or commercially zoned area.
14. Water Spouts: Cause or permit any water spout, trough, gutter or balcony extending from any building owned or leased to discharge or conduct water upon the surface of any sidewalk, but all such water shall be conducted under the sidewalk in accordance with plans and specifications of the City and under the direction of the Code Enforcement Officer.
15. Motorcycles: Ride any motorcycle or moped on any of the sidewalks.
16. Parades: Throw or permit to be thrown any candy, balloons, promotional items, or other products from a moving vehicle proceeding along a parade route as a part of a parade, whether or not the parade is authorized by permit, or when proceeding to or from such parade route. As used herein, "moving vehicles" shall mean any vehicle, wagon or equipment that is moving at the time the candy, balloon, promotional material or other product is thrown. Nothing contained herein shall be construed to make illegal the dispensing of such items by persons walking next to the curb along the parade route.

(F) Streets Clean:

1. Deposit Of Waste On Walks: Scatter or place any waste or litter on any sidewalk.
2. Throwing Rubbish In Public Places: Throw, place or deposit or cause or permit to be thrown, placed or deposited, any glass, nails or other sharp substances, ashes, straw, paper, sweeping, brush, weeds, grass, leaves, shavings or rubbish of any kind upon any sidewalk, street, alley, highway, gutter, drain or public ground.
3. Throwing Rubbish In Public Places: Place deposit, distribute, circulate, or scatter any paper, advertisement, handbill, card, circular, or wastepaper, in or upon any public street, alley, public place, automobile or other vehicle parked upon any street or alley, private parking lot (except with the permission of the lot owner), yard or porch of any dwelling, or vestibule or hallway of any building opening on any public street or alley, provided, however, that newspapers and advertising circulars folded therein may be distributed to the dwellings and/or buildings if they are either placed inside the building and/or dwelling, or if they are placed under some object of such weight that they will not be blown by the wind into any public street or alley.

(G) Animals:

1. Cruelty: Inhumanly or cruelly abuse or beat any animal.
2. Keep In City: Keep or maintain any swine, goats or other offensive animals within two hundred feet (200') of any public building or private dwelling unless the premises where the same are kept are thoroughly cleaned and sanitary in accordance with the rules of the County Board of Health.
3. Keep In City: Stake out or allow to run at large upon any street or alley, any cattle, horse, mule, sheep, goat, swine, chicken, duck, goose or other domestic animal or poultry of any kind excluding dogs or cats.
4. Dogs: Keep or harbor any dog or other animal which is vicious and dangerous without keeping such animal securely chained at all times or confined, or any dog that habitually runs out at passing pedestrians on sidewalks or streets and barks at and threatens such pedestrians.
5. Burial Of Dead Animals: The owner of any dead animal to fail, neglect or refuse to properly bury, burn or dispose of the same within twenty-four (24) hours thereof.
6. Poisoning Animals: Place or throw any poison, poison food or substances within the City in such a way that it may endanger the life any person or pet animal.
7. Dangerous or Vicious Animals: No person who owns or is in control of premises shall keep or permit to be kept dangerous or vicious animals as defined in Title 8, Chapter 9 of this Code.

(H) Disorderly Houses:

1. Disorderly House - Definition: The term "disorderly house" means any structure or any room therein, or any part of the premises adjacent thereto, in or upon which occurs any disorderly conduct as defined in Section 723.4 of the Code of Iowa as it now reads or may hereafter be amended or any violation of the provisions of subsections 8-2-1(A)1, 8-2-1(A)4, or 8-2-1(B) of this Code or any of the other following prohibited activities;

- a. The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Code of Iowa, under which possession of such substance would be an offense;
 - b. Gambling in violation of Chapter 99B of the Code of Iowa;
 - c. Dispensing, selling or consumption of an alcoholic beverage in violation of Chapter 123 of the Code of Iowa;
 - d. Acts of prostitution, pimping or pandering as defined in Chapter 725 of the Code of Iowa.
2. Keeping A Disorderly House: It is unlawful for any person to knowingly keep a disorderly house as defined in subsection 8-2-1(H)1 of this Code. For purposes of this Section, "keep" means ownership or having control of a structure or room therein or any part of the adjacent premises. A person shall not be guilty of this offense if that person had taken steps reasonably calculated to abate, eliminate or prevent further acts of disorderly conduct at that time and place including, but not limited to, calling the police or other law enforcement agency and reporting the disorderly conduct which was occurring.
 3. Frequenting Or Being Found In A Disorderly House: It is unlawful for any person to frequent or be found in a disorderly house as defined in subsection 8-2-1H1 of this Code. As used herein, a structure, room or the adjacent premises may only be defined as a disorderly house at such time as disorderly conduct and other acts which are included in the definition of disorderly house may be occurring upon the premises.
- (I) Possession of Fireworks:
1. It shall be unlawful for any person to possess or have control of fireworks, as defined in Section 727.2 of the Code of Iowa, in or upon any public park, public or private school yard or school facility, other public facility, sidewalk, street, or in any private yard outside of an enclosed structure unless the person fits within one of the exceptions set forth in Subsection (2) hereof.
 2. As an exception to the prohibition contained in Subsection 1, the following persons are authorized to possess fireworks:
 - a. A licensed pyrotechnic operator, his agents or employees at any location who are in possession of fireworks during or in anticipation of a fireworks display which has been authorized by the fire chief pursuant to the Uniform Fire Code or by other similar authority authorized to grant permission for a fireworks display in that authority's jurisdiction.
 - b. A person or persons transporting fireworks in a motor vehicle where the fireworks are not within the passenger compartment of the motor vehicle nor subject to access by any person in the passenger compartment while the vehicle is in operation.
 - c. Possession by a person in a private yard of a premises owned or leased by that person when such person is in the process of transferring the fireworks from an enclosed structure to another enclosed structure.
 - d. Possession by any person as a dealer, manufacturer or jobber of fireworks as defined herein in Section 727.2 of the Code of Iowa if the fireworks are to be shipped out of the State of Iowa.

e. Possession by a person of blank cartridges intended for use in a show or a theater, or for signal purposes in athletic sports, or by railroad or trucks for signal purposes, or by a recognized military organization."

(J) Drug Paraphernalia

1. Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this subchapter, have the meanings in this section.

(A) ACONTROLLED SUBSTANCE@ has the same meaning as contained in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

(B) ADRUG PARAPHERNALIA@ means all equipment, products and materials of any kind which were used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling or otherwise introducing into human body a controlled substance in violation of Chapter 124 of the Code of Iowa, commonly known as the Uniform Controlled Substances Act. It includes, but is not limited to:

- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for such equipment of a peace officer or any person acting as an agent of or under the direction of any Police agency.
- (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substance.
- (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use or designed for use in cutting controlled substances.
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substance.
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in primarily injecting controlled substances into the human body.
- (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing heroin, marijuana, cocaine, methamphetamine, hashish or hashish oil into the human body, such as:
 - (a) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish beads or punctured metal bowls;
 - (b) water pipes, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, bongs, ice pipes or chillers;
 - (c) carburetor tubes and devices;
 - (d) smoking and carburetion masks;
 - (e) roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - (f) miniature cocaine spoons and cocaine vials.

In determining whether an object is drug paraphernalia for the purpose of enforcing this ordinance, the following factors should be considered in addition to all other logically relevant factors:

- (1) Statements by an owner or by anyone in control of the object concerning its use
- (2) Prior convictions, if any, of an owner or anyone in control of the object under any state or federal law relating to any controlled substances.
- (3) The proximity of the objects in time and space to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.
- (4) The proximity of the object to controlled substances.
- (5) The existence of any residue of a controlled substance on the object.
- (6) Direct or circumstantial evidence of the intent of any owner or of anyone in control of the object, to deliver it to persons whom he or she knows or should reasonably know intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- (7) Instruction, oral or written, provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explains or depicts its use.
- (9) The manner in which the object is displayed for sale.
- (10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products. Direct or circumstantial evidence of the ratio of sales of the object(s) in the total sales of the business

enterprise.

(12) The existence and scope of legitimate uses for the objects in the community.

(13) Expert testimony concerning its use.

(C) "PERSON" shall mean any individual, cooperation, limited liability company, business trust, estate, trust, partnership or association, or any other legal entity.

(2) Drug Paraphernalia Prohibited

No person shall use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

(3) Manufacture or Delivery of Drug Paraphernalia Prohibited

No person shall deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, intending that the drug paraphernalia will be used or knowing or under circumstances where one should reasonably know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, packing, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

(Ord. No. 319495, Amended, 08/10/95)

(Ord. 03-O-97-98, Amended, 09/15/1997)

Chapter 8-3

DOGS

Sections:

8-3-1	Definitions
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8-3-4	Kennel Dogs
8-3-5	Dogs Disturbing The Peace
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8-3-7	Municipal Infraction
Section 8-3-1	Definitions

For use within this Chapter the following are defined:

- (A) "DOGS" includes both male and female dogs whether altered or not;
- (B) "AT LARGE" refers to any dog running otherwise than upon the premises of its owner when the dog is not attached to a leash held by a competent person, restrained within a motor vehicle, or in an animal hospital or kennel;
- (C) "OWNER" includes any person, firm or corporation owning, harboring, sheltering or keeping a dog.

Section 8-3-2 License

Every owner of a dog which is unlicensed or whose license has expired shall procure a dog license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the dog. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

(Ord. No. 269495, Amended, 04/03/95)

(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-3-3 Immunization

The Mayor may order the immunization of all dogs against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Ordinance for any dog to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of dogs, to evidence such immunization and this tag shall be worn by such dogs.

Section 8-3-4 Kennel Dogs

Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this Chapter.

Section 8-3-5 Dogs Disturbing The Peace

(A) It shall be unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another.

(B) It shall be unlawful for an owner of a dog to allow or permit such dog to run at large.

(C) It shall be unlawful for an owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

(D) The provisions of Subsections (A) and (B) shall not apply to dogs being run by an employee of the City or by a person, including the person's employee, under contract with the City of Storm Lake for the purpose of controlling and minimizing the presence of geese in the City parks or other property owned by the City.

(Ord. 08-O-2006-2007, Amended, 05/07/2007)

Section 8-3-6 Impounding

(A) Any unlicensed dog found at large, or any licensed dog found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed dogs shall be notified that upon payment of impounding costs such dogs will be returned. If the impounded licensed dogs are not recovered by their owners within five (5) days after notice, the dogs shall be disposed of by the Chief of Police.

(C) Impounded unlicensed dogs may be recovered by the owner, upon proper identification by payment of license fee and impounding costs. If such dogs are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-3-7 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the

Code of Iowa.

Chapter 8-4

CATS

Sections:

8-4-1	Definitions
8-4-2	License
8-4-3	Immunization
8-4-4	Kennel Cats
8-4-5	Cats Disturbing The Peace
8-4-6	Impounding
8-4-7	Municipal Infraction
Section 8-4-1	Definitions

For use within this Chapter the following are defined:

(A) "AT LARGE": Refers to any cat running otherwise than upon the premises of its owner when the cat is not attached to a leash held by a competent person, restrained within a motor vehicle, or in any animal hospital or kennel.

(B) "CATS": Includes both male and female cats whether altered or not.

(C) "OWNER": Any person, firm or corporation owning, harboring, sheltering or keeping a cat.

Section 8-4-2 License

Every owner of a cat which is unlicensed or whose license has expired shall procure a cat license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the cat. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar which shall be worn by the cat for which the license is issued. Any cat found running at large without the license tag attached to its collar shall be deemed unlicensed.

(Ord. No. 259495, Amended, 04/03/95)

(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-4-3 Immunization

The Mayor may order the immunization of all cats against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Chapter for any cat to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of cats, to evidence such immunization and this tag shall be worn by such cats.

Section 8-4-4 Kennel Cats

Kennel cats which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this Chapter.

Section 8-4-5 Cats Disturbing The Peace

(A) It shall be unlawful for an owner of a cat to allow or permit such cat to pass upon the premises of another.

(B) It shall be unlawful for an owner of a cat to allow or permit such cat to run at large.

(C) It shall be unlawful for an owner of a cat to allow or permit such cat to cause serious annoyance or disturbance to any person by frequent and habitual howling, whining, meowing or otherwise.

Section 8-4-6 Impounding

(A) Any unlicensed cat found at large, or any licensed cat found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed cats shall be notified that upon payment of impounding costs such cats will be returned. If the impounded licensed cats are not recovered by their owners within five (5) days after notice, the cats shall be disposed of by the Chief of Police.

(C) Impounded unlicensed cats may be recovered by the owner, upon proper identification by payment of the license fee and impounding costs. If such cats are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-4-7 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 8-5

WEEDS

Sections:

- 8-5-1 Declaration Of Hazard**
- 8-5-2 Duty Of The Owner Or Occupant**
- 8-5-3 Notice**
- 8-5-4 Removal By Commissioner**
- 8-5-5 Certifying Assessments**
- 8-5-6 Definitions**
- 8-5-7 Municipal Infraction**
- Section 8-5-1 Declaration Of Hazard**

It is hereby declared that all noxious weeds, as defined in Section 317.1 of the Code of Iowa, growing upon all lands and lots within the City, constitute a health, safety or fire hazard.

Section 8-5-2 Duty Of The Owner Or Occupant

It shall be the duty of the owner or occupant of all lots and lands to keep said lots and lands and a space to the curb line on all streets, and in all alleys ten feet (10') outside of the lot line and abutting thereon, free from all weeds.

Section 8-5-3 Notice

Should any owner or occupant fail or neglect to keep his/her lots and lands and the streets and alleys abutting thereon, free from the above described weeds at all times, the Weed Commissioner shall cause notice to be given to such owner or occupant directing that all such weeds be removed from said premises within five (5) days from the time of service of said notice; said notice shall further provide if the owner or occupant fails to do so that said Weed Commissioner shall enter upon said premises and cause the same to be removed and the costs of the same and expenses hereof shall be assessed against the property.

Section 8-5-4 Removal By Commissioner

If the owner or occupant of any such lots or land fail to comply with said notice, the Weed Commissioner shall cause the same to be sprayed, removed or cut and report to the Clerk the name of the owner, the description of the lots or lands and the amount of charges and expenses of cutting and removing such weeds.

Section 8-5-5 Certifying Assessments

The Clerk is hereby directed, upon receipt from the Weed commissioner of the costs and expenses and other information provided for in Section 8-5-4 above, to certify the said costs and expenses to the County

Auditor, which costs and expenses shall be assessed against the land and the owner thereof and shall be collected with, and in the same manner as general property taxes.

Section 8-5-6 Definitions

(A) The term "WEEDS" as used in this Chapter shall refer to all weeds, vines, brush or other growth, except shrubs, trees, vegetables, fruits, flowers and grasses other than noxious.

(B) The term "WEED COMMISSIONER" herein refers to an individual duly appointed by motion of the Council to carry out the terms and provisions of this Chapter if such a person has been separately appointed and shall also include the City Administrator and the Code Enforcement Officer or other designated official.

Section 8-5-7 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 8-6

ABANDONED AND JUNKED MOTOR VEHICLES

Sections:

8-6-1	Purpose
8-6-2	Definitions
8-6-3	Removal Of Abandoned Motor Vehicles
8-6-4	Notice To Owner And Lienholders
8-6-5	Impoundment Fee
8-6-6	Auction Of Operable Vehicle
8-6-7	Inoperable Abandoned Vehicles
8-6-8	Duties Of Demolisher
8-6-9	Junk Vehicles And Machinery A Nuisance
8-6-10	Notice To Abate
8-6-11	Duty Of Owner To Remove Or Repair
8-6-12	Abatement
8-6-13	Exceptions
8-6-14	Municipal Infraction
Section 8-6-1	Purpose

The purpose of this Ordinance is to protect the health, welfare and safety of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junked motor vehicles and machinery except in places authorized.

Section 8-6-2 Definitions

For use in this Ordinance, the following terms are defined:

(A) The term "ABANDONED VEHICLE" shall mean any of the following:

1. A motor vehicle that has been left unattended on public property (streets and public grounds) for more than forty-eight (48) hours and lacks current registration plates or two (2) or more wheels or other structural parts which renders the vehicle totally inoperable, or
2. A motor vehicle that has remained illegally on public property for more than seventy-two (72) hours, or
3. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or
4. A motor vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of thirty (30) days.

(B) The term "JUNKED MOTOR VEHICLE OR JUNKED MACHINERY" shall mean any motor vehicle stored within the corporate limits of Storm Lake, Iowa, not licensed for the current year as

required by law, and which, meets any one of the following characteristics, which are hereby declared a threat to the public health and safety.

1. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
2. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.
3. Any vehicle which has become the habitat of rats, mice or snakes, or any other vermin or insects.
4. Any vehicle which contains gasoline or any other flammable fuel.
5. Any other vehicle, which, because of its defective or obsolete condition, in any other way, constitutes a threat to the public health and safety.

(C) The term "JUNKED MOTOR VEHICLE OR JUNKED MACHINERY" shall also mean any vehicle stored within the corporate limits of Storm Lake, Iowa which is licensed for the current year as required by law, and which, because it meets all of the following characteristics, constitutes a threat to the public health or safety.

1. The vehicle is not stored in an enclosed structure.
2. The vehicle is not safely operable as a result of 1) collision, casualty, or gradual deterioration or 2) the vehicle has been stripped of essential parts and equipment.
3. The vehicle has been stored at its present location, or a similar location controlled by the owner, for a period of at least ninety (90) days.

Section 8-6-3 Removal Of Abandoned Motor Vehicles

The City Police may remove and impound any motor vehicle whether inoperable or totally inoperable condition as defined in 8-6-2(A)1. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area as designated by the City Administrator.

Section 8-6-4 Notice To Owner And Lienholders

The City Police shall notify by certified mail within three (3) days of having taken possession of the abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lienholders of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle within fourteen (14) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or

disposal of the motor vehicle to a demolisher. If the owner and lienholders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

1. If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in this City shall be made by the City Police and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.
2. The owner or any lienholder may, by written request delivered to the Police Chief prior to the expiration of the fourteen (14) days reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

Section 8-6-5 Impoundment Fee

The owner or lienholder shall pay a fee, in the amount set by Council Resolution, for each day the vehicle is impounded plus towing charges if stored by the City, or upon payment of the towing and storage fees, if stored in privately owned facilities, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established, by resolution of Council, before the provisions of this Ordinance are carried by the police.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-6-6 Auction Of Operable Vehicle

If an abandoned motor vehicle which is operable has not been reclaimed as provided by Section 8-6-4, the Police Chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in the State law. The purchasers shall take title as provided for by law, or if sold to a demolisher no further titling of the motor vehicle shall be permitted. Proceeds from any sales shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law, and any balance shall be disposed of as required by law. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the Police Chief shall apply for reimbursement from the State as provided by law.

Section 8-6-7 Inoperable Abandoned Vehicles

Any totally inoperable abandoned vehicle as defined in 8-6-2 of this Chapter, or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property, shall be disposed of, after compliance with the notification procedures of Section 8-6-4, by the City Police to a demolisher unless the demolisher deems it practicable to sell it as provided in Section 8-6-6 of this Chapter.

The sale to a demolisher need not be done at public auction, but the Police Chief shall endeavor to obtain as much compensation as possible to defray any costs to the City. A person, firm, corporation, or this City or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle, whose title certificate is faulty, lost or

destroyed, may, without notification procedure, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable to a demolisher for junk without the title.

Section 8-6-8 Duties Of Demolisher

Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under 8-6-6 or 8-6-7 of this ordinance, the demolisher shall apply to the City Police for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle at the state department of public safety for cancellation.

Section 8-6-9 Junk Vehicles And Machinery A Nuisance

It is hereby declared that storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, or any other private individual, unless excepted by Section 8-6-13 of this Chapter, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk motor vehicle or machinery is stored upon private property in violation thereof, the owner of said motor vehicle who is the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

Section 8-6-10 Notice To Abate

Upon discovery of any junk motor vehicle or junk machinery stored upon private property within the corporate limits of this City in violation of 8-6-9, the Police Chief shall within ten (10) days notify by certified mail the owner of said motor vehicle or other property owner that:

1. The motor vehicle constitutes a nuisance under the provisions of this Ordinance;
2. That the owner must remove or repair the motor vehicle or machinery in accordance with the terms of 8-6-11 of this Ordinance; and
3. That failure to remove or repair the motor vehicle or machinery will be sufficient cause for its removal by the City at the owner's cost.

Section 8-6-11 Duty Of Owner To Remove Or Repair

The owner of a junk motor vehicle or junk machinery (who is the owner or person in control of the property upon which it is stored) which violates the provisions of 8-6-9 must within ten (10) days after receipt of written notice from the Police Chief remove the motor vehicle or machinery to an auto salvage yard or junk yard duly licensed by this City, or to a lawful place of storage outside the City limits, or

repair the defects which cause such motor vehicle or machinery to violate the provisions of this Ordinance, including licensing if a motor vehicle is not currently licensed.

Section 8-6-12 Abatement

If such owner of a junk motor vehicle or machinery shall fail to remove or repair the motor vehicle in accordance with the terms of 8-6-10, the City Police shall abate such nuisance by causing the motor vehicle to be removed and impounded and sold or disposed of as specified in 8-6-5, 8-6-6 or 8-6-7 and the cost of abatement shall be charged to the owner of the motor vehicle or other property owner.

Section 8-6-13 Exceptions

The provisions of this Ordinance shall not apply to a junk motor vehicle or junk machinery stored within:

- (1) A garage or other enclosed structure; or
- (2) An auto salvage yard or junk yard duly licensed by this City.

Section 8-6-14 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 8-7

EXCESSIVE NOISE

Sections:

8-7-1	Definitions
8-7-2	Noises Prohibited
8-7-3	Miscellaneous Operations
8-7-4	Variance Permit May Be Granted
8-7-5	Enforcement
8-7-6	Municipal Infraction
Section 8-7-1	Definitions

The following definitions shall apply in the interpretation and enforcement of this Chapter:

(A) "DAY": The hours between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M.

(B) "NIGHT": The hours between eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.

(C) "NOISE": Unwanted or annoying sound.

(D) "PERSON": Any individual, firm or corporation.

(E) "VEHICLE": Any passenger vehicle, motorcycle, truck, truck trailer, trailer, semi-trailer or similar device intended to convey people and/or commodities which is propelled or drawn by mechanical power, but shall not include airplanes and toys.

Section 8-7-2 Noises Prohibited

Each of the following acts, among others, is hereby declared to be in violation of this Chapter, and is prohibited. The following enumerated acts shall not be construed as limited or precluding enforcement of any other provisions of this Chapter:

(A) Horns, Signaling Devices, Etc.: The sounding of any horn or signaling device of any automobile, motorcycle, bus or other vehicle on any street or public place of the City, except as a danger warning, for an unnecessary and unreasonable period of time. During nighttime hours, any sounding of horns except as a danger warning shall be considered unnecessary and for an unreasonable period of time.

(B) Hawkers And Peddlers: The sale by outcry within any area of the City zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events, nor to prohibit the selling of newspaper by outcry.

(C) Animals and Fowl: The keeping of, upon any premises, owned, occupied or controlled by any person, any animal or fowl otherwise permitted to be kept which, by any sound, barking or cry, shall cause annoyance or discomfort to a reasonable person of normal sensibilities.

(D) Radios, Televisions, Etc.: The use of radios, televisions, cassette and other tape recorders, public address systems, and other sound amplification devices, including any such devices incorporated into motor vehicles, in or within five hundred feet (500') of any residentially zoned district of the City when the level is maintained at a level such that it can be heard at or within premises adjacent to the premises, park or other locale where the device is being used, and:

1. During night hours which volume level a reasonable person would conclude could be expected to interfere with sleep or other quiet time activities at such adjacent premises; or
2. During day hours which volume level a reasonable person would conclude could be expected to interfere with normal daytime activities carried on at residential premises, or if the noise level is intentionally maintained at a particular level for the specific purposes of annoying a particular person; provided that nothing contained in this paragraph 2 shall be held to prohibit public speaking, the ordinary conduct of legitimate business, or other lawful expressions of opinion not in contravention of other laws.

(E) Schools, Courts, Churches, Hospitals: The creation of a loud and excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital.

(F) Construction or Repair of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. of any day.

(G) Pile Drivers, Hammers, Etc.: The operation between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, power hoist or other construction equipment.

(H) Garbage Collection: The collection of garbage, waste or refuse by any person in any area zoned residential, except between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. of any day and then only in a manner so as not to create a loud or excessive noise.

(I) Vehicle Repairs: The repair or rebuilding of any motor vehicle within any residential area of the City between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. in such a manner that a reasonable person of normal sensitivities residing in the area is caused discomfort or annoyance.

(J) Exhausts: The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle or discharge of air or other gases except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(K) Unlawful Use Of Buildings: No person owning, or in possession of or in control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by the noise generated therefrom, disturb or interfere with the peace of the neighborhood in which such building or premises is situated.

(L) Lawn mowers, Garden Tools, Etc.: The use of lawn mowers, small lawn and garden tools, riding tractors and other powered equipment necessary for the maintenance of property during the hours of nine o'clock (9:00) P.M. through seven o'clock (7:00) A.M., inclusive. Snow blowers and other powered snow removal equipment are specifically excepted from this prohibition.

(M) Loud, Unnecessary Or Unusual Noise: Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.

Section 8-7-3 Miscellaneous Operations

(A) Emergency Operation: Emergency short-term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from the provisions of this Chapter, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.

(B) Noise Required By Law: The provisions of this Chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.

(C) Airplanes: Aircraft operations which are controlled specifically by Federal law and enforcement shall be exempted from the provisions of this Chapter.

(D) Disorderly Conduct: Noise created by human behavior and generally considered to be disorderly conduct, shall, unless specifically described in Section 8-7-2, be exempted from the provisions of this Chapter and is instead regulated under Section 8-2-1(B) of this Code.

(E) Municipal Street Responsibilities: The provisions of this Chapter shall not apply to any noise produced by the operation of the City's street sweeper, by operation of the air compressor in connection with street painting operations, and by the operation of snow removal equipment during or following a snowfall event.

Section 8-7-4 Variance Permit May Be Granted

(A) Variance permits may be issued by the Police Department to exceed the noise standards set forth in this Chapter, as follows:

1. General: A temporary variance permit may be issued upon request to perform certain work activities outside the normal hours provided in Section 8-7-2 for such activity provided it is necessary to conduct the work activity at such times so as to promote public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
2. Special Community Events: A temporary variance permit may be issued for special events, such as circuses, Fourth of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.
3. Procedure To Obtain A Variance Permit: Applications for temporary variance permits must be made in writing to the Police Department and shall contain all of the following pertinent information:

Dates requested;

Time and place of operation;
Equipment and operation involved;
Necessity for such permit;
Steps to be taken to minimize noise; and
Name of responsible person(s) who will be present at the site while the noise is produced.

4. Limitations and Revocation: The Police Chief may place such limitations upon the granting of a variance as the Chief and/or the Council may request; and, the Chief of Police is specifically authorized to revoke the granted variance if the applicant shall fail to meet the limitations placed upon the granting of the variance and/or other circumstances occurring subsequent to the granting of the variance requiring such revocation.

(B) Spontaneous Celebrations: Unusual noises associated with specific events, such as victory celebrations during or following athletic events and motor vehicle processions following weddings shall be considered as having occurred pursuant to permit provided in subsection (A) of this Section provided that such demonstration or celebration is of reasonably short duration, does not occur after ten o'clock (10:00) P.M., and is otherwise ceased if requested by police or other appropriate public officials.

Section 8-7-5 Enforcement

It shall be the duty of the Police Department to enforce the provisions of Sections 8-7- 1 through 8-7-6, inclusive.

Section 8-7-6 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 8-8

SWIMMING POOLS

Sections:

- 8-8-1 Permit, Fee, Issuance, Definition Of "Swimming Pool"**
- 8-8-2 Uniform Code**
- 8-8-3 Design Requirements, Plumbing**
- 8-8-4 Design Requirements, Electrical**
- 8-8-5 Enclosure Of Swimming Pool**
- 8-8-6 Exception To Requirement Of Enclosure**
- 8-8-7 Gates**
- 8-8-8 Applicability**
- 8-8-9 Swimming Pool Certificate Of Occupancy**
- 8-8-10 Annual Inspections**
- 8-8-11 Annual Inspection Fees**
- 8-8-12 Municipal Infraction**
- Section 8-8-1 Permit, Fee, Issuance, Definition Of "Swimming Pool"**

No person shall construct a swimming pool, or any alteration, addition, remodeling or other improvement to such pool, without a permit herefor, nor maintain such pool contrary to the provisions of this Ordinance. Such person shall make application to the Code Enforcement Officer for a permit to construct, alter, add to, remodel or otherwise improve such pool. Plans and specifications, including the plot plan, as well as other pertinent explanatory data, shall be submitted with each application. Upon approval by the Code Enforcement Officer of such plans as meet the requirements of this Ordinance, and the payment of a permit fee computed in accordance with the table of building permit fees set forth in this Code, the Code Enforcement Officer shall issue a building permit.

A "swimming pool" as used in this Ordinance shall mean any body of water which has a minimum depth of eighteen (18) inches or more in an artificial or semi-artificial receptacle of permanent or temporary construction, movable or immovable.

Section 8-8-2 Uniform Code

Pursuant to published notice and public hearing as required by law, the Uniform Swimming Pool, Spa and Hot Tub Code and Swimming Pool Standards, 1993 Edition are hereby adopted in full with the exception that Section 1.11 of said Code, relating to Schedule of Fees, shall not be applicable.

Section 8-8-3 Design Requirements, Plumbing

All cross connections between the City water supply or the sewer system and the plumbing of a swimming pool shall be constructed in accordance with the City Plumbing Code.

No swimming pool drain shall be connected to or drained into any part of the private or public storm sewer system; nor shall same be drained onto the public streets or sidewalks so as to create a nuisance, hazard, or dangerous condition, such as freezing on streets or sidewalks; nor shall the same be drained

onto the property of others.

Section 8-8-4 Design Requirements, Electrical

Any electrical equipment used in any way in connection with a swimming pool, shall be installed by a licensed electrician. An electric permit must be applied for and obtained before construction begins.

All electrical work shall meet the National Electrical Code. All wiring must be conduit.

In addition to the above paragraph, all electrical installation shall include the proper "Ground Fault Interrupter."

No additional wiring of any type shall be installed on existing pools without installing the proper "Ground Fault Interrupter."

Section 8-8-5 Enclosure Of Swimming Pool

Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than five (5) feet in height and at least four (4) feet from each side of the pool. Such fence or wall shall be non-climbable, and shall be constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children, such as chain link fence with posts and rails on the inside or vertical board or stockade fence with posts and rails on the inside. There shall not be a distance greater than ten (10) feet between fence posts.

Section 8-8-6 Exception To Requirement Of Enclosure

In lieu of maintaining a fence as provided for in Section 8-8-5, the owner or operator of a swimming pool may provide a competent person who shall keep the pool under observation at all times while water is kept in the pool. In the event the pool is not under the observation of such competent person, a pool cover or other protective device approved by the Building Official may be used.

Section 8-8-7 Gates

All gates or doors opening to the swimming pool shall be equipped with a self-closing or self-latching device with locking provisions for keeping the gate or door securely closed at all times when not in actual use.

Section 8-8-8 Applicability

The requirements for enclosures and for a gate or door shall also be applicable to swimming pools heretofore constructed.

Section 8-8-9 Swimming Pool Certificate Of Occupancy

No person shall maintain or use a swimming pool unless a certificate of occupancy has been issued as provided for in Section 308 of the Uniform Building Code.

Section 8-8-10 Annual Inspections

All swimming pools, private and public, located in the City of Storm Lake shall be inspected annually by the Code Enforcement Officer. All electric, plumbing, gates and enclosures shall be checked for proper upkeep, maintenance and compliance with Codes and regulations.

Section 8-8-11 Annual Inspection Fees

The annual inspection fees for pools shall be set by Council Resolution . Said fee shall be paid at the time the inspection is made.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-8-12 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 8-9

DANGEROUS AND VICIOUS ANIMALS

Sections:

8-9-1	Definitions
8-9-2	Keeping Of Dangerous Animals Prohibited
8-9-3	Dangerous Animal Exceptions
8-9-4	Seizure, Impoundment And Disposition Of Dangerous Animals
8-9-5	Keeping Of Vicious Animals Prohibited
8-9-6	Vicious Animal Exception
8-9-7	Seizure, Impoundment And Disposition Of Vicious Animals
8-9-8	Restrictions Of Keeping Of Potentially Vicious Animals
8-9-9	Complaint, Procedures And Restrictions Of Potentially Vicious Animals

Section 8-9-1 Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings in this Section:

(A) "DANGEROUS ANIMAL":

1. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;
2. Any animals declared to be dangerous by the Board of Health of the County or the City Administrator or his/her designee;
3. The following animals which shall be deemed to be dangerous animals per se:

Lions,tigers, jaguars, leopards, cougars, lynx and bobcats;
Wolves, coyotes and foxes;
Badgers, wolverines, weasels, skunks and mink;
Raccoons;
Bears;
Monkeys and chimpanzees;
Bats;
Alligators and crocodiles;
Scorpions;
Snakes that are venomous or constrictors;
Gila monsters;

(B) "POTENTIALLY VICIOUS ANIMAL": Any animal, except for a dangerous animal per se, as listed above, which:

1. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack, or
2. With a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to

otherwise threaten the safety of human beings or domestic animals.

(C) "VICIOUS ANIMAL": Any animal, except for a dangerous animal per se as listed above which:

1. Has inflicted serious injury on a human being unless the animal was on its owner's premises and either
 - a. The animal was being provoked, teased or tormented; or
 - b. The victim was trespassing and was more than seven (7) years of age; or
2. Has attacked, and killed or caused disabling injury to other domestic animal without provocation while off the owner's premises; or
3. Is owned or harbored primarily or in part for the purpose of fighting in contests or any animal trained for such fighting.

As used herein, serious injury includes any one bite which breaks the skin of the victim.

Section 8-9-2 Keeping Of Dangerous Animals Prohibited

No person shall keep, shelter, or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City of Storm Lake, except as provided in Section 8-9-3 of this Code.

Section 8-9-3 Dangerous Animal Exceptions

The prohibition contained in Section 8-9-2 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

- (A) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
- (B) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
- (C) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
- (D) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
- (E) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 481A or 481B of the Iowa Code.

Section 8-9-4 Seizure, Impoundment And Disposition Of Dangerous Animals

(A) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal, may, in the discretion of the City Administrator or his/her designee, or the Chief of Police, be destroyed if it cannot be confined or captured. The City of Storm Lake shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(B) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City of Storm Lake, the City Administrator shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the City Administrator shall order the person named in the complaint to safely remove such animal from the City of Storm Lake, permanently place the animal with an organization or group allowed under Section 8-9- 3 of this Code to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the City Administrator shall cause the animal to be immediately seized and impounded or killed if seizure or impoundment are not possible without risk of serious physical harm or death to any person.

(C) The order to remove a dangerous animal issued by the City Administrator may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator.

(D) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

(E) If the City Council affirms the action of the City Administrator, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the City, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the City Administrator is not appealed and is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the City Administrator issued pursuant thereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

Section 8-9-5 Keeping Of Vicious Animals Prohibited

No person shall keep, shelter or harbor for any reason within the City a vicious animal so defined herein, except as provided in Section 8-9-6 of this Code.

Section 8-9-6 Vicious Animal Exception

The prohibition contained in Section 8-9-5 of this Code shall not apply to the keeping of vicious animals in the following circumstances:

(A) Animals under the control of a law enforcement or military agency.

(B) The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 8-9-5 and 8-9-7 of this Code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", or words of similar importance, and the owner of such premises shall inform the Chief of Police that a guard dog is on duty at such premises.

Section 8-9-7 Seizure, Impoundment And Disposition Of Vicious Animals

(A) The City Administrator or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the City Administrator or his/her designee. The person, firm or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is vicious, the City Administrator or his/her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Administrator or his/her designee was issued has not appealed such order to the City Council, the City Administrator or his/her designee shall cause the animal to be destroyed.

(C) The order to remove or destroy vicious animal issued by the City Administrator or his/her designee shall be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator or his/her designee.

(D) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator or his/her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

(E) If the City Council affirms the action of the City Administrator or his/her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the City Administrator or his/her designee is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or his/her designee and/or the City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator or his designee shall cause the animal to be destroyed in a humane manner.

(F) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

(G) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the City Administrator or his/her designee may immediately destroy it.

(H) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

Section 8-9-8 Restrictions Of Keeping Of Potentially Vicious Animals

No person shall keep, shelter or harbor for any reason within the City a potentially vicious animal as defined herein after such animal has been determined to be potentially vicious as provided in Section 8-9-9, unless the terms and conditions imposed by the hearing officer, or the City Council, as appropriate, for keeping such animal within the City have been strictly complied with.

Section 8-9-9 Complaint, Procedures And Restrictions Of Potentially Vicious Animals

(A) The City Administrator, or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a potentially vicious animal as defined herein, may initiate proceedings to declare such animal a potential vicious animal. A hearing on the matter shall be conducted by the Administrator or his/her designee. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing.

Said notice shall set forth the description of the animal in question and the basis for the allegation that the animal is potentially vicious. The notice shall also set forth that if the animal is determined to be potentially vicious, the owner will be required to comply with certain restrictions with regard to the animal and if such restrictions are not followed, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon an adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is potentially vicious, the City Administrator or his/her designee may order that the owner comply with some or all of the following restrictions with regard to the animal, as appropriate, as a condition of the animal owner's continued right to maintain the animal within the City limits.

1. The animal may be required to be muzzled at all times when upon public property.
2. The animal may be required to be restrained by a chain leash at all times when the animal is outside the owner's home, and which chain leash should be not more than six feet (6') in length if the animal is on public property.
3. The owner may be required to fence the owner's premises or a portion thereof with chain link or other type fence reasonably calculated to restrain the animal and keep it in good state of repair whenever the animal is outside on the owner's premises.

(C) An order determining an animal to be potentially vicious and imposing restrictions upon the continued existence of that animal within the City limits may be appealed to the same extent and subject to the same procedural requirements and safeguards as are contained in Section 8-9-7 relating to vicious animals.

(D) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or the City Council after appeal, shall constitute a Municipal infraction. Further, failure to comply with regard to a particular animal shall qualify that animal as a vicious animal, notwithstanding the basic definition of vicious animal as contained in Section 8-9-1, and subject the owner and the animal involved to all of the provisions of this Chapter relating to vicious animals.

Chapter 8-10

JUVENILE CURFEW

Sections:

8-10-1	Purpose
8-10-2	Definitions
8-10-3	Curfew Established
8-10-4	Exceptions
8-10-5	Responsibility of Adults
8-10-6	Enforcement Procedures
8-10-7	Penalties
8-10-8	Notice

Section 8-10-1 Purpose

The City Council of the City of Storm Lake, Iowa hereby determines that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of this City, and specifically to achieve the following purposes:

- (A) Reinforce the primary authority and responsibility of adults responsible for minors.
- (B) Recognize the peculiar vulnerability of minors.
- (C) Recognize the inability of minors to make critical decisions in an informed, mature manner.
- (D) Protect minors from improper influences and criminal activity by individuals and by gangs that prevail in public places after the curfew hour.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-2 Definitions

- (A) "EMERGENCY ERRAND" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident, other accidental injury or serious illness, or any other situation requiring immediate action to prevent further serious illness, bodily injury or loss of life.
- (B) "KNOWINGLY" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility through an objective test. It shall therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
- (C) "MINOR" means any unemancipated person under the age of sixteen (16) years.
- (D) "NON-SECURED CUSTODY" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being

held; and the use of the area is limited to providing non-secure custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

(E) "PUBLIC PLACE" shall include shopping centers, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use; and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this chapter, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

(F) "RESPONSIBLE ADULT" means a parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody or control of a minor.

(G) "UNEMANCIPATED" means unmarried and still under custody or control of a responsible adult.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-3 Curfew Established

Unless accompanied by a responsible adult, no minor under the age of sixteen (16) years shall be in any public place during the following times:

(A) Sunday nights through Thursday nights: From 12:00 Midnight until 6:00 a.m. the following day.

(B) Friday nights and Saturday nights: From 1:00 a.m. until 6:00 a.m., to the early morning hours on Saturday and Sunday, respectively.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-4 Exceptions

The following are exceptions to the curfew:

(A) The minor is accompanied by a responsible adult.

(B) When the minor is on the sidewalk or property where the minor resides, or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

(C) The minor is present at or is travelling between home and one of the following:

1. Minor's place of employment in a business, trade or occupation, in which the minor is permitted by law to be engaged, or, if travelling, within one hour after the end of work.

2. Minor's place of religious activity, or, if travelling, within one hour after the end of the religious activity.
3. Governmental or political activity, or, if travelling, within one hour after the end of the activity.
4. School endorsed activities, including parent-sponsored activities and Community Education sponsored activities organized in cooperation with the school, or, if travelling, within one hour after the end of the activity.
5. Assembly such as a march, protest, demonstration, sit-in; or meeting of an association for the advancement of economic, political, religious or cultural matters; or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly, or, if travelling, within one hour after the end of the activity.

(D) The minor is on an emergency errand for a responsible adult.

(E) The minor is engaged in interstate travel through the city beginning, ending or passing through Storm Lake, Iowa, when such travel is by direct route.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-5 Responsibility of Adults

It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the city within the time periods prohibited by this Section, unless the minor's presence falls within one of the above exceptions.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-6 Enforcement Procedures

(A) Determination of age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall, in the first instance, use his or her best judgment in determining age.

(B) Grounds for arrest. Conditions of custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the Chapter; refuses to provide proper identification or identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

(C) Notification of responsible adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

(D) Minor without adult supervision. If a peace officer determines that a minor does not have adult

supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child, or another adult person who is known to the child.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-7 Penalties

(A) Responsible adult's violation - Simple misdemeanor. Any responsible adult as defined in this Chapter who knowingly allows a minor to violate any of the provisions of this Section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(B) Minor's violation - Simple misdemeanor. For a minor's violation of any of the provisions of this Chapter, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed five hundred dollars (\$500.00). As an alternative, the Court may order the minor to perform community service if the minor presents an acceptable plan of community service prearranged with a willing public or non-profit private agency, or if the Court can otherwise arrange such a plan.

(Ord. No. 089495, Enacted, 12/05/94)

(Ord. 04-O-2003-2004, Amended, 10/06/2003)

Section 8-10-8 Notice

Notice of this Chapter and its contents may be posted in, on or about such public or quasi-public places as may be designated by the City Administrator or the police department in order that the public may be constantly informed of the existence of the Chapter and its regulations.

(Ord. No. 089495, Enacted, 12/05/94)

Chapter 8-11

TRUANCY

Sections:

8-11-1	Purpose
8-11-2	Definitions
8-11-3	Truancy prohibited
8-11-3(a)	False Excuse Prohibited
8-11-4	Exceptions
8-11-5	Responsibility of Parents and Guardians
8-11-6	Enforcement Procedures
8-11-7	Penalties

Section 8-11-1 Purpose

The purpose of the City of Storm Lake Truancy ordinance is to promote the public health, safety, morals and general welfare of this City, and specifically to achieve the following purpose:

(A) Reinforce the primary authority and responsibility of parents and or guardians for their children.

(B) Recognize the peculiar vulnerability of minors.

(C) Recognize the inability of minors to make critical decisions in an informed, mature manner.

(D) Protect minors from improper influences and criminal activity by individuals and by gangs that prevail in public places during school hours.

(E) Assure that minors in Storm Lake achieve and maintain a high level of education.
(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-2 Definitions

(A) "MINOR" means any person under the age of 18 enrolled in a public, private or parochial school within the corporate limits of the City of Storm Lake Iowa.

(B) "TRUANT" means to be absent from school.
(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-3 Truancy prohibited

It shall be unlawful for any person under the age of 18 enrolled in a public, private or parochial school within the corporate limits of the City of Storm Lake to absent himself or herself from attendance at school unless he/she has parental permission based upon one of the exceptions listed in section 8-11-4. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission from the parent or guardian is submitted in writing to the proper school authorities within 24 hours after such absence.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-3(a) False Excuse Prohibited

It shall be an offense under this ordinance for a parent or guardian to knowingly submit to the proper school authorities a written excuse under section 8-11-3 that contains false information.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-4 Exceptions

Section 8-11-3 shall not apply in the following circumstances: The person has parental permission which shall include permission from a guardian, and shall be given for reasons only of personal illness, serious family illness, death in the family, necessary and lawful family support employment, religious convocation classes, Principal's permission and compelling family reasons. Section 8-11-3 shall not apply to persons age sixteen or older who are not enrolled in school or those sixteen or older who have chosen to lawfully withdraw from school.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-5 Responsibility of Parents and Guardians

It is unlawful for a parent or guardian to knowingly permit or to allow a minor to be absent from school, unless the minor's absence falls within one of the above exceptions.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-6 Enforcement Procedures

The Officer may take into custody without warrant any apparently truant minor and place the minor in the charge of the school principal, or principal's designee, of the Storm Lake School District, or alternatively the principal or principals designee of any non public or parochial school in which the minor has been enrolled by his/her parent or guardian. If a minor is taken into custody under section 8-11-3, the officer shall make every reasonable attempt to immediately notify the parent, guardian, or legal custodian of the child's location.

The officer shall have discretion as to whether to issue a citation to the minor and or parent, guardian or legal custodian.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-7 Penalties

(A) Parent, Guardian violation - Simple misdemeanor. Any parent or guardian who knowingly allows a minor to violate any of the provisions of this Section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(B) Minor's violation - Simple misdemeanor. Upon conviction a minor shall be punished of a fine not to exceed five hundred dollars (\$500.00) or imprisoned not to exceed thirty (30) days.

(Ord. 13-O-2003-2004, Amended, 05/17/2004; Ord. 04-O-2003-2004, Amended, 10/06/2003; Ord. 04-O-98-99, Add, 02/15/1999)