

## CHAPTER 41

## PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.07 Antenna and Radio Wires
41.02 False Reports to or Communications with Public Safety Entities	41.08 Barbed Wire and Electric Fences
41.03 Refusing to Assist Officer	41.09 Discharging Weapons
41.04 Harassment of Public Officers and Employees	41.10 Throwing and Shooting
41.05 Interference with Official Acts	41.11 Urinating and Defecating
41.06 Abandoned or Unattended Refrigerators	41.12 Fireworks
	41.13 Drug Paraphernalia

**41.01 DISTRIBUTING DANGEROUS SUBSTANCES.** No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

*(Code of Iowa, Sec. 727.1)*

**41.02 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.** No person shall do any of the following:

*(Code of Iowa, Sec. 718.6)*

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

**41.03 REFUSING TO ASSIST OFFICER.** Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

*(Code of Iowa, Sec. 719.2)*

**41.04 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.** No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

*(Code of Iowa, Sec. 718.4)*

**41.05 INTERFERENCE WITH OFFICIAL ACTS.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

*(Code of Iowa, Sec. 719.1)*

**41.06 ABANDONED OR UNATTENDED REFRIGERATORS.** No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person’s possession or control, abandoned or unattended and so accessible to children.

*(Code of Iowa, Sec. 727.3)*

**41.07 ANTENNA AND RADIO WIRES.** It is unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, public way, public ground or public building without written consent of the Council.

*(Code of Iowa, Sec. 364.12[2])*

**41.08 BARBED WIRE AND ELECTRIC FENCES.** It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

**41.09 DISCHARGING WEAPONS.**

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

**41.10 THROWING AND SHOOTING.**

1. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB guns or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council.

2. No bow and arrow or crossbow, regardless of make and design shall be discharged within City limits unless:
  - a. The person engaged in target practice has written consent from the Police Chief.
  - b. Only arrows specifically designed for target practice are used.
  - c. The arrow is drawn back and released parallel to the ground and discharged toward a backdrop composed of a substance which will not allow the arrow to pass through, and such backdrop must extend at least five feet beyond the target on the top and bottom and both sides and must extend from the bottom of the target to the ground.

*(Code of Iowa, Sec. 364.12[2])*

**41.11 URINATING AND DEFECATING.** It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

**41.12 FIREWORKS.** The sale, use or exploding of fireworks within the City is subject to the following:

1. Definition. The terms “consumer fireworks”, “display fireworks”, and “novelties” are defined in sections 727.2(1)(a), 727.2(1)(b), and 727.2(1)(c), respectively. For the purposes of this code, those definitions shall be used.

*(Code of Iowa, Sec. 727.2)*

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any display fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
  - A. Personal Injury    \$250,000 per person.
  - B. Property Damage: \$50,000
  - C. Total Exposure:    \$1,000,000

3. The use or exploding of consumer fireworks shall only be allowed on July 3 between the hours of 9:00 a.m. and 10:00 p.m. and July 4 between the hours of 9:00 a.m. and 10:00 p.m. All other use or exploding of consumer fireworks shall be prohibited. The use of novelty fireworks shall be unrestricted.

*(Code of Iowa, Sec. 727.2)*

4. Violations. A person who uses or explodes consumer fireworks while the use of such

devices is prohibited as provided in section 41.12(2) of this code commits a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars.

#### **41.13 DRUG PARAPHERNALIA.**

*(Code of Iowa, Sec. 124.414)*

1. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:
  - A. Manufacture a controlled substance.
  - B. Inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
  - C. Test the strength, effectiveness or purity of a controlled substance.
  - D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold or possessed for a lawful purpose.

It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell or possess drug paraphernalia.

#### **41.14 TOBACCO, NICOTINE, ELECTRONIC SMOKING.**

Tobacco and nicotine use, including but not limited to, any product or item containing or reasonably resembling tobacco or tobacco products, any smoking or spit tobacco product, including any lit or unlit cigarette, cigar, blunt, bidi, clove cigarette, electronic smoking device (ESD), e- cigarette, pipe, chewing tobacco, dissolvable tobacco, dip, snuff or snus and nicotine products that are not Food and Drug Administration (FDA) approved for tobacco cessation, is prohibited at all times on City-owned or operated park grounds. No person shall use any form of tobacco, nicotine or ESD product at or on any City-owned or operated park grounds. This tobacco/nicotine/ESD policy applies to all employees, independent contractors, board members, participants in events, and the general public while on City-owned or operated park grounds.

*(See Iowa Code Chapter 142D)*