

## CHAPTER 40

### PUBLIC OFFENSES

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**40.01 DISTURBING THE PEACE; NOISE.** It is unlawful for a person to disturb the peace by excessive, loud or unusual noise, loud music, by blowing horns or ringing bells or by the use of sirens, radios or any type of speaking devices or noise makers which can be heard fifty (50) feet from the origin of the noise.

**40.02 SPITTING.** It is unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

**40.03 ABANDONED OR UNATTENDED REFRIGERATORS.** No person shall abandon or otherwise leave unattended and/or unsecured 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)*

**40.04 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])*

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

**40.06 DISCHARGING WEAPONS.**

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB 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.
3. Discharging weapons for the purpose of hunting wildlife is permitted on lands owned by the Iowa Department of Natural Resources and on the waters of Black Hawk Lake if hunting on said land or water is permissible under the Iowa Code and regulations of the Iowa Department of Natural Resources. *(Ord. 367 – Nov. 02 Supp.)*

**40.07 THROWING AND SHOOTING.** It is unlawful for a person to throw snowballs, water balloons, stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys at any moving vehicle; or 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])*

**40.08 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.

**40.09 FIREWORKS PERMIT.** It is unlawful for any person to use or explode any fireworks as defined in Section 727.2 of the Code of Iowa; 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:

1. Personal Injury: - \$250,000.00 per person.
2. Property Damage: - \$50,000.00.
3. Total Exposure: - \$1,000,000.00.

*(Code of Iowa, Sec. 727.2)*

**40.10 DEFACING PUBLIC GROUNDS.** It is unlawful for any unauthorized person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

*(Code of Iowa, Sec. 364.1, 364.12[2])*

**40.11 INJURING NEW PAVEMENT.** It is unlawful for a person to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

*(Code of Iowa, Sec. 364.12)*

**40.12 OBSTRUCTING DRAINAGE.** It is unlawful to divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.

*(Code of Iowa, Sec. 716.1)*

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