

Chapter 8-2

PUBLIC ORDER

Sections:

8-2-1 Misdemeanors

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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.

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