

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

41.03 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)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

41.06 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, medical examiner, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, medical examiner, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

41.07 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 BOWS AND ARROWS. No person shall shoot a bow and arrow, except pursuant to the following subsections, within the City or within a City-owned park, without permission from the Chief of Police. Such permission shall limit the time and place of shooting and may be revoked by the Chief of Police. To "shoot a bow and arrow" means to place a nock of the arrow

in the string of a bow or of any other object and to release the arrow in such fashion that when the string is pulled and released, the arrow thrusts forward.

1. General Regulations. No person shall shoot a bow and arrow within the City or in a City-owned park except as follows:
 - A. Any person may participate in a supervised program of physical education or competitive sports in a public or private school or in a City park area designated by the City.
 - B. Any person may shoot a bow and arrow at a public or private lane or range that has been certified by the Archery Lane Operators Association or the National Field Archery Association.
 - C. Any participant may shoot a bow and arrow in a tournament which either has been approved by the City Manager at least one week prior to the time of the tournament and for which tournament rules have been submitted to the City Manager or is conducted at a licensed lane or range.
 - D. Any person may shoot a bow and arrow on private or school property provided the requirements of the following subsection are met.
2. Use of Bows and Arrows on Private Property. No person shall shoot a bow and arrow in such fashion that it travels beyond the boundaries of the private or school property on which the person is shooting. Any person shooting a bow and arrow on private or school property shall direct the arrow toward a backdrop composed of a substance which will not allow the arrow to pass through and such backdrop must extend at least five feet beyond the target on the top and both sides and must extend from the bottom of the target to the ground. The target shall be constructed and installed so that the target face cannot move more than two inches in any direction.
3. Use of Bows and Arrows for Hunts. No person shall shoot a bow and arrow within the City limits or in a City-owned park at any living being such as an animal, bird, fish, or fowl, unless it is done in accordance with Chapter 48, Special Bow Hunting of Antlerless Deer.
4. Use of Bows and Arrows by Minors. No person shall furnish to any minor under 15 years of age by gift, sale, or otherwise, any arrows or components thereof unless said minor is participating in a supervised school program or is practicing at an approved public or private archery lane or range or is practicing on the private property of the supervising adult.

41.12 THROWING AND SHOOTING; DISCHARGING WEAPONS. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot, fire, or discharge rifles, shotguns, revolvers, pistols, guns, air guns, BB guns, or firearms of any kind within the City limits except by authorization of the Council, unless it is for the purpose of hunting within property zoned agricultural (A-1). The term "air gun" means any gun, including handguns, capable of propelling a pellet or other projectile from the barrel of such gun by non-explosive means, such as compressed air, CO₂, or other gas. The term "BB gun" means any such gun capable of propelling a BB or other projectile from the barrel by means of a spring mechanism or air. The terms "shoot," "fire," and "discharge" mean the act of triggering the mechanism of such air gun or BB gun so that it propels a pellet, BB, or other projectile from the barrel of such gun.

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

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

41.14 FIREWORKS.

1. Definition.
 - A. “Consumer Fireworks” means those fireworks as defined by Section 727.2 of the *Code of Iowa* that may be sold within the City even though the use of those items is prohibited.
 - B. “First-Class Consumer Fireworks” means the following Consumer Fireworks, as described in the American Pyrotechnics Association’s Standard 87-1, Chapter 3:
 - (1) Serial shell kits and reloadable tubes.
 - (2) Chasers.
 - (3) Helicopter and aerial spinners.
 - (4) Firecrackers.
 - (5) Mine and shell devices.
 - (6) Missile type rockets.
 - (7) Roman candles.
 - (8) Skyrockets and bottle rockets.
 - (9) Multiple tube devices under this paragraph that are manufactured in accordance with APA 87-1, Section 3.5.
 - C. “Second-Class Consumer Fireworks” means the following Consumer Fireworks, as described in APA 87-1, Chapter 3:
 - (1) Cone fountains.
 - (2) Cylindrical fountains.
 - (3) Flitter sparklers.
 - (4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, Section 3.5.
 - (5) Ground spinners.
 - (6) Illuminating torches.
 - (7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, Section 3.2.
 - (8) Wheels.
 - (9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, Section 3.2.
 - D. “Display Fireworks” means those fireworks as defined by Section 727.2(1)(b) of the *Code of Iowa*.

E. “Novelties” includes all novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

(Code of Iowa, Sec. 727.2)

2. Regulations.

A. Except between 9:00 a.m. and 10:00 p.m. on July 3 and except between 9:00 a.m. and 11:00 p.m. on July 4 where persons 18 years and older may use or explode, it shall be unlawful for any person to use or explode any explosive, explosive material, First-Class Consumer Fireworks, or Second-Class Consumer Fireworks within the corporate limits of the City.

B. It shall be unlawful for any person to use or explode any Display Fireworks within the corporate limits of the City unless, upon application in writing, the City has issued a permit to a City agency, fair association, amusement park, or other organization or group of individuals approved by City authorities to display fireworks and such display will be handled by a competent operator.

(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)

4. Owner/Occupancy Responsibility.

A. No person or responsible party shall allow, permit, or otherwise consent to the display of consumer or display fireworks on the private property or an adjacent public way if such possession or display is in violation of this chapter.

B. A person or responsible party with control of the private property shall be presumed to have consented to the display of fireworks on the property or adjacent way if law enforcement or fire officials observe and document the existence of the remnants of unlawful fireworks on the premises indicative of the use or display of such fireworks.

C. For purposes of this section, “responsible party” includes, but is not limited to:

- (1) The persons who own, rent, lease, or otherwise have possession of the residence or other private property; and
- (2) The persons in immediate control of the residence or other private property; and
- (3) The persons who organize, supervise, sponsor, conduct, allow control of, or control access to the illegal discharge or illegal storage of fireworks.

If the residence or other private property is rented or leased, the landlord or lessor is not covered by this section unless they fall within the category of persons described under Subsection C of this definition. A landlord or lessor can only be held responsible under Subsection C of this definition if said landlord or lessor has knowledge that fireworks are being unlawfully discharged or stored on the property.

D. Any person or responsible party who violates the restrictions in Subsections A or B above will be guilty of a municipal infraction and subject to a civil penalty of \$250.00 for each offense.

41.15 FAILURE TO ASSIST. A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or local emergency response authorities, if doing so does not place the person or other person at risk of serious bodily injury or imminent danger of death. No person shall without lawful cause violate the provisions of this section. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance.

(Code of Iowa, Sec. 727.12)

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