

**TITLE II – COMMUNITY PROTECTION
DIVISION 1 – ADMINISTRATION**

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**TITLE II – COMMUNITY PROTECTION
DIVISION 1 - ADMINISTRATION**

CHAPTER 25

POLICE DEPARTMENT

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25.05 Compensation
25.06 Peace Officers Appointed

25.07 Police Chief: Duties
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25.09 Summoning Aid
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25.01 DEPARTMENT ESTABLISHED. The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

25.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

25.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

25.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

(Code of Iowa, Sec. 80B.11[2])

(IAC, 501-3 and 501-8)

25.05 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the Council.

25.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Police Chief shall select, subject to the approval of Council, the other members of the department.

(Code of Iowa, Sec. 372.4)

25.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.

(Code of Iowa, Sec. 372.13[4])

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

25.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

25.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.
(Code of Iowa, Sec. 804.17)

25.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.
(Code of Iowa, Sec. 804.18)

25.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a police chief by the Mayor as provided by Section 25.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.
(Code of Iowa, Sec. 28E.30)

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**TITLE II – COMMUNITY PROTECTION
DIVISION 1 - ADMINISTRATION**

CHAPTER 26

RESERVE PEACE OFFICERS

26.01 Establishment of Force
26.02 Training
26.03 Status of Reserve Officers
26.04 Carrying Weapons
26.05 Supplementary Capacity
26.06 Supervision of Officers

26.07 No Reduction of Regular Force
26.08 Compensation
26.09 Benefits When Injured
26.10 Liability and False Arrest Insurance
26.11 No Participation in Pension Fund or Retirement System

26.01 ESTABLISHMENT OF FORCE. A force of reserve peace officers is hereby established. The force shall consist of not more than nine (9) members. A reserve peace officer is a volunteer, non-regular, sworn member of the Police Department who will serve with or without compensation and has regular police powers while functioning as the Police Department's representative, and will participate on a regular basis in the agency's activities, including those of crime prevention and control, preservation of the peace and enforcement of the law.

26.02 TRAINING. Training for individuals appointed as reserve peace officers shall be provided by instructors in a community college or other facility, including a law enforcement agency, selected by the individual and approved by the law enforcement agency and the Iowa Law Enforcement Academy. All standards and training required under Chapter 80D of the *Code of Iowa* constitute the minimum standards for reserve peace officers. Upon satisfactory completion of training, the Iowa Law Enforcement Academy shall certify the individual as a reserve peace officer. There shall be no exemptions from the personal and training standards provided for in this chapter.

26.03 STATUS OF RESERVE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the Police Chief. While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations and duties as any other peace officer.

26.04 CARRYING WEAPONS. A member of the reserve force shall not carry a weapon in the line of duty until he or she has been approved by the Council and certified by the Iowa Law Enforcement Academy Council. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the Police Chief.

26.05 SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all the requirements of regular peace officers.

26.06 SUPERVISION OF OFFICERS. Reserve peace officers shall be subordinate to the Police Chief, shall not serve as peace officers unless under the direction of the Police Chief, and shall wear a uniform prescribed by the Police Chief, unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigations, civil

process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank.

26.07 NO REDUCTION OF REGULAR FORCE. There shall be no reduction of the authorized size of the regular law enforcement department of the City because of the establishment or utilization of reserve peace officers.

26.08 COMPENSATION. While performing official duties, each reserve peace officer shall be considered an employee of the City and shall be paid a minimum of \$1.00 per year. The Council may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers.

26.09 BENEFITS WHEN INJURED. Hospital and medical assistance and benefits, as provided in Chapter 85 of the *Code of Iowa*, shall be provided by the Council to members of the reserve force who sustain injury in the course of performing official duties.

26.10 LIABILITY AND FALSE ARREST INSURANCE. Liability and false arrest insurance shall be provided by the City to members of the reserve force while performing official duties in the same manner as for regular peace officers.

26.11 NO PARTICIPATION IN PENSION FUND OR RETIREMENT SYSTEM. This chapter shall not be construed to authorize or permit a reserve peace officer to become eligible for participation in a pension fund or retirement system created by the laws of the State and of which regular peace officers may become members.

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DIVISION 1 - ADMINISTRATION**

CHAPTER 30

FIRE DEPARTMENT

30.01 Establishment and Purpose
30.02 Organization
30.03 Approved by Council
30.04 Training
30.05 Election of Officers
30.06 Fire Chief: Duties
30.07 Obedience to Fire Chief
30.08 Constitution

30.09 Accidental Injury Insurance
30.10 Liability Insurance
30.11 Calls Outside City
30.12 Mutual Aid
30.13 Authority to Cite Violations
30.14 Emergency Ambulance Service
**30.15 Billing for Fire, Hazardous Spills, Rescue
Services, and False Fire Alarms**

30.01 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

30.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

(Code of Iowa, Sec. 372.13[4])

30.03 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

30.04 TRAINING. All members of the department shall meet the minimum training standards established by the State Fire Marshal and attend and actively participate in regular or special training drills or programs as directed by the Fire Chief.

(Code of Iowa, Sec. 100B.2[4])

30.05 ELECTION OF OFFICERS. The department shall elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of the Fire Chief shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

30.06 FIRE CHIEF: DUTIES. The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

(Code of Iowa, Sec. 372.13[4])

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

4. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec. 102.2)

5. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

6. Command. Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.

7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of \$50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

10. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, Sec. 100.13)

11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

12. Records. Cause to be kept records of the fire department personnel, firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

30.07 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

30.08 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

30.09 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firefighters injured in the performance of their duties as firefighters whether within or outside the corporate limits of the City. All volunteer firefighters shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

30.10 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 670.2 & 517A.1)

30.11 CALLS OUTSIDE CITY. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

(Code of Iowa, Sec. 364.4 [2 & 3])

30.12 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

(Code of Iowa, Sec. 364.4 [2 & 3])

30.13 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the *Code of Iowa* may issue citations in accordance to Chapter 805 of the *Code of Iowa*, for violations of state and/or local fire safety regulations.

(Code of Iowa, Sec. 100.41)

30.14 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services, and the accidental injury and liability insurance provided for herein shall include such operation.

30.15 BILLING FOR FIRE, HAZARDOUS SPILLS, RESCUE SERVICES, AND FALSE FIRE ALARMS.

1. The Mayor, on behalf of the Fire Department, may enter into contracts/agreements with others to do the billing for fire, hazardous spills and rescue services.

2. No individual taxpayer living within the City shall be billed any amount in excess of what their insurance policy may pay.

3. Rates that may be charged by the Fire Department shall be established by resolution of the Council, reviewed periodically, and may be adjusted by resolution of the Council.

4. All income from billings shall be deposited into the general fund of the City to be used for the Fire Department for the replacement of equipment, supplies or other operational costs.

5. Any individual or entity making a false fire alarm within the City shall be subject to the following service fees:

One per calendar year.....	no charge
Two per calendar year	\$100.00
Three or more per calendar year.....	\$250.00

For purposes of this subsection, a false fire alarm shall include any alarm that results in a service call by the Carter Lake Fire Department in situations that would not otherwise have required the Fire Department to respond. A violation of this section shall be punishable as a municipal infraction subject to the procedures and penalties set forth in Chapter 8 of this Code of Ordinances.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 1 - ADMINISTRATION**

CHAPTER 31

FIRE CODE

31.01 Code Adopted

31.02 Fire Chief to Administer

31.01 CODE ADOPTED. The 2006 edition of the *International Fire Code*, as published by the International Code Council, is adopted by reference as the Fire Code of the City.

31.02 FIRE CHIEF TO ADMINISTER. The Chief of the Fire Department of the City shall be the administrator of the Fire Code and enforce its regulations within the City.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 1 - ADMINISTRATION**

CHAPTER 32

HAZARDOUS SUBSTANCE SPILLS

32.01 Purpose
32.02 Definitions
32.03 Cleanup Required
32.04 Liability for Cleanup Costs

32.05 Notifications
32.06 Police Authority
32.07 Liability

32.01 PURPOSE. In order to reduce the danger to the public health, safety and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

32.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

32.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

32.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.
4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

32.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Chief of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Police Chief, who shall then notify the Department of Natural Resources.

32.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and

2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

32.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 32.02[4].

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**TITLE II – COMMUNITY PROTECTION
DIVISION 1 - ADMINISTRATION**

CHAPTER 35

CARTER LAKE PREVENTION COALITION

35.01 Coalition Established
35.02 Organization
35.03 Powers and Duties
35.04 Annual Budget

35.05 Reports
35.06 No Taxing Powers
35.07 Contracts
35.08 Council Approval

35.01 COALITION ESTABLISHED. There is hereby established the Carter Lake Prevention Coalition, which is created to advise the Council concerning the operation and implementation of any grants and other funds (e.g., municipal budget) affecting the delivery of projects, programs, events and activities concerning the Carter Lake Prevention Coalition programs established by the Coalition and approved by the Council.

35.02 ORGANIZATION. The Coalition shall consist of up to fifteen but not less than eleven members, of which a majority shall be residents of the City, appointed by the Mayor with the approval of the Council for overlapping terms of three years. Members shall serve without compensation, but may receive reimbursement for their actual expenses. Vacancies shall be approved in the same manner as the original appointments.

35.03 POWERS AND DUTIES. The Coalition shall have and exercise the following powers and duties:

1. Meet and elect from its members a Chairperson, a Vice Chairperson and any such officer as it deems necessary. The City shall act as fiscal agent for the operation of the Coalition.
2. Supervise and implement the policies of the Coalition relative to the implementation of Resource Center projects, programs, events and activities developed by the Coalition and approved by the City.
3. Employ persons, only with the consent of the Council, as may be necessary for the proper management of the program and to fix said compensation subject to the approval of the Council.
4. Remove, subject to the approval of the Council, the employees for crimes, incompetence, inattention to duties, or other violations of any rules of the City.
5. Make and adopt, amend, modify or repeal rules and regulations or bylaws, subject to the approval of the Council, not inconsistent with ordinances and the law, for the care, use, management and operation of the program.
6. Keep a record of all of its proceedings.
7. Take actions jointly with other public or private agencies as provided in Section 28E of the *Code of Iowa*, subject to the approval of the Council.

35.04 ANNUAL BUDGET. The Council will adopt an annual budget for the Coalition, which shall be prepared by the Coalition and incorporated into the annual City budget.

35.05 REPORTS. The Coalition shall make written reports to the Council of its activities from time to time, but no less than on a quarterly basis. Its revenues and expenditures shall be reported monthly to the City Clerk/Treasurer, and a copy shall be provided to each member of the Coalition and to each member of the Council.

35.06 NO TAXING POWER. The Coalition may not pledge the credit or taxing power of the City.

35.07 CONTRACTS. No contract or written agreement in excess of \$5,000 may be entered into by the Prevention Coalition without the prior review and approval of the Council.

35.08 COUNCIL APPROVAL. Council approval of any action of the Coalition shall require a majority vote of the Council.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: PUBLIC OFFENSES**

CHAPTER 45

PUBLIC PEACE

45.01 Assault
45.02 Harassment
45.03 Unlawful Assembly
45.04 Failure to Disperse

45.05 Disorderly Conduct
45.06 – 45.08 *(Reserved)*
45.09 Terrorism *(Deleted)*

45.01 ASSAULT. No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 [1])

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 [2])

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

45.02 HARASSMENT. No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:

A. Communicates with another by telephone, telegraph, writing or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7)

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

(Code of Iowa, Sec. 708.7)

C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7)

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

45.03 UNLAWFUL ASSEMBLY. It is unlawful for three or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

45.04 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

45.05 DISORDERLY CONDUCT. No person shall do any of the following:

1. **Fighting.** Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

(Code of Iowa, Sec. 723.4 [1])

2. **Noise.** Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

(Code of Iowa, Sec. 723.4 [2])

3. **Abusive Language.** Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

(Code of Iowa, Sec. 723.4 [3])

4. **Disrupt Lawful Assembly.** Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4 [4])

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4 [5])

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

(Code of Iowa, Sec. 723.4[6])

- A. “Deface” means to intentionally mar the external appearance.
- B. “Defile” means to intentionally make physically unclean.
- C. “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.
- D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.
- E. “Show disrespect” means to deface, defile, mutilate, or trample.
- F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Sec. 723.4[7])

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

- A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
- B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.
- C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

(Code of Iowa, Sec. 723.5)

45.06 – 45.08 *(Reserved)*

45.09 **TERRORISM.** *(Deleted)*

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: PUBLIC OFFENSES**

CHAPTER 47

MINORS

47.01 Curfew

47.02 Cigarettes and Tobacco

47.03 Contributing to Delinquency

47.01 CURFEW. The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:
 - A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent 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 standard of adult responsibility through an objective test. It is therefore 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 eighteen (18) years.
 - D. “Nonsecured 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 law enforcement 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 nonsecured 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 (6) 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” includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes 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 section, 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.

2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 11:00 p.m. and 5:00 a.m. of the following day.

3. Exceptions. The following are exceptions to the curfew:

A. The minor is accompanied by a parent or legal guardian.

B. 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 traveling 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 traveling, within one hour after the end or before the beginning of work;

(2) Minor’s place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;

(3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;

(4) School activity or, if traveling, within one hour after the end or before the beginning 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 traveling, within one hour after the end or before the beginning 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 the City when such travel is by direct route.

4. 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.

5. 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 law enforcement 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 ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to 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 law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement 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.
6. Penalties.
 - A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
 - B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.
 - C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.

D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

47.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* and lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)

47.03 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: PUBLIC OFFENSES**

CHAPTER 48

PUBLIC HEALTH AND SAFETY

48.01 Distributing Dangerous Substances	48.12 Reckless Use of Fire or Explosives (<i>Deleted</i>)
48.02 – 48.03 (<i>Reserved</i>)	48.13 (<i>Reserved</i>)
48.04 Fireworks	48.14 Antenna and Radio Wires
48.05 False Reports to or Communications with Public Safety Entities	48.15 – 48.18 (<i>Reserved</i>)
48.06 – 48.07 (<i>Reserved</i>)	48.19 Discharging Weapons
48.08 Interference with Official Acts	48.20 Throwing and Shooting
48.09 Refusing to Assist Officer	48.21 Possession of Weapons (<i>Deleted</i>)
48.10 Harassment of Public Officers and Employees	48.22 Storage and Use of Explosives (<i>Deleted</i>)
48.11 Abandoned or Unattended Refrigerators	48.23 Urinating and Defecating
	48.24 Providing False Identification Information

48.01 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)

48.02 – 48.03 (*Reserved*)

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

1. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(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 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

(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

48.05 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.

48.06 – 48.07 *(Reserved)*

48.08 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 firefighter, 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 firefighter, 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)

48.09 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)

48.10 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)

48.11 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)

48.12 RECKLESS USE OF FIRE OR EXPLOSIVES. *(Deleted)*

48.13 *(Reserved)*

48.14 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])

48.15 – 48.18 *(Reserved)*

48.19 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, pepperball guns, tasers, 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.

48.20 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, 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.

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

48.21 POSSESSION OF WEAPONS. *(Deleted)*

48.22 STORAGE AND USE OF EXPLOSIVES. *(Deleted)*

48.23 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.

48.24 PROVIDING FALSE IDENTIFICATION INFORMATION. No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: PUBLIC OFFENSES**

CHAPTER 49

PUBLIC PROPERTY

49.01 Defacing Proclamations or Notices
49.02 Unauthorized Entry

49.03 – 49.09 (Reserved)
49.10 Criminal Mischief

49.01 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

49.02 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

49.03 – 49.09 (Reserved)

49.10 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy property.

(Code of Iowa, Sec. 716.1)

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: PUBLIC OFFENSES**

CHAPTER 50

PRIVATE PROPERTY

50.01 Trespassing
50.02 Fraud
50.03 (Reserved)

50.04 Theft
50.05 Theft of Utility Services (Deleted)

50.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term “property” includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

1. **Entering Property Without Permission.** Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

(Code of Iowa, Sec. 716.7 [2a])

2. **Entering or Remaining on Property.** Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

(Code of Iowa, Sec. 716.7 [2b])

3. **Interfering with Lawful Use of Property.** Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Code of Iowa, Sec. 716.7 [2c])

4. **Using Property Without Permission.** Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, Sec. 716.7 [2d])

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

(Code of Iowa, Sec. 716.7[3])

50.02 FRAUD. It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the *Code of Iowa*.

(Code of Iowa, Sec. 714.8)

50.03 *(Reserved)*

50.04 THEFT. It is unlawful for any person to commit theft as defined in Section 714.1 of the *Code of Iowa*.

(Code of Iowa, Sec. 714.1)

50.05 THEFT OF UTILITY SERVICES. *(Deleted)*

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: PUBLIC OFFENSES**

CHAPTER 51

DRUG PARAPHERNALIA

51.01 Purpose

51.02 Controlled Substance Defined

51.03 Drug Paraphernalia Defined

51.04 Determining Factors

51.05 Possession of Drug Paraphernalia

51.06 Manufacture, Delivery or Offering For Sale

51.07 Nuisance (*Deleted*)

51.01 PURPOSE. The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture and delivery of drug paraphernalia as defined herein.

51.02 CONTROLLED SUBSTANCE DEFINED. The term “controlled substance” as used in this chapter is defined as the term “controlled substance” is defined in the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*, as it now exists or is hereafter amended.

51.03 DRUG PARAPHERNALIA DEFINED. The term “drug paraphernalia” as used in this chapter means all equipment, products and materials of any kind which are 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 the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*. It includes, but is not limited to:

1. Growing Kits. 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. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. 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. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. 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. Separators; Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, 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 heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion 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;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;
 - J. Air driven pipes;
 - K. Chillums;
 - L. Bongs;
 - M. Ice pipes or chillers.

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

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.

3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*.
4. Proximity To Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct or circumstantial evidence of the intent of an 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*.
7. Innocence of an Owner. 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.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Distributor or Dealer. 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.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

51.05 POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person to use, or to 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 Substance Act, Chapter 124 of the *Code of Iowa*.

51.06 MANUFACTURE, DELIVERY OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use 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*.

51.07 NUISANCE. *(Deleted)*

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: PUBLIC OFFENSES**

CHAPTER 52

AGGRESSIVE SOLICITATION

52.01 Definitions

52.02 Illegal Solicitation

52.03 Citation

52.04 Violation

52.01 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Aggressive manner” includes all of the following:
 - A. Touching or causing physical contact with the person solicited.
 - B. Blocking or attempting to block the passage of the person solicited.
 - C. Continuing to solicit after a refusal by the person solicited.
 - D. Following behind, ahead of, or alongside a person who walks away from the solicitor after being solicited.
 - E. Using obscene, profane, or abusive language or gestures toward the person solicited.
 - F. Using a sign to solicit, including a sign that includes obscene, profane, or abusive language.
2. “Automated Teller Machine” or “ATM” means a device linked to a financial institution’s account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, and balance inquiries.
3. “Solicit” means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor’s purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word or by other means of communication.

52.02 ILLEGAL SOLICITATION. It is unlawful for any person:

1. To solicit in an aggressive manner or in a manner that will impair orderly movement of pedestrian or vehicular traffic or otherwise create unreasonable health and safety concerns.
2. To solicit within 10 feet of any building.
3. To solicit within 15 feet of a crosswalk.
4. To solicit within 20 feet of an automated teller machine.
5. To solicit within 10 feet of a mobile vendor.
6. To solicit within 15 feet of another solicitor.

52.03 CITATION. Except for soliciting in an aggressive manner, no person shall be cited under Section 52.02 unless the person engages in conduct prohibited by said subsection after having been notified by a peace officer that the conduct violates the City ordinance.

52.04 VIOLATION. Any violation of this chapter shall be punishable as a simple misdemeanor.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: NUISANCES**

CHAPTER 55

NUISANCE ABATEMENT PROCEDURE

55.01 Definition of Nuisance	55.12 Right of Entry
55.02 Nuisances Enumerated	55.13 Foreclosed/Rental Property
55.03 Nuisances Prohibited	55.14 Nuisance Abatement
55.04 Criminal Penalty	55.15 Notice to Abate: Contents
55.05 Municipal Infraction Penalty	55.16 Method of Service
55.06 Additional Civil Relief	55.17 Request for Hearing
55.07 Abatement of Nuisance	55.18 Abatement by City
55.08 Administrative Penalties	55.19 Collection of Costs
55.09 Enforcement Responsibility	55.20 Installment Payment of Cost of Abatement
55.10 Emergency Defined	55.21 Failure to Abate
55.11 Emergency Actions Authorized	

55.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

55.02 NUISANCES ENUMERATED. Nuisances include, but are not limited to:

1. Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
3. Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
4. 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. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. Houses of ill fame, kept for the purpose of prostitution and lewdness; illegal gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101(5) of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
7. The manufacture, cultivation, growth, production, processing, sale, distribution, storage or use or possession for any unlawful manufacture, sale,

distribution or use of a controlled substance as defined in Section 124.101 of the *Code of Iowa*, imitation controlled substances, as defined in Section 124A.2 of the *Code of Iowa*, and drug paraphernalia as defined in Section 51.03 of this Code of Ordinances.

8. The maintenance, use, rental or lease or allowing or permitting the maintenance, use, rental or lease of any real property or sub-unit thereof where people are allowed to congregate, gather or loiter in such a manner as to disturb the peace of other persons lawfully on the property itself or lawfully in the vicinity of the property.

9. The possession, sale or receipt of stolen property.

10. The sexual exploitation of a minor, as prohibited by Section 728.12 of the *Code of Iowa*.

11. A violation of any provision of the Iowa Alcoholic Beverage Control Act, Chapter 123 of the *Code of Iowa* or Chapters 145 and 146 of this Code of Ordinances.

12. A violation of the *Code of Iowa* Section 135.37, Iowa Department of Public Health rules and regulations governing tattooing adopted as provided by *Code of Iowa* Section 135.37 or any provisions of this Code of Ordinances regarding tattoo parlors.

13. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion of 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.

14. The intentional planting of cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

15. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

16. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, boxes and paper, by dealers in such articles within the City limits, unless in a building of fireproof construction.

17. The emission of dense smoke, noxious fumes or fly ash in the City so as to constitute a health, safety or fire hazard.

18. The dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

19. An adult entertainment business operated, conducted or maintained contrary to the provisions of this Code of Ordinances.

20. The storage of any junk vehicles, machinery, trailers or parts thereof on private property within the corporate limits of the City, in violation of Chapter 143 of this Code of Ordinances.

21. The storage of solid waste on private property for more than three days in violation of Chapter 105 of this Code of Ordinances.

22. All weeds, vines, bushes, volunteer trees less than three inches in diameter, grass and other growths which exceed a height of nine (9) inches and all noxious weeds of any dimension as defined by the *Code of Iowa*, growing on lots and parcels of ground within the corporate limits of the City.

23. Materials constructed, stored or placed on the public right-of-way for more than 24 hours, which have not been previously approved as landscaping materials or otherwise authorized by the City for said location.
24. All unsafe buildings, structures or appendages in violation of Chapter 130 of this Code of Ordinances.
25. Maintenance of any dilapidated building of whatever kind which is unused by the owner or uninhabited because of deterioration or decay, which condition constitutes a fire hazard or subjects adjoining property to danger of damage by storm soil erosion or rodent or insect infestation or which becomes a place frequented by trespassers and transients seeking a temporary refuge.
26. Maintenance of any partially or otherwise incomplete structures or abandoned property including, but not limited to fences, parking garages, commercial and residential buildings.
27. Maintenance or use of any building or structure which substantially annoys, injures or endangers the comfort, health, repose or safety of the public by reason of vandalism, inadequate maintenance, abandonment or otherwise, including, but not limited to:
- A. Vacant, inadequately maintained or boarded-up buildings or structures located within 1,000 feet of a residentially zoned district which do not show evidence of current construction or remodeling activity;
 - B. Vacant buildings or structures, regardless of proximity to a residentially zoned district, which are not secure and to which entry may be made through opened or unlocked doors, windows or other openings;
 - C. Vacant buildings or structures which are likely to attract minors and which constitute a danger to the health, safety or well-being of said minors.
28. Keeping or maintaining any stockyard for the purpose of feeding or fattening any cattle, swine, sheep or other animals within the City to the annoyance and discomfort of others.
29. Permitting or suffering to continue a loud, raucous or disagreeable noise upon any premises or emanating from a motor vehicle owned by the person or in the person's possession that causes a disturbance to the general public. A loud raucous or disagreeable noise is a noise that any reasonable person would objectively find disturbing considering the time, place and manner in which the noise is being made. A motor vehicle is any vehicle which is self-propelled. The general public is one person or multiple persons either located in a public place or right-of-way or located off the premises or outside the motor vehicle that is the subject of the violation of this chapter. The general public includes police officers. The following circumstances are considered per se violations as being loud, raucous and disagreeable noises causing disturbance to the general public and a violation of this chapter:
- A. Noise emanating from a motor vehicle that can be heard from a distance of 100 feet or more;
 - B. Modification of the exhaust system of a motor vehicle (including, but not limited to muffler cutouts, bypasses or other non-emission compliant devices which increase sound emissions) such that the noise emanating from the motor vehicle is above the level of noise emanating by the vehicle as manufactured;

C. Noise emanating from a place of business or dwelling that could be heard from a distance of 100 feet or more as measured from any point beginning on the place of business or dwelling property line.

The above circumstances are intended to provide objective guidelines for some of the more common noise violations occurring in the City and in no way meant to limit the scope of the acts that may be prohibited under this section.

30. All other nuisances as specifically defined by the *Code of Iowa* or in any other section of this Code of Ordinances.

55.03 NUISANCES PROHIBITED. Any person, keeping, allowing or maintaining a nuisance, as defined herein, is guilty of a misdemeanor. At the discretion of the City Attorney, any violation of this chapter may be pursued as a municipal infraction according to the terms of Chapter 8 of this Code of Ordinances in lieu of criminal prosecution. Each calendar day a violation is allowed to continue shall constitute a separate and distinct violation.

55.04 CRIMINAL PENALTY. Any person found guilty of a criminal violation of this chapter shall be subject to the penalties provided in Section 1.14 of this Code of Ordinances.

55.05 MUNICIPAL INFRACTION PENALTY. Any person found guilty of a civil violation of this chapter shall be subject to the penalties provided in Section 8.03 of this Code of Ordinances.

55.06 ADDITIONAL CIVIL RELIEF. For a civil violation in addition to the penalty provided in Section 8.03, a court of competent jurisdiction may:

1. Order such person to remove, correct, cease and desist, abate and/or otherwise come into compliance with this Code of Ordinances.
2. Restrain and enjoin such person from operating, conducting or maintaining a business contrary to this Code of Ordinances.
3. Order such person, to repair, rehabilitate, demolish or remove the building, structure or appendage.
4. Enter any order with specific terms deemed just and equitable by the court intended to achieve any of the purposes set forth in the subsections above.
5. Grant the City authority to achieve any of the purposes set forth in the subsections above with the costs and administrative fees associated therewith being taxed to such person for collection the same manner as taxes and to be a lien against real property as provided by the *Code of Iowa*.

55.07 ABATEMENT OF NUISANCE. Any person keeping, allowing or maintaining a nuisance shall have the duty to immediately cease and desist, correct and abate the nuisance in the manner provided for in this chapter or State law. If a nuisance is deemed to be an emergency by the Director of the Public Health Department, Police Chief, Director of Parks and Recreation, Building Official, Fire Marshal, Fire Chief or the Mayor, the City may perform any action required by this chapter without prior notice, citation or arrest as provided in this chapter and assess the actual costs and administrative fees.

55.08 ADMINISTRATIVE PENALTIES.

1. In addition to or in lieu of criminal prosecution or municipal infraction proceeding, any body, department, agency, or official of the City which has issued a permit, license, certificate, registration, or other authorization to a person keeping, allowing, or maintaining a nuisance, as defined herein, may administratively suspend or revoke said permit, license, certificate, registration, or other authorization.
2. In the matter of any permit, license, certificate, registration, or other authorization for which there is a specific suspension or revocation process set forth in this Code of Ordinances, then the suspension or revocation shall follow that specified process, including the specified appeals process.
3. In the matter of all permits, licenses, certificates, registrations, or other authorizations for which there is no specified process for suspension or revocation set forth elsewhere in this Code of Ordinances, the suspension or revocation shall be made by the same authority issuing the permit, license, certificate, registration, or other authorization. The appeal to any said suspension or revocation shall be to the Council by filing a written notice of appeal with the Clerk within ten business days of service of notice on the holder of said permit, license, certificate, registration, or other authorization, or said person's authorized agent. Service of the notice of suspension or revocation may be by any means provided by State law for service of original notice in a civil lawsuit or by posting in a conspicuous place on the subject real property. Filing an appeal under this chapter does not automatically stay the order of suspension or revocation. Upon the filing of a written appeal, the aggrieved party may, in writing, request the Mayor to stay the denial, suspension or revocation. The Mayor may stay the denial, suspension or revocation of the permit, license, certificate, registration, or other authorization while the appeal is pending, by filing a written notice of stay with the Clerk and sending copies thereof to the aggrieved party and the issuing authority.

55.09 ENFORCEMENT RESPONSIBILITY. The criminal and civil provisions of this chapter may be enforced by any peace officer located within the City limits. The civil provisions of this chapter may also be enforced as provided in Chapter 8 of this Code of Ordinances.

55.10 EMERGENCY DEFINED. As used in this chapter, "emergency" means any unforeseen or unexpected occurrence or circumstance or a combination of such occurrences or circumstances or the resulting state therefrom that calls for immediate action to protect the health, safety, or life of individuals or property from substantial damage or destruction.

55.11 EMERGENCY ACTIONS AUTHORIZED. If the appropriate authority declares an emergency, the City is authorized and empowered to order and/or undertake, without notice, and without any waiting period, or right to appeal by the owner, occupant or other interested party as may be required by this or any other provision of this Code of Ordinances.

1. Any action that may be taken to abate the nuisance as provided by this chapter;
2. Occupants to immediately vacate the premises;
3. The premises not be occupied by anyone;
4. Required repairs/alterations be completed by deadlines established by the authority declaring the emergency;

5. Removal of the emergency condition;
6. Securing of the premises by fencing, boarding, or any other appropriate method;
7. Demolition of the property in whole or part;
8. Any necessary work to render the emergency temporarily safe and/or cause such other actions as deemed appropriate to eliminate such emergency condition or situation;
9. The temporary closing or vacating of buildings, structures, houses, sidewalks, streets, public ways, public places, and other property that are adjacent to or in dangerous proximity to the emergency condition and prohibit the same from being utilized or occupied for the period of time necessary to ensure the safety of the affected area; and
10. To employ people or contract with others to provide the necessary labor, equipment and/or materials to perform the required emergency work as expeditiously as possible without following the requirements regarding public bidding for contracts.

55.12 RIGHT OF ENTRY. In a declared emergency, it is unlawful for any person to enter such building or structure for any purpose, except with the knowledge and authorization of the authority declaring the emergency. A violation of this section is a misdemeanor and, upon conviction, shall be subject to the penalties provided in Section 1.14. The provisions of Chapter 131 (Building Code) are also enforceable in addition to the provisions of this section.

55.13 FORECLOSED/RENTAL PROPERTY. Any real property which is subject to foreclosure, forcible entry and detainer, eviction, or in which possession is otherwise transferred through legal process or Court action, shall be in full compliance with this Code of Ordinances within twenty-four hours of the transfer of possession. Failure to comply with the provisions of this section shall be deemed an emergency. The City is authorized to proceed in a manner consistent with the emergency provisions set forth in this chapter. Any person, including the property owner and, if applicable, a landlord, violating this section is guilty of a misdemeanor. At the discretion of the City Attorney, any violation of this chapter may be pursued as a municipal infraction according to the terms of Chapter 8 of this Code of Ordinances in lieu of criminal prosecution. Each calendar day a violation is allowed to continue shall constitute a separate and distinct violation.

55.14 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. †

(Code of Iowa, Sec. 364.12[3h])

55.15 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

(Code of Iowa, Sec. 364.12[3h])

† **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment of City Costs. 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.

55.16 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, Sec. 364.12[3h])

55.17 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

55.18 ABATEMENT BY CITY. 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 Clerk who shall pay such expenses on behalf of the City.

(Code of Iowa, Sec. 364.12[3h])

55.19 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail 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 month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, Sec. 364.12[3h])

55.20 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may 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 rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

55.21 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.06 Peace Officer’s Authority
60.02 Definitions	60.07 Parades Regulated
60.03 Administration and Enforcement	60.08 – 60.11 (Reserved)
60.04 Power to Direct Traffic	60.12 Obedience to Peace Officers
60.05 Traffic Accidents: Reports	

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Carter Lake Traffic Code.”

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. “Stop” means when required, the complete cessation of movement.
8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.

10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Chief.

(Code of Iowa, Sec. 372.13 [4])

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

(Code of Iowa, Sec. 102.4 & 321.236[2])

60.05 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the *Code of Iowa*.

(Code of Iowa, Sec. 321.273)

60.06 PEACE OFFICER’S AUTHORITY. A peace officer is authorized to stop a vehicle to require exhibition of the driver’s license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Code of Iowa, Sec. 321.492)

60.07 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Council. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be

deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control By Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

60.08 – 60.11 *(Reserved)*

60.12 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Police Chief is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13[4] & 321.255)

61.03 TRAFFIC LANES. The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, Sec. 372.13[4] & 321.255)

61.04 STANDARDS. Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

(Code of Iowa, Sec. 321.255)

61.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the *Code of Iowa*.

(Code of Iowa, Sec. 321.256)

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Mufflers (*Deleted*)
62.06 Quiet Zones
62.07 School Buses (*Deleted*)
62.08 Tampering with Vehicle

62.09 Open Containers in Motor Vehicles
62.10 Eluding or Attempting to Elude Law
Enforcement (*Deleted*)
62.11 Reckless Driving
62.12 Obstructing View at Intersections
62.13 Excessive Acceleration (*Deleted*)
62.14 Careless Driving
62.15 Milling

62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Display of Registration and License to Drive: 321.17, 321.32, 321.37, 321.38, 321.57, 321.67, 321.78, 321.79, 321.91, 321.98, 321.99, 321.104, 321.115, 321.174, 321.174A, 321.180, 321.180B, 321.193, 321.194, 321.208A, 321.216, 321.216B, 321.216C and 321.218 through 321.224.
2. All Terrain Vehicles, Golf Carts, and Bicycles to Obey Traffic Regulations, Radar Jamming Devices, Road Workers: 321.232 through 321.234A, 235A and 321.247.
3. Traffic Signs, Signals, and Markings: 321.259 and 321.260.
4. Accidents and Accident Reporting: 321.262 through 321.266.
5. Operation of Motorcycles and Motorized Bicycles: 321.275.
6. Drag Racing; Speed; Open Containers; Control of Vehicle: 321.276, 321.277, 321.277A, 321.278, 321.281, 321.284, 321.284A, 321.288, 321.295, 321.333, 321.382 and 321.383.
7. Driving on Right, Meeting, Overtaking, Following, or Towing: 321.297 through 321.299 and 321.302 through 321.310.
8. Turning and Starting, Signals on Turning and Stopping: 321.312 through 321.318.
9. Right-of-Way: 321.319 through 321.324A.
10. Pedestrian Rights and Duties and Safety Zones: 321.329, 321.330, 321.332, 321.333, and 321.340.
11. Railroad Crossings: 321.341 through 321.344 and 321.344B.
12. Stopping, Standing, Parking: 321.354 and 321.359.

13. Unattended Vehicle, Obstructing Driver's View, Crossing Median, Following Fire Apparatus, or Crossing Fire Hose, and Putting Glass, Etc., on Streets: 321.362 through 321.365 and 321.367 through 321.371.

14. School Buses: 321.372.

15. Lighting Equipment Required and Time of Use: 321.384 through 321.390, 321.392 through 321.395, 321.398, 321.402 through 321.405, 321.408, 321.409, 321.415, 321.417 through 321.423. In accordance with authorization granted by Section 321.395, *Code of Iowa*, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from City street lights to reveal any person or object within a distance of five hundred (500) feet upon such street.

16. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.434; 321.436 through 321.442; 321.444 through 321.446, 321.449 and 321.450.

17. Size, Weight, and Load: 321.454 through 321.458, 321.460 through 321.463, 321.465 and 321.466.

18. Unsafe Vehicles: 321.381 and 321.381A.

62.02 PLAY STREETS DESIGNATED. The Police Chief shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

62.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

62.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

62.05 MUFFLERS. *(Deleted)*

62.06 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

62.07 SCHOOL BUSES. *(Deleted)*

62.08 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.09 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284A)

As used in this section “passenger area” means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

62.10 ELUDING OR ATTEMPTING TO ELUDE LAW ENFORCEMENT. *(Deleted)*

62.11 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.12 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 55 of this Code of Ordinances.

62.13 EXCESSIVE ACCELERATION. *(Deleted)*

62.14 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

62.15 MILLING. It is unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 63

SPEED REGULATIONS

63.01 Speeding
63.02 State Code Speed Limits
63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Zones
63.05 Minimum Speed

63.01 SPEEDING. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

63.02 STATE CODE SPEED LIMITS. The following speed limits are established in Section 321.285 of the *Code of Iowa* and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

63.03 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.236[5])

63.04 SPECIAL SPEED ZONES. In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 15 MPH Speed Zones. A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Except as provided in subsection 2 of this section, on any residential district street within the City;
 - B. On any school district street within the City during the school year.

2. Special 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. On Locust Street from the east City limits to west City limits;
- B. On Avenue H from east City limits to west City limits;
- C. On Ninth Street from Avenue H to the lake;
- D. On Thirteenth Street from Locust Street to Avenue Q;
- E. On Avenue Q from Ninth Street to Thirteenth Street.

63.05 MINIMUM SPEED. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-turns

64.03 Left Turn for Parking
64.04 Right Turn Only

64.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district, at the following designated intersections and at intersections where there are automatic traffic signals.

(Code of Iowa, Sec. 321.236[9])

1. On Locust Street at, in or east of the intersection with Thirteenth Street.

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

64.04 RIGHT TURN ONLY. Vehicular traffic entering onto Locust Street at the stop light on the south side of Locust Street shall turn right only between the hours of 9:00 p.m. to 6:00 a.m. on every day of the week.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets – Stop
65.02 Stop Required
65.03 Three-Way Stop Intersections
65.04 Four-Way Stop Intersections
65.05 Yield Required

65.06 School Stops
65.07 Stop Before Crossing Sidewalk
65.08 Stop When Traffic Is Obstructed
65.09 Yield to Pedestrians in Crosswalks
65.10 Official Traffic Controls

65.01 THROUGH STREETS – STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. Iowa Highway 165 for its entire length within the City.
2. Locust Street, from the west City limits to the east City limits.
3. Thirteenth Street, from Locust Street to Avenue Q.

65.02 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Dorene Boulevard. Vehicles traveling north on Dorene Boulevard shall stop at Willow Drive.
2. Avenue H. Vehicles traveling on Avenue H shall stop at Ninth Street.
3. Avenue J. Vehicles traveling on Avenue J shall stop at Ninth Street.
4. Avenue K. Vehicles traveling on Avenue K shall stop at Ninth Street.
5. Wood Avenue. Vehicles traveling east on Wood Avenue shall stop at Ninth Street.
6. Steele Avenue. Vehicles traveling east on Steele Avenue shall stop at Ninth Street.
7. Hiatt Street. Vehicles traveling west on Hiatt Street shall stop at Ninth Street.
8. Silver Lane. Vehicles traveling west on Silver Lane shall stop at Ninth Street.
9. Avenue O. Vehicles traveling west on Avenue O shall stop at Ninth Street.
10. Cachelin Drive. Vehicles traveling west on Cachelin Drive shall stop at Ninth Street.
11. Avenue P. Vehicles traveling on Avenue P shall stop at Ninth Street.
12. Seventh Street. Vehicles traveling south on Seventh Street shall stop at Steele Avenue.

13. Avenue K. Vehicles traveling east on Avenue K shall stop at Fifth Street.
14. Fifth Street. Vehicles traveling north on Fifth Street shall stop at Avenue K.
15. Janbrook Boulevard. Vehicles traveling east on Janbrook Boulevard shall stop at Surfwood.
16. Mayper Drive. Vehicles traveling on Mayper Drive shall stop at Eleventh Street.
17. Dorene Boulevard. Vehicles traveling on Dorene Boulevard shall stop at Eleventh Street.
18. Janbrook Boulevard. Vehicles traveling on Janbrook Boulevard shall stop at Eleventh Street.
19. Lindwood Drive. Vehicles traveling on Lindwood Drive shall stop at Eleventh Street.
20. Eleventh Street. Vehicles traveling south on Eleventh Street shall stop at Avenue K.
21. Eleventh Street. Vehicles traveling north on Eleventh Street shall stop at Willow Drive.
22. Carter Lake Club. Vehicles exiting Carter Lake Club shall stop at Carolina Drive, Avenue Q and Ninth Street.
23. Mabrey Lane. Vehicles traveling north on Mabrey Lane shall stop at Avenue K.
24. Murray Avenue. Vehicles traveling west on Murray Avenue shall stop at Fifteenth Street.
25. Stella Avenue. Vehicles traveling west on Stella Avenue shall stop at Fifteenth Street.
26. Fourteenth Street. Vehicles traveling south on Fourteenth Street shall stop at Avenue Q.
27. Shoal Point. Vehicles traveling south on Shoal Point shall stop at Avenue Q.
28. Shoal Circle. Vehicles traveling south on Shoal Circle shall stop at Seventeenth Street.
29. Shoal Drive. Vehicles traveling east on Shoal Drive shall stop at Fourteenth Street.
30. Shoal Drive. Vehicles traveling west on Shoal Drive shall stop at Carolina Drive.
31. Avenue Q. Vehicles traveling on Avenue Q shall stop at Shoal Point.
32. Stella Avenue. Vehicles traveling east on Stella Avenue shall stop at Seventeenth Street.
33. Murray Avenue. Vehicles traveling east on Murray Avenue shall stop at Seventeenth Street.
34. Cachelin Drive. Vehicles traveling east on Cachelin Drive shall stop at Seventeenth Street.

35. Avenue O. Vehicles traveling east on Avenue O shall stop at Seventeenth Street.
36. Silver Lane. Vehicles traveling east on Silver Lane shall stop at Seventeenth Street.
37. Hiatt Street. Vehicles traveling east on Hiatt Street shall stop at Seventeenth Street.
38. Avenue N. Vehicles traveling east on Avenue N shall stop at Seventeenth Street.
39. Willow Drive. Vehicles traveling on Willow Drive shall stop at Dorene Boulevard.
40. Dorene Boulevard. Vehicles traveling south on Dorene Boulevard shall stop at Holiday Drive.
41. Dorene Boulevard. Vehicles traveling on Dorene Boulevard shall stop at Surfwood Drive.
42. Lindwood Drive. Vehicles traveling south on Lindwood Drive shall stop at Avenue K.
43. Coronado Circle. Vehicles traveling east on Coronado Circle shall stop at Ninth Street.
44. Avenue Q. Vehicles traveling east and west on Avenue Q shall stop at Seventh Street.

65.03 THREE-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated three-way stop intersections:

1. Fifteenth Street and Redick Boulevard. Vehicles approaching the intersection of Fifteenth Street and Redick Boulevard from the east, west and north shall stop before entering such intersection.
2. Seventeenth Street and Redick Boulevard. Vehicles approaching the intersection of Seventeenth Street and Redick Boulevard from the west, north and south shall stop before entering such intersection.
3. Ninth Street and Willow Drive. Vehicles approaching the intersection of Ninth Street and Willow Drive from the east, north, and south shall stop before entering the intersection.
4. Eleventh Street and Redick Boulevard. Vehicles approaching the intersection of Eleventh Street and Redick Boulevard from the north, east, and west shall stop before entering the intersection.
5. Eleventh Street and Willow Drive. Vehicles approaching the intersection of Eleventh Street and Willow Drive from the south, east, and west shall stop before entering the intersection.

65.04 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec. 321.345)

1. Intersection of Fifth Street and Avenue H.

2. Intersection of Ninth Street and Avenue H.
3. Intersection of Fifteenth Street and Walker Street.
4. Intersection of Avenue N and Fifteenth Street.
5. Intersection of Hiatt Street and Fifteenth Street.
6. Intersection of Silver Lane and Fifteenth Street.
7. Intersection of Cachelin Drive and Fifteenth Street.
8. Intersection of Avenue P and Fifteenth Street.
9. Intersection of Ninth Street and Redick Boulevard.
10. Intersection of Avenue Q and Ninth Street.
11. Intersection of Avenue Q and Thirteenth Street.
12. Intersection of Thirteenth Street and Willow Drive.
13. Intersection of Locust Street and Fifth Street.
14. Intersection of Locust Street and Ninth Street.

65.05 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

- NONE -

65.06 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. Intersection of Redick Boulevard and Thirteenth Street;
2. Intersection of Redick Boulevard and Eleventh Street.

65.07 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.08 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

65.09 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down

or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

65.10 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. Intersection of Redick Boulevard and Thirteenth Street.
2. Intersection of Locust Street and Thirteenth Street.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets
66.04 Truck Route

66.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Council may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 & 321E.1)

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs or with more than two axles or four tires at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. Locust Street. Six-ton limit from east City limits to west City limits.

66.04 TRUCK ROUTE. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing three (3) tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

- A. Avenue H from east City limits to west City limits.
- B. Any State or Federal highway.

2. Deliveries Off Truck Route. Any motor vehicle weighing three (3) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route. In the event repeated trips

are necessary for said purpose, to and from a location on any of the City's public streets and places other than a legally designated truck route, it shall be necessary that written application to do so shall be made on forms provided by the maintenance department, by the owner and/or operators of the vehicles to be used in such operation, to the Council or its authorized representative, prior to commencing such activities, setting forth in detail the route proposed to be traveled, and permission in writing to do so from the Council shall be a prerequisite to the continuance of such activities, and the route proposed to be traveled by said owner and/or operator shall be subject to revision and alteration by the Council or its authorized representative and the decision rendered shall be binding on the applicant.

(Code of Iowa, Sec. 321.473)

3. Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

(Code of Iowa, Sec. 321.236 [4])

– NONE –

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.07 Persons With Disabilities Parking
69.02 Park Adjacent to Curb – One-way Street	69.08 No Parking Zones
69.03 Angle Parking	69.09 Truck Parking Limited
69.04 Angle Parking – Manner	69.10 Snow Removal
69.05 Parking for Certain Purposes Illegal	69.11 Fire Lanes
69.06 Parking Prohibited	69.12 Snow Routes

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARK ADJACENT TO CURB – ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

- NONE -

69.04 ANGLE PARKING – MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

(Code of Iowa, Sec. 321.236 [1])

1. Sale. Displaying such vehicle for sale;

2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 PARKING PROHIBITED. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358 [5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236 [1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358 [2])
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358 [6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358 [8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358 [9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358 [10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358 [11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358 [13])

14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

(Code of Iowa, Sec. 321.236[1])

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. Parking or Terrace. No person shall drive upon or park a vehicle between the curbing of any hard surfaced street and the sidewalk, unless said area is hard surfaced with concrete, asphalt or any other hard surfacing, except during a declared emergency snow removal. "Hard surfaced" means concrete, asphalt or brick, "crushed run" rock, if the rock is no less than three (3) inches in depth and enclosed in a hard surface enclosure around the sides of the crushed run rock, by bricks, blocks, retaining wall or other solid wall confining and containing the crushed run rock.

18. Yards. No motor vehicle shall be parked in the front, side or rear yard of any lot zoned residential except on paved driveways or other hard-surfaced areas.

19. One-way Roads. In the event a highway or street includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, it is unlawful for any person to stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

20. Bus Stops and Taxicab Stands. A vehicle other than a bus at a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated for such purpose and is so designated by appropriate sign, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such designated area.

21. Blocking Fire Apparatus. In any public or private alley in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.

22. **In More Than One Space.** In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. **Establishment.** Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. **Improper Use.** The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. **Wheelchair Parking Cones.** No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the *Code of Iowa*.

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

(Code of Iowa, Sec. 321.236 [1])

1. Locust Street, including all of the real property owned by the City, including right-of-ways.

2. Avenue Q, on both sides, between Thirteenth Street and Ninth Street.

3. Thirteenth Street, on both sides, between Locust Street and Avenue Q.

4. Seventeenth Street, on both sides, between Avenue P and Avenue Q.

5. Lindwood, on the north side, west of Thirteenth Street.

6. Janbrook Boulevard, on the north side, west of Thirteenth Street.

7. Dorene Boulevard , on the north side, west of Thirteenth Street.

8. Mayper Drive, on the north side, west of Thirteenth Street.
9. Willow Drive, on the north side, west of Thirteenth Street.
10. Avenue P, on the north side, between Thirteenth Street and Ninth Street.
11. Ninth Street, on the west side, between Avenue H and Locust Street.
12. Fourteenth Street, on the west side, between Avenue P and Avenue Q.
13. Any portion of the roadway and the lakefront of Carter Lake at Mabrey Park or roadways at the ball park or any other City park. Parking at these areas shall be in designated parking areas only.
14. Ninth Street, on both sides, between Locust Street and Avenue Q.
15. Eleventh Street, on the east side, between Avenue K and Willow Drive.
16. Freedom Park Road.
17. Shoal Drive, on the east side.
18. Seventeenth Street, on both sides, north of Avenue Q to the entrance of Water's Edge Court, except for City sponsored special events at the sports complex.
19. Avenue H, on both sides, within the City limits, including all of the real property owned by the City, including right-of-ways.
20. Thirteenth Street, on both sides, south of Avenue H except in spaces designated for parking on the east side reserved for use by the hotel located at 1201 Avenue H.
21. Abbott Plaza, on both sides, within the City limits.
22. Avenue R, on both sides of the street, between North Eighth Street and North Ninth Street.
23. Avenue K, on both sides, from the intersection with Lindwood Drive east to the City limits.
24. City real property, including right-of-way, on Avenue J.

69.09 TRUCK PARKING LIMITED. No person shall park a motor vehicle with more than two (2) axles or four (4) tires, or licensed for more than five (5) tons in violation of the following regulations. The provisions of this section do not apply to pickup, light delivery or panel delivery trucks.

1. Prohibited Streets. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo or during construction or maintenance work on any abutting property, no person shall park or leave unattended such vehicle on any street within the City except a designated truck route. When actually receiving or delivering merchandise or cargo or during construction or maintenance activities, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. The provisions and restrictions contained in this subsection do not apply to any vehicle of class described which, due to an emergency or actual equipment failure, is unable to be moved within a reasonable length of time or which removal would for any reason create a traffic hazard or a hazard to the safety of persons using the street or public way upon which the vehicle is parked; provided, however, such vehicle so parked shall not be permitted to remain where located for a period of time in excess of four consecutive hours, without notification being given to

the Police Chief advising as to the nature of the trouble or mechanical failure, and of the approximate length of time necessary to be so parked.

2. **Parking Restricted.** Unless otherwise posted by official signs in the City, such vehicles may be parked on any street designated as a truck route, if so parked in the manner prescribed by law, for a continuous period of time not to exceed two (2) hours.

3. **Noise.** No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 10:00 p.m. and 6:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

4. **Livestock.** No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

69.10 SNOW REMOVAL. When it becomes necessary for the City to cause snow and/or ice to be plowed or removed from its public streets, avenues, alleys or other public places, due to the accumulation of four (4) inches or more of ice or snow thereon or causing a hindrance to traffic and constituting an emergency requiring the same to be plowed or removed, the Mayor or a designated representative shall by appropriate public media declare the commencement of such emergency situation and the enforcement of emergency snow parking regulations as set forth in this section, which regulations shall remain in force and effect until lifted by the Mayor or the designated representative, except that any public street, avenue, alley or other public place which has become substantially cleared of snow and/or ice from curb to curb for the entire length of the block shall automatically terminate the emergency snow parking regulations. "Appropriate public media" is defined as being a public announcement by means of broadcasts or telecasts from local radio and television stations. The Mayor may also cause such declaration to be announced in a newspaper of general circulation in the City, when time permits. The public announcements shall also specify the time and date the emergency situation shall be in effect.

1. **Snow Parking Regulations.** Upon the accumulation of four (4) inches or more of ice or snow or upon the declaration of such emergency situation by the Mayor, there shall be no parking on the streets, avenues or alleys until streets are cleared as described in this section.

2. **Enforcement of Regulations.** The provisions of subsection 1 shall supersede all other parking regulations in force and effect and posted on any street during such emergency situation.

3. **Snow Tires and Chains.** It is unlawful for any person to operate any vehicle on the streets of the City without effective anti-skid chains or effective snow tires, when snow, sleet or freezing rain causes slippery or hazardous conditions and such operation impedes or obstructs traffic.

69.11 FIRE LANES. No person shall stop, stand or park a vehicle in a fire lane as provided herein.

(Code of Iowa, Sec. 321.236)

1. **Fire Lanes Established.** The Police Chief may designate fire lanes on any private road or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.

2. Signs and Markings. Wherever a fire lane has been designated, the Police Chief shall cause appropriate signs and markings to be placed identifying such fire lanes and the parking prohibition established by this section.
3. Exception. The provisions of this section do not apply to authorized emergency vehicles.

69.12 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: TRAFFIC CODE**

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

3. The owner or operator of any vehicle who receives notice, either personally or by attaching of such notice to the vehicle, that the vehicle is parked in such a manner or in such a place as to violate any of the provisions of this title relating to the parking of vehicles, shall pay to the City Treasurer a penalty as set forth in the prevailing schedule of fees as adopted by the City Council, and based upon the following:

A. If the penalty is not paid within 30 days of the date of the violation, the Clerk may mail to the registered owner of the vehicle a reminder notice stating the date of the violation, license number of the vehicle, fine now due, last date to pay fine, and that failing to pay the fine will result in criminal charges being filed.

B. If the penalty is not paid within 60 days of the date of the violation, the City Treasurer shall refer the notice of violation to the City Attorney for prosecution. The City Attorney may file an information in the Iowa District Court for a violation of the provisions of this title and, upon conviction, shall be subject to the penalty provisions of Chapters 69 and 70 of this Code of Ordinances. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

C. If an arrest warrant is issued, the City Attorney shall ensure that the provisions of Section 321.40, *Code of Iowa*, pursuant to Pottawattamie County Resolution No. 55-85, are enforced, and the County Treasurer shall refuse to renew the registration of a vehicle registered to a person with such an outstanding warrant.

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

(Code of Iowa, Sec. 805.8 & 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of thirty dollars (\$30.00) for snow route parking violations and fifteen dollars (\$15.00) for all other violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

(Code of Iowa, Sec. 321.236[1b] & 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(Code of Iowa, Sec. 321.236 [1])

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, Sec. 321.236 [1])

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

(Code of Iowa, Sec. 321.236 [1])

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

(Code of Iowa, Sec. 321.236 [1])

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: BICYCLES**

CHAPTER 75

BICYCLE REGULATIONS

75.01 Scope of Regulations

75.02 Traffic Code Applies

75.03 Double Riding Restricted

75.04 Two Abreast Limit

75.05 Bicycle Paths

75.06 Speed

75.07 Emerging from Alley or Driveway

75.08 Carrying Articles

75.09 Riding on Sidewalks

75.10 Towing

75.11 Improper Riding

75.12 Parking

75.13 Equipment Requirements

75.14 Special Penalty

75.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. Police officers are exempt from the provisions of this chapter while performing their official duties.

(Code of Iowa, Sec. 321.236 [10])

75.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

75.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234 [3 and 4])

75.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236 [10])

75.05 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code of Iowa, Sec. 321.236 [10])

75.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, Sec. 321.236 [10])

75.07 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, Sec. 321.236 [10])

75.08 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, Sec. 321.236 [10])

75.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

(Code of Iowa, Sec. 321.236 [10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, Sec. 321.236 [10])

3. Yield Right-of-way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Code of Iowa, Sec. 321.236 [10])

75.10 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

75.11 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

75.12 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, Sec. 321.236 [10])

75.13 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, Sec. 321.236 [10])

75.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: BICYCLES**

CHAPTER 76

BICYCLE LICENSING

(Chapter Deleted)

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**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: ATVs AND SNOWMOBILES**

CHAPTER 80

ALL-TERRAIN VEHICLES AND SNOWMOBILES

80.01 Purpose
80.02 Definitions
80.03 General Regulations
80.04 Operation of Snowmobiles

80.05 Operation of All-Terrain Vehicles
80.06 Negligence
80.07 Accident Reports

80.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

80.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1)

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but that contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

3. “Off-road utility vehicle” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 2,000 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1)

80.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

80.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

- A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

- B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

- (2) The snowmobile is brought to a complete stop before crossing the street;

- (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

80.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[3])

3. Railroad Right-of-Way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

80.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

80.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

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TITLE II – COMMUNITY PROTECTION

DIVISION 2 – ENFORCEMENT: ANIMAL PROTECTION AND CONTROL

CHAPTER 85

ANIMAL PROTECTION AND CONTROL – GENERAL PROVISIONS

85.01 Definitions	85.14 At Large: Impoundment
85.02 Animal Neglect	85.15 Disposition of Impounded Animals
85.03 Livestock Neglect	85.16 Fees
85.04 Abandonment of Cats and Dogs	85.17 Keeping of Dangerous Animals Prohibited
85.05 Livestock	85.18 Regulations of Keeping Dangerous Animals
85.06 At Large Prohibited	85.19 Keeping of Vicious Animals Prohibited
85.07 Bothersome Animals (<i>Deleted</i>)	85.20 Seizure, Impoundment and Disposition of Vicious Animals
85.08 Damage or Interference	85.21 Riding of Horses Prohibited
85.09 Annoyance or Disturbance	85.22 Pet Awards Prohibited
85.10 Number of Animals Limited	85.23 (<i>Reserved</i>)
85.11 Dangerous Animals	85.24 Rabies Vaccination
85.12 Owner's Duty	
85.13 Confinement	

85.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to Animal Protection and Control.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "Animal Control Officer" means the person designated by the Council to enforce the animal ordinances of the City.
4. "Animal shelter" means the premises and/or facility which the Animal Control Officer may from time to time designate as the location of the impoundment of animals.
5. "At large" means off the premises of the owner and not on a leash, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
6. "Bite" means any puncture, laceration, abrasion, scratch or break in the skin of a human caused by an animal.
7. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.

8. “Dangerous animal” means:
- A. 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;
 - B. Any animal declared to be dangerous by the Board of Health or Council; and
 - C. The following animals, which are deemed to be dangerous animals per se:
 - (1) *Artiodactyla* of the family *Antilocapridae*, which includes pronghorns;
 - (2) *Artiodactyla* of the family *Cervidae*, which includes moose and caribou;
 - (3) *Artiodactyla* of the family *Suidae* and the genus and species *Sus scrofa* (domestic swine and wild boar), which includes all male and female wild boars;
 - (4) *Bovidae* – males only (bulls);
 - (5) *Carnivora* of the family *Canidae*, which includes wolves, foxes, and hybrids, but excludes domestic dogs;
 - (6) *Carnivora* of the family *Felidae*, which includes lions, lynx, bobcats, and hybrids, but excludes domestic cats;
 - (7) *Carnivora* of the family *Mustelidae*, which includes badgers, wolverines, weasels and skunks, except ferrets;
 - (8) *Carnivora* of the family *Procyonidae*, which includes raccoons;
 - (9) *Carnivora* of the family *Ursidae*, which includes bears;
 - (10) *Chelonia* of the family *Chelydridae* (snapping turtles);
 - (11) *Crocodylia* which includes crocodiles and alligators;
 - (12) *Chiroptera* (bats);
 - (13) *Proboscidae* (elephants);
 - (14) *Rodentia* of the family *Cricetidae* (mice), except white mice kept as household pets;
 - (15) *Rodentia* of the family *Muridae* (rats), except white rats kept as household pets;
 - (16) *Scorpiones* of the family *Buthidae* (scorpions);
 - (17) *Squamata* of the suborder *Ophidia* (snakes) which are venomous or constrictors, not to include any non-venomous snake indigenous to the State of Iowa.

9. “Dangerous dog” means:
 - A. Any dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;
 - B. Any dog that has been cited for running at large more than twice in one year; or
 - C. Any dog that has attacked another animal while at large.
10. “Fair” means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
11. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
12. “Hybrid” means any offspring produced by breeding a domestic cat or domestic dog to an animal listed as a “dangerous animal per se.”
13. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(*Code of Iowa, Sec. 717.1*)
14. “Owner” means any person owning, keeping, sheltering or harboring an animal.
15. “Pet” means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.
16. “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, which has attacked or bitten any person without provocation or which has attacked or bitten any domestic animal or fowl on more than two occasions within a twelve-month period or which has been found to possess such a propensity by the Animal Control Officer, or any dog or other animal owned or harbored primarily or in part for the purpose of fighting or any dog trained for dog fighting, or which has been found to possess such a propensity by the Animal Control Officer.

85.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(*Code of Iowa, Sec. 717B.3*)

85.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary

animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

85.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

85.05 LIVESTOCK. It is unlawful for a person to keep bees or livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

85.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

85.07 BOTHERSOME ANIMALS. *(Deleted)*

85.08 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

85.09 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog:

1. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.
2. To damage, soil, defile or defecate on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
3. To cause unsanitary, dangerous or offensive conditions.

85.10 NUMBER OF ANIMALS LIMITED. No household shall have at any one time more than a total of three (3) dogs and cats, unless the dogs and cats are less than three (3) months old, kept at the household, and unless more than three (3) dogs and cats have previously been and are at the present time licensed in a household.

85.11 DANGEROUS ANIMALS.

1. No person owning, keeping or harboring a dangerous dog shall allow such animal to go unconfined on the premises of such person. A dangerous dog is unconfined if such dog is not:
 - A. Confined indoors; or
 - B. Confined in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line of said premises. Such pen or structure must have secure sides at least six feet in height, embedded into the ground no less than one foot or

secured into a concrete slab, and a secure top. The pen or structure shall be at least two lengths of the dog wide, four lengths of the dog long and two lengths of the dog high and must be constructed with chain link fencing for all four sides and top. Such pen or structure must also comply with the zoning regulations.

2. The dangerous dog must be licensed and the owner shall present to the City Clerk proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000).

3. In the event that a dangerous dog 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 life or property, such animal may, in the discretion of the Animal Control Officer or the Police Chief, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous dog found at large, and shall have no duty to notify the owner of such animal prior to its destruction.

85.12 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

85.13 CONFINEMENT. If the Animal Control Officer or a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the officer or board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such officer or board, and after ten (10) days the officer or board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

85.14 AT LARGE: IMPOUNDMENT.

1. The owner of an animal shall at all times restrain such animal to prevent it from being or running at large. An animal found at large by a police officer or Animal Control Officer shall be seized and impounded. If the police officer or Animal Control Officer is unable to apprehend the animal, or if the owner of the animal refuses to relinquish the same, the officer shall serve the owner a ticket requiring payment of an enforcement/impoundment fee to the City.

2. If a cat does not bear a current rabies vaccination tag, the owner of such cat shall at all times restrain such animal to prevent it from being or running at large. A cat found at large by a police officer or Animal Control Officer, and not wearing a current rabies vaccination tag, may, in the discretion of the police officer or Animal Control Officer, be seized and impounded. If the police officer or Animal Control Officer is unable to apprehend such cat, or if the owner of the cat refuses to relinquish same, the police officer or Animal Control Officer may serve the owner a ticket requiring payment of an enforcement/impoundment fee to the City.

3. It is lawful for any person who finds an animal at large to seize and hold the animal. Any person so seizing and holding an animal may confine it within a fenced yard, house, garage, or other structure owned by such person, or by physically restraining said animal on a harness, collar or leash. The person seizing and holding the animal shall be responsible for the humane treatment of the animal while it is under that person's custody and shall notify the Police Department or Animal Control Officer within twenty-four (24) hours that the animal is in said person's custody.
4. An animal which appears to be suffering from rabies or infected with disease, or which is seriously injured, or which, in the opinion of the Animal Control Officer or police officer is vicious, shall not be released, but shall be immediately destroyed in a humane manner.
5. Animals which are impounded shall be placed in a City animal shelter, licensed kennel, or other suitable place as directed by the Animal Control Officer.
6. When an animal has been apprehended and impounded, written notice shall be given of such impoundment to the owner, if known, within two days. If an impounded animal is not claimed within ten days, excluding Sundays and holidays, of the giving of the notice, or if the owner of the animal cannot be determined within ten days of the date of impoundment, the animal may be disposed of as provided in this chapter. The cost of impounding, board and keep and any other related costs shall be billed to the owner, if known or later identified.
7. Any animal which has been impounded at the animal shelter may be redeemed to the owner thereof upon:
 - A. Proof of ownership;
 - B. Payment of the board and keep fee, enforcement/impoundment fee, and any other related costs incurred by the City;
 - C. Presentation of the City dog license for the current year, or by purchasing such license which shall not be issued until proof of a current rabies vaccination is presented; and
 - D. Showing proof in the form of a certificate issued and signed by a licensed veterinarian that such animal has been properly vaccinated for rabies, or by posting a \$75.00 vaccination bond which may be refunded if a rabies vaccination is obtained. Application for vaccination bond redemption and for refund of the bond must be made within five (5) business days of the posting of the bond. Failure of the owner to redeem said bond shall be prima facie proof that vaccination has not been obtained.
8. For purposes of this section, the Animal Control Officer or police officer may give notice to the owner either orally, by posting a notice at the owner's residence, or by mail.
9. If an animal has been running at large or has been impounded on four prior occasions, such animal shall not be returned to the owner and may be disposed of pursuant to this chapter.

85.15 DISPOSITION OF IMPOUNDED ANIMALS. After the expiration of the ten-day impoundment period, an unredeemed animal, either licensed or unlicensed, may, at the discretion of the Animal Control Officer or police chief, be disposed of in the following manner:

1. Be humanely destroyed; or
2. Upon payment of an adoption fee, be adopted to a person other than the animal’s owner, the fees for said adoption of animals to be as provided in the prevailing schedule of fees adopted by the Council; or
3. Be tendered to an authorized institution for the purpose of medical experimentation.

85.16 FEES.

1. In the event that an animal is observed at large but cannot be captured for impoundment, or in the event its owner refuses to relinquish possession of such animal for impoundment, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the City’s cost in attempting to impound the animal.
2. In the event that an animal is required to be licensed pursuant to Chapter 86 of this Code of Ordinances is not licensed or does not display the license tag as required, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the City’s cost in enforcing said provisions.
3. In the event that an animal is required to be vaccinated for rabies is not vaccinated as required or does not display a rabies vaccination tag, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the City’s cost in enforcing said requirements.
4. In the event the owner of an animal has been served a ticket for the payment of the enforcement/impoundment fee and fails to pay the required amount due to the City within thirty (30) days of the date of issuance, the person who issued the enforcement/impoundment fee ticket shall cause a criminal complaint to be filed in the District Court for a violation of the appropriate section of this chapter. For purposes of this subsection, an enforcement/impoundment fee ticket may be served by either delivering the ticket personally to the owner or posting the ticket at the residence of the owner.
5. A fee of five dollars (\$5.00) per day shall be paid to the City for boarding and keeping any animal. Enforcement/impoundment fees are as follows:

First occurrence.....	\$ 25.00
Second occurrence	\$ 30.00
Third occurrence	\$ 40.00
Fourth occurrence.....	\$ 100.00

All fees shall be paid by cash, bank drafts, money order or certified check.

85.17 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, museum or other place where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.

2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit, show or licensed pet shop.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources.

85.18 REGULATIONS OF KEEPING DANGEROUS ANIMALS.

1. Every person owning, keeping, sheltering or harboring a dangerous animal pursuant to Section 85.17 shall report such fact to the Animal Control Officer, together with the following information:
 - A. The species name of each animal;
 - B. The number of such animals of each such species kept on the premises;
 - C. A physical description of each such animal, including any pet name to which it might respond;
 - D. The location of such animal or animals within the City, including the location of the cage or place of confinement upon or in the premises wherein the animal or animals are kept;
 - E. In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.
2. Every person keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or other enclosure.
3. Every person keeping, sheltering or harboring a poisonous dangerous animal shall be required to keep ten (10) doses of anti-venom on hand and current at all times.
4. No person owning, keeping, sheltering or harboring a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined.
5. 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 life or property, such animal may, in the discretion of the Animal Control Officer or the Police Chief, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, and shall have no duty to notify the owner of such animal prior to its destruction.
6. In the event that the Animal Control Officer determines that a dangerous animal is being kept, sheltered, or harbored by any person in violation of the provisions of this chapter, the Animal Control Officer may, in his or her discretion, have such person prosecuted for such violation, and/or may order such person to remove such dangerous animal from the City or destroy it. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing, directed to such person, and delivered personally or by certified mail. The order of the Animal Control Officer may be appealed to the Council.

7. Any person desiring to appeal an order issued by the Animal Control Officer to the Council may do so by filing a written notice of appeal with the Clerk within seven (7) days after receipt of the notice to remove the dangerous animal. The notice of appeal shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within thirty (30) days of the receipt of notice of appeal. After such hearing, the Council may affirm or reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within twenty (20) days after the hearing, or any continued session thereof.

8. If the Council affirms the action of the Animal Control Officer, the Council shall also order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the order is not complied with within seven days of its issuance, the Animal Control Officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the District Court for a review of the order, the Animal Control Officer shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor.

85.19 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.
2. The keeping of guard dogs, however, guard dogs must be kept within a structure or fenced enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. 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 import, and the owner of such premises shall inform the Animal Control Officer that a guard dog is on duty at said premises.

85.20 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

1. The Animal Control Officer, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than twenty-four (24) hours’ 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 and shall also state 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.

2. If, after hearing, the Council determines that an animal is vicious, the Animal Control Officer shall order the person owning, sheltering or 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 person 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 Animal Control Officer 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 person against whom the order of the Council was issued has not petitioned the District Court for a review of such order, the Animal Control Officer shall cause the animal to be destroyed. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor offense.

3. 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 Animal Control Officer may immediately destroy it.

4. Any animal which has attacked or bitten any person without provocation or which has attacked or bitten any domestic animal or fowl on more than two occasions within a twelve-month period shall be deemed a vicious animal without necessity for hearing by the Council. This decision may, however, be appealed to the Council, by presenting a written notice of appeal to the Clerk within ten (10) days after receiving written notice of said decision.

85.21 RIDING OF HORSES PROHIBITED. It is unlawful for any person to ride or lead a horse on any public sidewalk or any other portion of the public right-of-way without a permit. A permit for riding horses shall be applied for through the Clerk's office and granted by the Mayor for a fee of \$5.00. Said permit shall be for a specific period of time and shall specify the route and that the horse shall wear a diaper or sling. All horses must be properly shod for riding on the street.

85.22 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

- A. A prize for participating in a game.
- B. A prize for participating in a fair.
- C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
- D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

- A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
- B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

85.23 *(Reserved)*

85.24 RABIES VACCINATION. Every owner of a cat or dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a cat or dog in said person's possession, four months of age or over, which has not been vaccinated against rabies. A current certificate of vaccination for rabies, signed by a licensed veterinarian administering the vaccine, shall be required for all animals for which the vaccination is required by this section. The owner of an animal shall at all times cause the current rabies vaccination tag to be displayed on a collar, harness or chain attached to the animal.

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TITLE II – COMMUNITY PROTECTION

DIVISION 2 – ENFORCEMENT: ANIMAL PROTECTION AND CONTROL

CHAPTER 86

DOG AND CAT LICENSES REQUIRED

86.01 Annual License Required
86.02 License Fees
86.03 Delinquency
86.04 License Tags
86.05 License Records
86.06 Immunization

86.07 Duplicate Tags
86.08 Transfers of Licensed Dogs or Cats
86.09 Kennel Dogs or Cats
86.10 Animal Owners; Minimum Age
86.11 Stray Dogs or Cats
86.12 Number of Cats and Dogs

86.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog or cat over the age of three (3) months shall procure a dog or cat license from the Clerk on January 1 of each year.
2. Such license may be procured after January 1 and at any time for a dog or cat that has come into the possession or ownership of the applicant or which has reached the age of three (3) months after said date.
3. The owner of a dog or cat for which a license is required shall apply to the Clerk on forms provided by the Clerk.
4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat shall be revaccinated.
5. All licenses shall expire on January 1 of the year following the date of issuance.

86.02 LICENSE FEE. The annual license fee is ten dollars (\$10.00) for each dog or cat.

86.03 DELINQUENCY. All license fees shall become delinquent on the May 1 of the year in which they are due and a delinquent penalty of five dollar (\$5.00) shall be added to each unpaid license on and after said date.

86.04 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness, which shall be worn at all times by the dog or cat for which issued. A license issued for one dog or cat shall not be transferable to another dog or cat. Upon the expiration of the license the owner shall remove said tag from the dog or cat.

86.05 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

1. The serial number and date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the dog or cat.
3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat shall be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

86.06 IMMUNIZATION. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within sixty (60) days from the effective date of the dog license. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog or cat.

86.07 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of five dollars (\$5.00), and the Clerk shall enter in the license record the new number assigned.

86.08 TRANSFERS OF LICENSED DOGS OR CATS. Upon transfer of a licensed dog or cat into the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, without a license fee, issue a new license tag.

86.09 KENNEL DOGS OR CATS. Dogs or cats kept in State or Federally licensed kennels, and 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.

86.10 ANIMAL OWNER; MINIMUM AGE.

1. No dog or cat may be licensed unless at least one of the registered owners of said animal is at least 18 years of age. All registered owners 18 years of age or older shall be personally, jointly, and severally liable for compliance with all of the provisions of this chapter.
2. In regard to an unlicensed dog, cat, or other animal, whether or not a license is required, all residents of the premises 18 years of age or older shall be presumed to be the joint owners of said animals and shall be jointly and severally liable for compliance with the provisions of this chapter.

86.11 STRAY DOGS OR CATS. No person shall allow any stray dogs or cats to habitually remain or to be lodged or fed within his or her house, store, yard, or enclosure, but shall turn such dog or cat over to the public health animal shelter.

86.12 NUMBER OF CATS AND DOGS. As provided in Section 85.10, no household shall have at any one time more than a total of three (3) animals, whether dogs or cats or any combination thereof.

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TITLE II – COMMUNITY PROTECTION

DIVISION 2 – ENFORCEMENT: ANIMAL PROTECTION AND CONTROL

CHAPTER 87

PIT BULL DOGS

87.01 Definitions

87.03 Seizure and Impoundment

87.02 Pit Bulls Prohibited

87.01 DEFINITIONS. The following additional terms are defined for use in this chapter.

1. “Muzzled” means that the jaws of the pit bull are confined by a device that prevents the pit bull from biting.
2. “Owner” means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.
3. “Pit bull” means any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.
4. “Secure temporary enclosure” means an enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a “door” for removal of the pit bull. Such enclosure must be constructed so that the pit bull cannot exit the enclosure on its own.

87.02 PIT BULLS PROHIBITED. It is unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull within the City except as provided herein.

1. The Animal Control Officer may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.
2. A person may temporarily transport into and hold in the City a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the Animal Control Officer, must obtain any other permits or licenses required by the City and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the City to and from the place of exhibition, contest, or show, keep the pit bull confined in a secure temporary enclosure.
3. The owner of any pit bull, currently licensed as of the effective date of the ordinance codified in this chapter (November 17, 2004), shall be allowed to keep such

pit bull within the City only if the owner complies with and provides sufficient evidence that the owner is in compliance with all of the following regulations:

- A. The owner of the pit bull shall keep the license for such pit bull current through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee who is at least eighteen (18) years of age.
- B. The owner of a pit bull must be at least eighteen (18) years of age.
- C. The owner shall present to the City Clerk proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000), covering any damage or injury that may be caused by a pit bull during the duration of its license. The policy shall contain a provision requiring the insurance company to provide written notice to the Clerk not less than fifteen (15) days prior to any cancellation, termination or expiration of the policy.
- D. The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the Clerk or Animal Control Officer written proof from a licensed veterinarian that this sterilization has been performed.
- E. The owner shall have an identifying microchip inserted beneath the skin of the pit bull by the Council Bluffs Animal Shelter. The Council Bluffs Animal Shelter shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall notify the Council Bluffs Animal Shelter and City Clerk of any change of address.
- F. When a pit bull is on the property of the owner, the owner shall at all times keep the pit bull confined indoors or in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line. Such pen or structure must have secure sides embedded into the ground no less than one foot or secured into a concrete slab, and a secure top. At all times when a pit bull is away from the property of the owner the owner shall keep the pit bull, either securely leashed with a leash of a fixed length no longer than four feet, and muzzled, or in a secure temporary enclosure.
- G. The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family who is at least eighteen (18) years of age, who will then become the owner and will be subject to all of the provisions of this chapter. The owner shall notify the Clerk or Animal Control Officer within five days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Council Bluffs Animal Shelter for destruction or permanently remove the puppies from the City and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in the City a pit bull puppy born after the effective date of the ordinance codified in this chapter (November 17, 2004), that is more than eight weeks old. Any pit bull puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to Section 87.03 of this chapter.

H. The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches in height.

Failure by the owner to comply and remain in compliance with any of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution.

87.03 SEIZURE AND IMPOUNDMENT.

1. Notwithstanding any provisions to the contrary, the Animal Control Officer is authorized to immediately impound any pit bull found in the City which does not fall within the exceptions listed in Section 87.02, and the Council Bluffs Animal Shelter may house or dispose of such pit bull in such manner as the Animal Control Officer may deem appropriate, except as the procedures in subsection 2 below otherwise require.

2. When the Animal Control Officer has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the Animal Control Officer for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Animal Control Officer will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. When no written request from the owner for a hearing is received by the Animal Control Officer within seven days of impoundment, the pit bull shall be humanely destroyed.

3. The hearing, if any, will be held before the Animal Control Officer. The appellant-owner of such dog shall bear the burden of proof. Any facts that the petitioner wishes to be considered shall be submitted under oath or affirmation, either in writing or orally at the hearing. The Animal Control Officer shall make a final determination whether the dog is a pit bull. Such final determination shall be considered a final order of the Animal Control Officer subject to review as provided in Section 85.18(7) and (8) of this Code of Ordinances.

4. If the dog is found to be a pit bull, it shall be humanely destroyed, unless the owner produces evidence deemed sufficient by the Animal Control Officer that the pit bull is to be permanently taken out of the City, and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner.

5. The procedures in this section shall not apply, and the owner is not entitled to such a hearing with respect to any dog that was impounded as the immediate result of an attack or bite. In those instances, the dog shall be handled, and the procedures governed by the provisions of Section 85.18 of this Code of Ordinances.

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