

Title 9
PEACE, SAFETY AND MORALS*

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* For statutory provisions authorizing cities and towns to exercise the general powers and privileges granted by statute, "and such others as are incidental to municipal corporations of like character not inconsistent with the statutes of the state, for the protection of their property and inhabitants and the preservation of peace and good order therein," see I.C.A. 368.2.

Chapter 9.04
NUISANCES*

Sections:

- 9.04.010 Defined--Prohibited
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9.04.010 Defined--Prohibited. Whatever is injurious to health, indecent or offensive to the senses or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life and property; the erecting, continuing, or using of any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to health, comfort or property of individuals or the public; the causing or suffering of any offal, filth, or noisome substances to be collected or remain in any place to the prejudice of others; the corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others; the obstructing or encumbering by fences, building or otherwise, of the public roads, private ways, streets, alleys commons or burying grounds; houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses or houses resorted to for the use of opium or hashish, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted, to the disturbance of others, and all other nuisances, either public or private, are prohibited. (Ord. 22 §1, 1929)

9.04.020 Nuisance Creation a Misdemeanor. The creation or maintenance of a nuisance as set out in this chapter is prohibited and constitutes a misdemeanor. A nuisance, public or private, if not abated within the time specified following official notice, may be abated in the manner provided in this chapter. (Ord. 1-86 §2, 1986)

* For statutory provisions authorizing cities and City to abate, restrain, or prohibit any public or private nuisances, see I.C.A. 368.3.

9.04.030 Nuisance Abatement. The following actions are required and may also be abated in the manner provided in this chapter:

- (1) The removal, repair or dismantling of a dangerous building or structure;
- (2) The connection to public drainage systems from abutting property, when necessary for public health or safety;
- (3) The cutting or destruction of weeds, vegetation or other growth which constitutes a health, safety or fire hazard or is offensive to the enjoyment and life of surrounding properties, including the accumulation of junk or debris upon vacant lots, whether or not the same constitutes a health, safety or fire hazard, but is offensive to the public in general as determined by the City Council. In this connection, it is declared policy of the City Council that it is the responsibility of property owners of vacant lots to keep their lots clear of debris and shall keep said lot moved and clean without dense growth of weeds, vine or brush or other vegetation. (Ord. 1-86 §3, 1986)

9.04.040 Notice to Abate. Whenever the City Council finds that a nuisance or other condition listed in Section 9.04.030, it shall cause to be served upon the property owner, (including contract purchaser) as shown by the records of the county auditor, a written notice to abate the nuisance within a reasonable time after notice. (Ord. 1-86 §4, 1986)

9.04.050 Notice to Abate--Contents. The notice to abate shall contain:

- (1) A description of what constitutes the nuisance or other condition;
- (2) The location of the nuisance or condition;
- (3) A statement of the act or acts necessary to abate the nuisance or condition;

- (4) A reasonable time within which to complete the abatement;
- (5) A statement that if the nuisance or condition of violation is not abated within the time prescribed, the violator shall be guilty of a misdemeanor and the City may, at it's option, abate or cause to be abated said nuisance, and direct assessment of the costs therefor against the violator and/or pursue prosecution therefor.
- (6) The notice may be in the form of an ordinance and sent by certified mail to the property owner as shown by the records of the county auditor. (Ord. 1-86 §5, 1986)

9.04.060 Abatement Hearing. Any person ordered to abate a nuisance or condition may have a hearing with the City Council as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the City clerk within the time stated in the notice or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

(1) At the conclusion of the hearing, the City Council shall render and spread upon the minutes of the Council, a decision as to whether a nuisance or prohibited condition exists. If it finds that a nuisance or prohibited condition exists, it may order it abated within an additional time, which must be reasonable under the circumstances. The findings of the Council shall be conclusive.

(2) If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the Mayor may perform any action which may be required under this chapter without prior notice. The Mayor shall assess the costs as provided hereinafter, after notice to the property owner under the applicable provisions of this chapter and hearing as provided herein.

(3) If the person notified to abate a nuisance or condition, neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City clerk who shall pay such expenses on behalf of the municipality. (Ord. 1-86 §6, 1986)

9.04.070 Collection of Abatement Costs. The clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within thirty days, he shall certify the costs to the county auditor and it shall then be collected with and in the same manner as general property taxes.

9.04.080 Payment of Abatement Costs. If the amount expended to abate the nuisance or condition exceeds one hundred dollars, the City shall permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and with the same interest as benefited property. (Ord. 1-86 §8, 1986)

Chapter 9.10 DISTURBING THE PEACE

Sections:

9.10.010 Prohibited Acts Designated

9.10.020 Loud Stereo

9.10.030 Protected Acts

9.10.010 Prohibited Acts Designated: It is unlawful for any person to disturb or aid in disturbing the peace, quiet or good order of, or to disrupt, or to aid in disrupting, any person, school, church, assembly, place or meeting, public or private by any of the following acts:

- A. By an act of violence or by any act likely to produce violence;
 - B. By causing, provoking or engaging in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another,
 - C. By engaging in threatening or tumultuous behavior;
 - D. By making indecent behavior;
 - E. By making any unreasonably loud noise by any means including the blowing of horns, ringing of bells, squealing of tires, and use of any electronic devices;
- Exception: Loud Car Stereos has it's own section 9.10.020 Loud Car Stereos.
- F. By addressing abusive, profane or obscene language or threats to any person present which creates a clear and present danger of violence;
 - G. By assembling or congregating with others in such a manner and for the purpose of preventing or interfering with another's pursuit of a lawful occupation, public duty or the ordinary conduct of a business, private or public;
 - H. By making an unreasonably loud noise by means of mufflers on motor vehicles or an unreasonably loud noise from a home or vehicle which disturbing the peace and quiet of any other person in the area. (Ord. 6-81 §1, 1981)

9.10.20 Loud Car Stereos Any person or persons playing loud music, that can be heard from 100 feet away and/or is disturbing the peace and quiet of this community. Any person(s) violating this chapter is guilty of a simple misdemeanor and subject to a fine:

Any Police Officer may stop and issue a warning or citation to any person who violates this chapter.

- 1st Offense A warning letter to the parent or guardian will be sent advising them of the infraction and of date and time of the infraction.
- 2nd Offense \$ 50.00 fine plus surcharge and court costs.
- 3rd Offense \$100.00 fine plus surcharge and court costs.
- 4th Offense \$250.00 fine plus surcharge and court costs.

9.10.030 Protected Acts: Nothing contained in this chapter shall be held to prohibit peaceful picketing, public speaking, the ordinary conduct of a legitimate business or other lawful expressions of opinion not in contravention of the laws. (Ord. 6-81 §2, 1981)

Chapter 9.12

INTOXICATION IN PUBLIC PLACES

Sections:

- 9.12.010 Definitions
- 9.12.020 Unlawful Acts Designated
- 9.12.030 Public Intoxication
- 9.12.040 Violation--Penalty

9.12.010 Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Arrest" means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.

(2) "Chemical test" means a test of a person's blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the commissioner of public safety.

(3) "Peace officer" means the same as defined in Section 801.4 of the Code of Iowa.

(4) "School" means a public or private school or that portion of a public or private school, which provides teaching for any grade from kindergarten through grade twelve. (Ord. 4-87 §1, 1987)

9.12.020 Unlawful Acts Designated. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways within the City limits of the City. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license within the City limits of the City. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school related function within the City limits of the City. A person shall not be intoxicated or simulate intoxication in a public place within the City limits of the City. (Ord. 4-87 §2, 1987)

9.12.030 Public Intoxication. When a peace officer arrests a person on a charge of public intoxication under this chapter, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the commissioner of public safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results a chemical test performed under this section is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest. (Ord. 4-87 §3, 1987)

9.12.040 Violation – Penalty. A person violating this chapter is guilty of a simple misdemeanor, subject to a fine not in excess of two hundred and fifty dollars or thirty days in jail for the first offense. A person violating this chapter for a second time is guilty of a serious misdemeanor, and subject to a fine as the court see fit to impose. A person violating this chapter for a third time is guilty of an aggravated misdemeanor, and subject to a fine as the court see fit to impose. (Ord. 4-87 §4, 1987)

Chapter 9.16

DISORDERLY CONDUCT *

Sections:

9.16.010 Disorderly Conduct

9.16.010 Disorderly Conduct. Every person who, on any street, sidewalk, alley, or public place, or in or upon any private house, building or premises, acts in a noisy, riotous or disorderly manner, or uses any profane, obscene or abusive language, or does any indecent or immoral act tending to debauch the public morals, or does any act tending to disturb the

public, or does any act tending to invite a breach of the peace, is guilty of a misdemeanor. (Ord.16-68 §6, 1968)

* For statutory provisions authorizing cities and towns to restrain and prohibit disorderly conduct, see I.C.A. 368.7(7).

Chapter 9.20 WEAPONS

Sections:

9.20.010 Carrying Concealed Weapons

9.20.020 Discharging Weapons

9.20.030 Drawing Weapons

9.20.010 Carrying Concealed Weapons. Every person who carries concealed upon his person any weapon consisting of an unlicensed revolver, unlicensed pistol, unlicensed rifle, or other unlicensed firearm or silencer, any knife (other than an ordinary pocket knife), or any dirk or dagger, slingshot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of another, is guilty of a misdemeanor, and the police judge, as a part of the fine and penalty imposed, shall have power to and hereby is authorized, in his discretion, to order that any weapon taken from any person convicted of a violation of this section be forfeited, and the same shall thereupon be forfeited to the City. This section shall have no application to City officers and other persons whose duty it is to execute process or warrants or to make arrests. (Ord. 16-68 §3, 1968)

9.20.020 Discharging Weapons. Every person who fires/ or discharges any cannon, gun, pistol, revolver, "B-B gun, paint ball gun (CO2 type) that shoots a paintball, slingshot, bean or potato launcher, missile or like appliance or apparatus, or any firearm of any description, or who sells or exposes for sale fires discharges, explodes or sets off any squib, fire cracker, torpedo, or other thing containing powder or other explosive material is guilty of a simple misdemeanor. (Ord. 16-68 §4, 1968)

9.20.030 Drawing Weapons. Every person who draws any firearm, or any dirk dagger, knife, or any other dangerous or deadly weapon, in the presence of another person with intent to intimidate, annoy, or to do bodily harm to any other person, is guilty of a misdemeanor. The drawing of any such weapon is prima facie evidence of an intention on the part of the person drawing the weapon to do bodily harm to another person. (Ord. 16-68 §5, 1968)

Chapter 9.22 EXPLOSIVES

Sections:

9.22.010 Powder and Dynamite

9.22.030 Metal Containers

9.22.040 Inflammable Oils

9.22.010 Powder and Dynamite. It is unlawful to keep in any store, shop, or other place, any gunpowder, dynamite or other high explosive. (Ord. 51 §1 1941)

9.22.030 Metal Containers. All powder kept and held for sale shall be kept in closed metal cans or canisters, and all cans shall be labeled "Powder", and shall be kept removed from fires, lighted lamps, candles, gas and other flames, and all in one place in the building. The person in charge shall notify the Police Chief, in writing, of the exact place where the same is kept, and should it be changed at any time, notice, in writing, shall be at once given to the officer. (Ord. 51 §3, 1941)

9.22.040 Inflammable Oils. It is unlawful to keep on hand in any store, cellar, building, or other place a quantity of turpentine, camphene, gasoline, benzene, kerosene, naphtha, or other coal oils, or any easily inflammable fluids, more than five barrels in all at one time, and if retailed, it shall be kept in tin cans or metal cases and under such conditions and regulations as the Council prescribes. (Ord. 51 §4, 1941)

Chapter 9.24

TREATMENT OF ANIMALS*

Sections:

9.24.010 Injuring Animals Prohibited

9.24.020 Laying Out Poison

* For provisions covering animals generally--See Title 8.

9.24.010 Injuring animals prohibited. Every person who:

(1) Willfully or for the amusement of himself or other or for gain, causes any bull, bear, cock, dog, or other animal to fight, chase, worry or injure any other animal, or to be fought, chased, worried or injured by any man or animal, and every person who permits the same to be done or any premises under his charge or control; and every person who aids, abets, or is present at such fighting, chasing, worrying or injuring of the animal as a spectator; or,

(2) Owns, possesses, keeps, or trains any bird or other animal with the intent that the bird or other animal shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where training is being had or preparations are being made for the fighting of bird or other animals, with the intent to be present at the exhibition, is guilty of a misdemeanor. (Ord. 16-68 §9, 1968)

9.24.020 Laying Out Poison. Any person who lays out or exposes any kind of poison, or leaves exposed any poison food or drink for man, animal, or fowl, or any substance of fluid wherein or whereon there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid, on the premises of another, or in any unenclosed place, or in any place which the person knows is frequented by other persons, animals, or fowls, is guilty of a misdemeanor. Nothing in this section shall be construed as preventing any person from poisoning rodents or other non-valuable, or non-protected animals or birds, so long as no danger to other persons, or valuable or protected, animals or bird is created. (Ord. 16-68 §16, 1968)

Chapter 9.28
DISORDERLY PLACES

Sections:

9.28.010 Keeping Disorderly House

9.28.020 Keeping Disorderly Place

9.28.010 Keeping Disorderly House. Every person, whether as owner or as agent, employee or servant of another who keeps, maintains, conducts or uses, or who aids, abets or assists in keeping, maintaining, conducting or using a disorderly house, a bawdy house, a house of ill fame, or an place for the practice of prostitution, or for any lewd, obscene or indecent purpose, is guilty of a misdemeanor. (Ord. 16-68 §14, 1968)

9.28.020 Keeping Disorderly Place. Every keeper or person in charge of any saloon, barroom or public drinking place, or at any cigar stand, confectionery store, fruit stand, lunch counter, cafe, restaurant, motion picture house, theater, dance hall, hotel, motel or rooming house, or any other public place, who permits any breach of the peace or disturbance of public order or decorum, by noisy, riotous or disorderly conduct on the premises, when it is within the power of the person or persons to prevent the same; or who keeps any such place in a disorderly manner is guilty of a misdemeanor. (Ord. 16-68 §15, 1968)

Chapter 9.32
LIQUOR

Sections:

9.32.010 Bringing Liquor to Public Buildings

9.32.020 Drinking Liquor in Public Buildings.

9.32.010 Bringing Liquor to Public Buildings. Any person, persons, firm or corporation who brings or causes to be brought, any intoxicating liquor into any public building, fire hall, room, public structure or other public place belonging to, occupied, used or owned by the City, or who aids or abets the having or bringing, or the using or aiding or abetting in the using or giving to others, of any intoxicating liquor of any kind whatsoever in such public building, fire hall, public room, public structure or other public place or building occupied, used or owned by the City, is guilty of a misdemeanor. (Ord. 16-68 §17(a), 1968)

9.32.020 Drinking Liquor in Public Buildings. Any person or persons who drinks, or aids or abets others in drinking, or in any manner using any intoxicating liquors of any kind whatsoever in any public building, fire hall, public room, public structure or other public place, belonging to, occupied, used or owned by the City, is guilty of a misdemeanor. (Ord. 16-68 §17(b), 1968)

Chapter 9.36

LOITERING AND VAGRANCY

Sections:

9.36.010 Loitering

9.36.020 Acts Enumerated

9.36.030 Vagrancy

9.36.010 Loitering. Every person who loiters or prowls in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity, is guilty of a misdemeanor. (Ord. 16-68 §19(part), 1968)

9.36.020 Acts Enumerated. Among the circumstances which may be considered in determining whether the alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under Section 9.36.010, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under Section 9.36.010, if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by the peace officer at the time, would have dispelled the alarm. (Ord. 16-68 §19(part), 1968)

9.36.030 Vagrancy. Every:

- (1) Person who asks or receives any compensation, gratuity or reward for practicing fortune-telling, palmistry or clairvoyance;
- (2) Person who keeps a place where lost or stolen property is concealed;
- (3) Person practicing or soliciting prostitution or keeping a house of prostitution; or,
- (4) Common drunkard found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicating condition, is guilty of vagrancy. (Ord. 16-68 §27, 1968)

Chapter 9.42

RESISTING ARREST

Sections:

9.42.010 Resisting Arrest--Interfering With Arrest

9.42.020 Rescuing Person from Custody.

9.42.030 Refusing to Aid in Arrest.

9.42.010 Resisting Arrest or Interfering With Arrest. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, and/or emergency medical care provider, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or fire fighter, whether paid or volunteer, or who knowingly authorized person of any civil or criminal process or order of any court, commits a serious misdemeanor. (However, if a person commits interference as defined in this subsection and in doing so inflicts bodily injury other than serious

injury, that person commits an aggravated misdemeanor. If a person commits an interference as defined in this subsection, and in doing so inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in chapter 9.20, or is armed with a firearm or explosive, that person commits a class “D” felony. (Ord. 16-68 §23(1), 1968)

9.42.020 Rescuing Person from Custody. Every person who in any case or under any circumstances rescues, or attempts to rescue, any person from the custody of any police officer of the City, or from the custody of any person legally having such person in charge, or aids or attempt to aid the escape of any person from any such custody, or from the City jail, or who advises or encourages any escape, or supplies any person, being in custody or prison, with any weapon or with any implement or means of escape, or with intoxicating liquor, or with opium, morphine, or other narcotic is guilty of a misdemeanor. (Ord. 16-68 §23(2), 1968)

9.42.30 Refusing to Aid in Arrest. Any person who is requested or ordered by any peace officer to render the officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. A person who, unreasonably and without lawful cause, refuses or neglects to render assistance when so requested commits a simple misdemeanor. (State Code 719.2, 2000)

Chapter 9.44

IMPERSONATING OFFICER

Sections:

9.44.010 Impersonating an Officer

9.44.010 Impersonating an Officer. Every person who falsely impersonates a public officer, civil or military, or a policeman, or a private individual having special authority by law to perform an act affecting the rights or interests of another, or who, without authority assumes any uniform or badge by which such an officer or person is lawfully distinguished, and in the assumed character does any act purporting to be official, whereby another is injured or defrauded, is guilty of a misdemeanor. (Ord. 16-68 §12, 1968)

Chapter 9.52

INDECENT EXPOSURE

Sections:

9.52.010 Indecent Exposure

9.52.020 Urinating in Public Places

9.52.030 Window Peeping

9.52.010 Indecent Exposure. Every person who appears in a state of nudity, or in any indecent or lewd dress, or makes any indecent exposures of his person, or the person of another, or is guilty of any lewd act or behavior in any place exposed to public view is guilty of a simple misdemeanor, and subject to a fine not in excess of two hundred and fifty dollars, and/ or thirty days in jail. This section shall not apply to any display of an artistic, cultural, scientific, or other nature, protected under U.S. Constitution, as interpreted by the United states Supreme Court, or

protected under the Iowa State Constitution, as interpreted by the Iowa Supreme Court. (Ord. 16-68 §11, 1968)

9.52.20 Urinating in Public Place. If a peace officer/person who observes a subject urinating in a public or common property (including, but not limited to, parking lots, streets, sidewalks, alleys, business, or City property, golf courses, pools, or parks other than a public restroom, is guilty of a simple misdemeanor and subject to a fine not to in excess of two hundred and fifty dollars, and/or thirty days in jail.

9.52.30 Window Peeping: It shall be unlawful for any person to look into or loiter around any window or opening of a house or building in order to watch or observe the occupants thereof for an unlawful or wrongful purpose. A person who violates this chapter is guilty of a simple misdemeanor and subject to a fine not in excess of two hundred and fifty dollars and/or 30 days in jail.

Chapter 9.56

OFFENSES RELATED TO PROPERTY

Sections:

9.56.030 Posting Sign

9.56.030 Posting sign. Every owner, agent, or occupant of any land or premises shall be deemed to have given sufficient warning against trespassing within the meaning of this section, who posts in a conspicuous manner upon or near the boundary of each side of any unenclosed lot or parcel of land, or at the entrance to any building, dwelling house or premises a sign or signs legibly printed or painted in the English language, substantially as follows: "Warning, persons not to trespass hereon," "No agent allowed" or "No peddlers allowed." (Ord. 16-68 §25 (part), 1968)

Chapter 9.60

LITTERING

Sections:

9.60.010 Littering

9.60.020 Removing Injurious Material

9.60.10 Littering. Any person shall not throw or deposit upon a street, sidewalk, or any other public places of Denver, any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. A person shall not throw or deposit upon a street, sidewalk, or any other public place a substance likely to injure any person, animal, or vehicle. A person who violates this chapter commits a simple misdemeanor punishable by a scheduled fine of one hundred \$100.00 dollars, plus surcharge of thirty (\$30.00) dollars and court costs of fifteen (\$15.00). (Ord. 16-68 §18, 1968)

9.60.20 Removing Injurious Material. Any person who drops, or permits to be dropped or thrown, upon any street, sidewalk, or any other public place any destructive or injurious material

and other material as defined in section 9.60.10, shall immediately remove the same or cause it to be removed. If said person is incapable to remove the items, the City will have it removed at that person(s) expense. Anyone in violation chapter is guilty of a simple misdemeanor and subject to a fine of two hundred and fifty dollars and/or 30 days in jail. (State Code 321.370)

Chapter 9.64
LOTTERIES

Sections:

9.64.010 Lotteries

9.64.010 Lotteries. Every person who contrives, draws, institutes or maintains, or assists in contriving, drawing, instituting or maintaining a lottery, or any establishment or business by whatever name it may be known, wherein any property is sold or disposed of by chance; or sells or disposes of any lottery ticket or share on any chance, or any article or thing entitling or purporting to entitle the purchaser to any chance; or sells or disposes of any package or article purporting to contain a prize, or where an inducement to purchase, it is held out that the article or package may contain a prize, or may entitle the purchaser to some article or thing of value not directly contemplated and known in the purchase, is guilty of a misdemeanor. (Ord. 16-68 §20, 1968)

Chapter 9.68
OBSCENE MATERIALS AND EXHIBITIONS

Sections:

9.68.010 Obscene Literature

9.68.020 Obscene Exhibitions

9.68.010 Obscene Literature. Every person who, having knowledge of the contents thereof exhibits, sells, distribute: displays for sale or distribution, or having knowledge of the contents thereof has in his possession with the intent to sell or distribute any book, magazine, pamphlet, comic book, newspaper, writing, photograph, motion picture film, phonograph record, tape or wire recording, picture, drawing, figure, image, or any object or thing which is obscene, is guilty of a misdemeanor. This section shall not apply to any display of an artistic, cultural, scientific, or other nature, protected under U.S. Constitution, as interpreted by the United State Supreme Court, or protected under the Iowa State Constitution, as interpreted by the Iowa Supreme Court. (Ord. 16-68 §21(1), 1968)

9.68.020 Obscene Exhibitions. Every person who, having knowledge of the contents thereof causes to be performed or exhibited, or manages in the performance or exhibition of any show, act, play, dance or motion picture which is obscene, is guilty of a misdemeanor. This section shall not apply to any display of an artistic, cultural, scientific, or other nature, protected under U.S. Constitution, as interpreted by the United State Supreme Court, or protected under the Iowa State Constitution, as interpreted by the Iowa Supreme Court. (Ord. 16-68 §21(2), 1968)

Chapter 9.76
FOUL LIQUIDS

Sections:

9.76.010 Stagnant or Putrid Liquids

9.76.010 Stagnant or Putrid Liquids. Every person who manages or controls any real estate or premises in the City and permits or causes any foul, nauseous, putrid or stagnant liquid to remain or be discharged on the real estate, premises or public streets and alleys or adjacent real estate is guilty of a misdemeanor. (Ord. 16-68 §24, 1968)

Chapter 9.80
ASSEMBLAGES

Sections:

9.80.010 Unlawful Assemblages

9.80.020 Failure to Disperse

9.80.030 Rioting

9.80.010 Unlawful Assembly. An unlawful assembly is three or more persons assembled 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. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that is such, commits a simple misdemeanor and is subject to a two hundred and fifty dollar fine and/or thirty days in jail. (Ord. 16-68 §26, 1968)

9.80.020 Failure to Disperse. A peace officer may order the participants in a riot or unlawful assembly or person in the immediate vicinity of a riot or unlawful assembly to disperse. Any person within hearing distance of such command, who refuses to obey, commits a simple misdemeanor and is subject to a fine of two hundred and fifty dollars and/of thirty days in jail. (State Code 723.3, 10/01)

9.80.30 Rioting. A riot is three or more persons assembled together in a violent manner, to the disturbance of others and with any use of unlawful force or violence by causing property damage. A person who willingly joins in or remains a part of a riot, knowing or having reasonable grounds to believe that it is such, commits an aggravated misdemeanor and is subject to a fine and/ jail time order by the courts. (State Code 723.1, 10/01)

Chapter 9.84
INTERFERENCE WITH STREETS AND SIDEWALKS*

Sections:

9.84.010 Interfering With Streets, Alleys or Sidewalks Prohibited

9.84.010 Interfering with Streets, Alleys or Sidewalks Prohibited. Every person who:

- (1) Places, or causes to be placed, or allows to remain any personal property on any sidewalk, crosswalk or street, or who places or causes to be placed or allows to remain any personal property over any sidewalk, crosswalk, or street so as to constitute an obstruction or hazard; or
- (2) Rides, drives, moves or propels any vehicle, except light carriages for the conveyance of children, invalid chairs on any sidewalk; or
- (3) Owning, leasing, renting, or having care or charge of property maintains dirt, refuse matter, or any other thing on the property in such a manner that it may fall upon or accumulates upon the sidewalk or street is guilty of a misdemeanor. In all cases in which any dirt, refuse matter, or accumulation falls upon or is upon the sidewalk or street, it shall be the duty of the owner or the one having control of the premises from which the material fell to clear the material off the sidewalk and street; or,
- (4) Defaces the sidewalks in any way; or,
- (5) Removes any barrier placed across the street or sidewalk by an official of the City authorized to place the barrier or who drives or walks around or over the barrier; or,
- (6) Engages in the business of soliciting or who takes subscriptions for any magazine or periodicals for future delivery in or upon any public street, or sidewalk, or in any area or doorway or entrance way immediately abutting thereon, is guilty of a misdemeanor. (Ord. 16-68 §28, 1968)

* For provisions covering streets and sidewalks generally, see Title 12.

Chapter 9.88

MINORS

Sections:

9.88.010 Purpose

9.88.020 Definitions

9.88.030 Time Limits

9.88.040 Exceptions

9.88.050 Responsibility of Adults and Places of Business and Amusement

9.88.060 Penalties

9.88.100 Tobacco Products

9.88.010 Purpose. The purpose of this chapter is to regulate, by the establishment of a curfew, the hours minors can be or remain upon the alleys, streets and other public places and places of business and amusement in this City. (Ord. 1-69 §1, 1969)

9.88.020 Definitions. For purposes of this chapter the following words and phrases are defined:

"Minor" means any person below the age of eighteen years.

"Habitually violates" refers to any minor who has violated the provisions of this chapter more than two times. (Ord. 14-74 §1, 1974; Ord. 1-69 §2, 1969)

9.88.030 Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places of business and amusement in this City between the hours of 12:30 am to 6:00 am of the following day, official City time. (Ord. 1-69 §3, 1969)

9.88.040 Exceptions. The restriction provided by Section 9.88.030 does not apply to any minor who is accompanied by a guardian, parent, or other person charged with the care and custody of such minor, nor any minor on an errand by direction of the parent or guardian, nor does the restriction apply to any minor who is traveling between his home or place of residence and the place where any approved church, municipal or school function is being held. But these exceptions do not apply when a minor is playing unnecessarily loitering in or upon the enumerated public on private places even though he is accompanied by a parent, guardian or other person charged with the minor's care and custody. (Ord. 1-69 §4, 1969)

9.88.050 Responsibility of Adults and Places of Business and Amusement. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business or amusement of other public places within the curfew hours set by Section 9.88.030, except as provided in Section 9.88.040. (Ord. 1-69 §5, 1969)

9.88.060 Penalties. Any person who violates the provisions of this chapter shall, upon conviction, be subject to a fine: All minors will be issued a written warning before any fine's issued.

First Offense: \$50.00, Plus Surcharge and Court Costs

Second Offense: \$100.00, Plus Surcharge and Court Costs

Third/final Offense: \$250.00, Plus Surcharge and Court Costs

1. Any peace officer of this City (while on Duty) is hereby empowered to issue a citation to any minor who violates any of the provisions of Sections 9.88.030 and 9.88.040. (Ord. 1-69 §6, 1969)

TOBACCO PRODUCTS

A. Definitions:

CIGARETTE: Any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material.

CIGARETTE VENDING MACHINE: Any self-service device offered for public use which, upon insertion of a coin, paper currency, or by other means, dispenses cigarettes or tobacco products without the necessity of replenishing the device between each vending operation.

CIGARETTE VENDOR: Any person who by contact, agreement, or ownership takes responsibility for furnishing, installing, servicing, operating or maintaining one or more cigarette vending machines for the purpose of selling cigarettes at retail.

PERSON: Shall mean and include every individual, firm association, joint stock company, syndicate, copartnership, corporation, trustee, agency, or receiver or respective legal representative.

PLACE OF BUSINESS: Is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within the City by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle, the vehicle on which or from which such cigarettes are sold shall constitute a place of business.

TOBACCO PRODUCTS: Cigars, little cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobaccos, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, or refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking, but does not mean cigarette.

A. Use of Driver's License or Nonoperator's Identification Card by underage person to obtain cigarettes or tobacco products – A person who is under the age of eighteen (18), who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card, and who uses the license or card to violate or attempt to violate subsection D of this section, commits a simple misdemeanor punishable by a fine of one hundred dollars (\$100.00). The court shall forward a copy of the conviction to the Iowa department of transportation.

B. Unlawful To Sell To Persons Under Legal Age: A person shall not sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. A person, other than a retailer, who violates this subsection, is guilty of a simple misdemeanor. For violations of this subsection by an employee of a retailer, the scheduled fine is as follows:

For the first offense	\$100.00
For a second offense	\$250.00
For a third or subsequent offense	\$500.00

C. Unlawful For Person Under Eighteen To Use: A person under eighteen (18) years of age shall not smoke, use, possess, and purchase any tobacco products or cigarettes. For violations of this subsection, the scheduled fine is as follows and is a civil penalty, and the criminal penalty surcharge shall not be added to the penalty nor shall the court costs be imposed:

For the first offense \$50.00 and/or 8 hours community service unless waived by the court.

For a second offense \$100.00 and/or 12 hours community service unless waived by the court.

For a third or subsequent offense \$250.00 and/or 16 hours community service unless waived by the court.

D. Exceptions:

1. Possession of cigarettes or tobacco products by an individual under eighteen (18) years of age does not constitute a violation under this section if the individual under eighteen (18) years of age possesses the cigarettes or tobacco products as part of the individual's employment and the individual is employed by a person who holds a valid permit or who lawfully offers for sale or sells cigarettes or tobacco products.

2. A person shall not be guilty of a violation of this section if conduct that would otherwise constitute a violation is performed to assess compliance with cigarette and tobacco product laws if any of the following applies:

a. The compliance effort is conducted by or under the supervision of law enforcement officers.

b. The compliance effort is conducted with the advance knowledge of law enforcement officers and reasonable measures are adopted by those conducting the effort to ensure that use of cigarettes or tobacco products by individual under eighteen (18) years of age in the compliance effort.

E. Revocation Or Suspension; Civil Penalty:

1. If a person holding a permit has willfully violated subsection C of this section, the City shall revoke the permit upon notice and hearing. The permit holder shall be given ten (10) day's written notice stating the reason for the contemplated revocation and the time and place at which

the person may appear and be heard. The notice shall be given by mailing a copy to the permit holder's place of business as it appears on the application for permit.

2. If a retailer or employee of a retailer has violated subsection D of this section, the City, in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in subsection F1 as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in auto matic suspension of the permit for a period of fourteen (14) days.

b. For a second violation within a period of two (2) years, the retailer's permit shall be suspended for a period of thirty (30) days.

c. For a third violation within a period of three (3) years, the retailer's permit shall be suspended for a period of sixty (60) days.

d. For a fourth violation within a period of three (3) years, the retailer's permit shall be revoked.

3. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the issuing authority.

4. Notwithstanding subsection F3 of this section, if a retail permit is suspended or revoked under this subsection, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

5. The City shall report the suspension or revocation of a retail permit under this section to the Iowa department of public health within thirty (30) days of the suspension or revocation of the retail permit.

Chapter 9.92

JUNK MOTOR VEHICLES

Sections:

9.92.010 Purpose

9.92.020 Definitions

9.92.030 Authority to Take Possession of Junk Motor Vehicles

9.92.040 Notification of Owner and Lienholders

9.92.050 Auction or Disposal of Junk Motor Vehicles

9.92.060 Junk Motor Vehicles a Nuisance

9.92.070 Notice to Abate

9.92.080 Duty of Owner of Junk Motor Vehicles to Remove or Repair

9.92.090 Abatement

9.92.100 Cost of Abatement

9.92.110 Hearing and Appeal

9.92.120 Penalties

9.92.010 Purpose. The purpose of this chapter is to protect the health, safety and welfare of the citizens, and storage of junk motor vehicles, except in places authorized. (Ord. 3-92 (part), 1992)

9.92.020 Definitions. Definitions used in this chapter:

(a) The term "junk motor vehicle" means any motor vehicle stored within the corporate limits of Denver, Iowa, not regularly operated on the public streets, and which possesses any one of the following characteristics:

1. A broken or cracked windshield, window, headlight, tail light or any other cracked or broken glass;
2. A broken or loose fender, door, bumper, hood, trunk top, door handle or decorative piece;
3. Lacks an engine, one or more wheels, or other structural part which renders the vehicle inoperable;
4. A chassis which has become the habitat of rats, mice or other vermin or insects;
5. Which contains gasoline or any other flammable fuel;
6. Which, because of its defective or obsolete condition, in any way constitutes a threat to public health and safety;
7. However, a motor vehicle shall not be considered a "junk motor vehicle" for the purpose of this chapter if stored:

(A) Within a garage or other enclosed structure,

(B) At an auto salvage yard or junk yard duly licensed by the City or state, or

(C) At a commercial auto repair facility for a period less than sixty days.

(b) The term "demolisher" means any City or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, process scrap or scrap metal, or otherwise to wreck or dismantle vehicles. (Ord. 3-92 (part), 1992)

9.92.030 Authority to Take Possession of Junk Motor Vehicles. City police are authorized to take into custody any junk motor vehicle found upon public or private property as provided in this chapter. City police may employ its own personnel, equipment and facilities, or hire other personnel, equipment and facilities for the purpose of removing, preserving, storing or disposing of junk motor vehicles. (Ord. 3-92 (part), 1992)

9.92.040 Notification of Owner and Lienholders. (a) Upon the City police taking into custody a junk motor vehicle, the police chief shall make a determination as to whether the vehicle should be sold at public auction or disposed of through a demolisher. City police shall notify by certified mail, the last known registered owner of the vehicle and all lienholders of record, addressed to their last known addresses of record, that:

(1) The junk motor vehicle has been taken into custody;

(2) The vehicle is to be sold at public auction and the date and location of the auction. If the vehicle is to be disposed of to a demolisher, the date upon which the vehicle will be sold to the demolisher;

(3) The person receiving the notice shall have a right to reclaim the vehicle prior to its sale or disposal on payment to the City of all towing, preservation and storage charges resulting in placing the vehicle in custody, and upon payment of the costs of notices required pursuant to this chapter;

(4) Failure of the owner or lienholders to exercise their right to reclaim the vehicle prior to sale or disposal, will be deemed a waiver by the owner or lienholders of any

right, title, claim or interest in the vehicle and shall be deemed consent to the sale or disposal of the vehicle.

(b) If the identity of the last registered owner cannot be determined or the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of lienholders, notice by one publication in one newspaper of general circulation in the area where the junk vehicle was taken into custody shall be sufficient to meet all requirements of notice under this section. (Ord. 3-92 (part), 1992)

9.92.050 Auction or Disposal of Junk Motor Vehicles. If the junk motor vehicle has not been reclaimed as provided in Section 9.92.040 of this chapter, it shall be sold at public auction or sold to a demolisher for junk as provided in the notice. Such auction, sale or disposal shall not take place prior to ten days following mailing of the notice to the owner and lienholders as provided in Section 9.92.040. In the event the vehicle is sold for junk to a demolisher, no notice of sale shall be required, except the notice provided to owners and lienholders in Section 9.92.040. In the event the vehicle is sold at public auction; notice of the time and place of auction shall be published one time in one newspaper of general circulation in the City, not less than ten days prior to the auction. The purchaser of the junk motor vehicle takes the title free and clear of all liens and claims of ownership, and shall receive a sales receipt from the City police and is entitled to register the vehicle and receive a Certificate of Title, if sold for use upon the streets and highways. However, if the vehicle is sold to a demolisher for junk, the sales receipt by itself is sufficient title only for purposes of transferring the vehicle to the demolisher for demolition, and when so transferred no further title to the vehicle is permitted. The proceeds from the sale of junk motor vehicles shall be the sole property of the City. (Ord. 3-92 (part), 1992)

9.92.060 Junk Motor Vehicles a Nuisance. It is declared that storage within the corporate limits of a junk motor vehicle, on private property owned or controlled by the owner of the vehicle, constitutes a threat to the health and safety of the citizens, and is a nuisance. (Ord. 3-92 (part), 1992)

9.92.070 Notice to Abate. Upon discovery of any junk motor vehicle stored upon public or private property within the corporate limits of the City:

- (1) The motor vehicle is a junk motor vehicle and constitutes a nuisance under the provisions of this chapter.
- (2) The owner must remove or repair the motor vehicle within ten days, in accordance with Section 9.92.080 of this chapter or request a hearing, as provided in Section 9.92.110 of this chapter.
- (3) Failure to remove or repair the motor vehicle or request a hearing within the time prescribed will cause the person to be guilty of a misdemeanor and the City may, at its option, abate the nuisance by removing and disposing of the junk motor vehicle and direct assessment of the costs against the violator and/or pursue prosecution therefor. (Ord. 3-92 (part), 1992)

9.92.080 Duty of Owner of Junk Motor Vehicles to Remove or Repair. The owner of a junk motor vehicle as defined in this chapter must, within ten days after receipt of written notice from the police chief, remove the junk motor vehicle to a garage or other enclosed structure, to an auto salvage yard or junk yard duly licensed by the City or state, or to a lawful place of

storage outside the City limit, or repair the defects which cause the motor vehicle to violate the provisions of this chapter, including licensing if the motor vehicle is not currently licensed. (Ord. 3-92 (part), 1992)

9.92.090 Abatement. If the owner of a junk motor vehicle shall fail to remove or repair the vehicle in accordance with the terms of Section 9.92.080 or request a hearing within the time as provided by Section 9.92.110 of this chapter, the City police shall abate such nuisance by causing the junk motor vehicle to be removed and impounded, sold and disposed of as provided in Section 9.92.050 of this chapter. (Ord. 3-92 (part), 1992)

9.92.100 Cost of Abatement. All costs of taking possession of a junk motor vehicle and selling and disposing of the same under this chapter shall be charged to the owner of the vehicle. These costs shall include costs of towing, preservation and storage of the vehicle, and all costs of inspection, notices and publication. The clerk shall mail the statement of the total expense incurred to the vehicle owner who has failed to abide by the notice to abate. If the amount shown by the statement is not paid within one month, the clerk shall certify the costs to the county auditor, and the same shall be collected with and in the same manner as general property taxes. (Ord. 3-92 (part), 1992)

9.92.110 Hearing and Appeal. Any person ordered to abate a nuisance or condition under this chapter may have a hearing with the City Council to determine whether a nuisance or prohibited condition exists.

(1) Request for hearing must be made in writing and delivered to the City Council within the time stated in the notice or it will be conclusively presumed that the nuisance or prohibited condition exists and must be abated as ordered.

(2) At the conclusion of the hearing, the City Council shall render a written decision as to whether a nuisance or prohibited condition exists. If they find that a nuisance or prohibited condition does exist, they must order it abated within an additional forty-eight hours. (Ord. 3-92 (part), 1992)

9.92.120 Penalties. Any failing to remove or repair any junk motor vehicle stored on public or private property following notice by the City police as provided in section 9.92.040 of this chapter shall be subject to a fine not in excess of two hundred and fifty dollars and/or thirty days in jail, and is guilty of a simple misdemeanor. (Ord. 3-92 (part) 1992)

Chapter 9.96

REGULATING SKATE BOARDS

Sections:

9.96.010 Regulating Skate Boards

9.96.010 Regulating Skate Boards. No person shall ride, use or operate a skate board or similar device on any street, sidewalk, alley or public property within the Denver Business District. The business District for the purpose of this ordinance shall include the area from Washington Street to Hoover Street and from Transit Street to Mill Street and shall include the named streets and

adjacent sidewalks as well as the streets, sidewalks, alleys, and public property within the described area. (Ord. 1-01)