

CHAPTER 39

NOISE CONTROL

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39.01 PURPOSE. It is the purpose of this chapter to prevent excessive sound which is a serious hazard to the public health and welfare and to the quality of life in the City of Bloomfield.

39.02 DEFINITIONS. All terminology used in this chapter and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

1. “A-weighted sound level (sound level)” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read shall be designated dB(A) or dBA.
2. “Decibel” means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.
3. “Emergency work” means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent danger.
4. “Emergency vehicle” means a motor vehicle used in response to a (public) calamity or to protect persons or property from imminent danger.
5. “Gross vehicle weight” means the value specified by the manufacturer as the loaded weight of a vehicle.
6. “Person” means any individual, association, partnership, corporation or officer thereof.
7. “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.
8. “Sound level meter” means an instrument, including a microphone, amplifier, output meter and weighting networks, that is

sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publication SI. 4-1971, or its successor publication.

39.03 MEASUREMENT OF NOISE AND SOUND. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A-weighted, slow response sound level.

39.04 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINATION AND CLASSIFICATION OF SOUND.

1. No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the City heard and measured in the manner prescribed below, except when done under and in compliance with a permit issued pursuant to this chapter.
2. It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
3. It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings, and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
4. For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:
 - A. The sound shall be measured at the edge of the City street or alley right-of-way reasonably appearing to be nearest to the source of the sound, or if in a park or agriculturally zoned area, approximately 25' from the source of the sound. When a complaint is received, a measurement may also be taken at a location on the property where the complaining party was disturbed.

B. The sound shall be measured on a sound level meter of standard design and quality operated in the “A” slow response weighting scale.

C. A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful.

Neighborhood Characteristics	Maximum Permitted
Residential	60 between 6:00 a.m. & 9:00 p.m., Monday-Friday 60 between 8:00 a.m. & 9:00 p.m., Saturday 60 between Noon & 9:00 p.m., Sunday
	55 between 9:00 p.m. & 6:00 a.m., Monday-Friday 55 between 9:00 p.m. & 8:00 a.m., Saturday 55 between 9:00 p.m. & Noon, Sunday
Commercial	65
Industrial	80
Park or Agriculturally Zoned	65

39.05 VEHICLE NOISE LIMITS. It shall be unlawful for any person to operate or for the owner to cause or permit to be operated within the public right-of-way in this City, any motor vehicle which emits a noise in excess of the dB(A) level established in this section.

1. The maximum allowable noise levels for motor vehicles shall be 75 dB(A) measured at a distance of twenty-five feet.
2. This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this ordinance.
3. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle or operate any such vehicle or device in this City in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured. Muffler cutouts, by-passes, or other devices which increase sound emitted shall be unlawful.
4. The sound shall be measured on a sound level meter of standard design and quality operated on the “A” slow response weighting scale.

39.06 PERMITS. Applications for a permit for relief from the provisions of this ordinance may be made to the City Administrator, or a duly authorized representative, pursuant to the following procedure:

1. All permits must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date(s) and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity.
2. Permits granted shall state with reasonable specificity the date(s), location(s), time(s), nature of the sound, devices permitted, number of people in attendance, and the persons responsible for the activity.
3. Permits shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.
4. The City Administrator may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

39.07 MAXIMUM SOUND TO BE PERMITTED. When a permit has been issued pursuant to this chapter or individuals are discharging fireworks as allowed under Ordinance No. 695, the sound levels listed in the following table shall be the maximum levels permitted:

Sound Level Limit in dB(A)*	Duration
80	24 hours
83	12 hours
86	6 hours
89	3 hours
90	1.5 hours

The above-stated duration for each sound level shall not be exceeded. The sound level shall be measured in the same manner as set out in 39.04(4).

39.08 EXCEPTIONS. The requirements, prohibitions, and terms of this chapter shall not apply to emergency work or to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency. The terms of this section shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefor has been granted by the City, including but not limited to parades, fireworks displays, and the outdoor warning system, and all other authorized activities occurring on government property. Also excepted are

individual discharge of fireworks as allowed under Ordinance No. 695 as long as the discharge does not exceed the maximum sound noted in 39.07, nonprofessional athletic contests and all construction work.

39.09 PENALTIES FOR OFFENSES PERTAINING TO NOISE CONTROL.

1. A violation of any provision of Chapter 39, Noise Control, shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.
2. Alternatively, a violation of any provision of Chapter 39, Noise Control, can be charged by a peace officer of the City as a simple misdemeanor.

(Ch. 39 – Ord. 703 – Aug. 19 Supp.)

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

40.01 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)

40.02 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.

40.03 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 a public offense.

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

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])

40.04 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)

40.05 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)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.08 Barbed Wire and Electric Fences
41.02 False Reports to or Communications with Public Safety Entities	41.09 Discharging Weapons
41.03 Refusing to Assist Officer	41.10 Throwing and Shooting
41.04 Harassment of Public Officers and Employees	41.11 Urinating and Defecating
41.05 Interference with Official Acts	41.12 Fireworks
41.06 Abandoned or Unattended Refrigerators	41.13 Drug Paraphernalia
41.07 Antenna and Radio Wires	41.14 Smoking Prohibition
	41.15 Pseudoephedrine Restrictions

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.2)

41.04 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.

No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.09 DISCHARGING WEAPONS.

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

41.10 THROWING AND SHOOTING. 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])

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

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

1. Definition. For purposes of this section, definitions are enumerated in the Iowa Code Section 727.2 and 101A.1, which definitions are incorporated herein by reference thereto.
2. Sales – General Requirements.

A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the Fire Chief:

(1) License. Proof of valid license issued from the State Fire Marshal.

(2) Liability Insurance. Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.

(3) Fire Inspection. Any property, building, or premise whether it be permanent or temporary, intended for the sale of consumer fireworks shall have an initial fire inspection completed by the Fire Chief prior to engaging in the sale of consumer fireworks. The Fire Chief or their designee shall cause an annual inspection to occur meeting the requirements of the *National Fire Protection Code* 1124 (2006 Edition) and the current fire code adopted by the City of Bloomfield. Inspection costs shall be assessed as follows:

- (a) Permanent structure where fireworks are sold
– annual inspection fee of \$100.

(b) Temporary or non-brick or mortar building where fireworks are sold - annual inspection fee of \$200.

B. Dates of Sale. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified below.

(1) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 20 and July 4.

(2) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between July 1 and July 4.

(Paragraph B – Ord. 733 – Oct. 24 Supp.)

C. Safety Requirements. The following safety requirements shall be adopted for all locations where consumer fireworks are sold:

(1) Not more than 100 pounds of total aggregate weight of DOT 1.4 class consumer fireworks shall be located inside a commercial business with other mercantile products for sale.

(2) Not more than 500 pounds of total aggregate weight of DOT 1.4 class consumer fireworks shall be located inside a building where fireworks are the primary business.

(3) Not more than 1000 pounds of total aggregate weight of DOT 1.4 class consumer fireworks shall be located in a temporary structure used primarily for fireworks sales.

(4) Any permanent or temporary structure used primarily for the purpose of consumer fireworks sales shall be located 35 feet from a property line, public roadway, alley, or highway; and 70 feet from an inhabited building unless further restricted by requirements of the State Fire Marshall.

(5) Smoking, open flame source, or matches shall not be located within 50 feet where consumer fireworks are sold. The following exemptions apply:

(a) Lighters and matches may be sold as part of a retail business in commercial structures who

- engage in other merchandise sales where consumer fireworks are not the primary business.
- (b) Locations that engage in consumer fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not opened within the store premises.
- (6) All electrical wiring shall meet NFPA 70 *National Electrical Code*. Permanent structures or buildings used primarily for consumer fireworks sales shall meet wiring requirements for a hazardous location, including covered light fixtures to avoid sparks upon failure to damage to lights.
- (7) Locations shall maintain a 48-inch clear aisle between consumer fireworks display shelves.
- (8) Locations shall maintain two approved exits for egress during an emergency. All approved exits shall be clearly marked with signage; except that, exit signs shall be illuminated in permanent structures.
- (9) Consumer fireworks sales shall only be permitted in a single story at grade building or structure to facilitate easy exiting during an emergency.
- (10) Locations shall have a minimum of two 10 pound ABC rated fire extinguishers mounted in accordance with NFPA 10. Additional fire extinguishers shall be placed in locations to prevent travel distance exceeding 75 feet in order to reach a fire extinguisher.
- (11) All doors used as service doors outside the view of a clerk shall be locked to prevent unauthorized persons from entering the building unnoticed. If doors are approved exit doors as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress door are permitted so long as release is activated within 8 seconds.
- (12) No persons under the influence of alcohol, drugs, or narcotics, shall be allowed to remain in the business where consumer fireworks are sold as a primary business.
- (13) No more than one conex container or approved explosive magazine shall be located on site for short-term

storage of extra product. All containers shall be properly placarded and equipped with tamper proof locking devices. It is permitted to place containers in a security fenced area.

(14) Individual consumer fireworks devices or opened consumer fireworks packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.

(15) Consumer fireworks sales shall only be allowed in areas zoned for commercial use.

(16) Any person engaged in consumer firework sales in any other zone other than commercial zoned areas shall not be approved for sales within the City limits.

(17) No person shall sell a DOT 1.4 class consumer firework to a person under the age of 18.

(18) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.

3. Fireworks – Discharging General Requirements.

A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.

B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.

C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire or property damage.

E. No person shall discharge a consumer fireworks device outside the following dates and hours: July 2 through July 5 from the hours of 9 a.m. until 10 p.m. Exception: discharge hours are extended to 11 p.m. on July 4 only. *(Ord. 733 – Oct. 24 Supp.)*

F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

G. Sky lantern open flame devices are not permitted to be released within the City limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.

H. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display 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 per person
- (2) Property Damage: \$250,000
- (3) Total Exposure: \$1,000,000

I. All applications shall be carefully scrutinized to assure that no substance capable of being regulated, as defined by ICA Chapter 101A.1 is permitted.

4. Violations. All violations of any provisions of this chapter are hereby declared simple misdemeanors and/or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the Fire Chief or peace officer. The fine for a first offense of this chapter shall be \$100.00. The fine for a second offense of this chapter shall be \$250.00. Subsequent violations will result in double the fine of the previous violation.

(Subsection 4 – Ord. 733 – Oct. 24 Supp.)

5. 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 theater, 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.

6. Separate Violation. It shall be deemed a separate violation with respect to manner or method of discharge, restricting the placement in

motion of objects, missiles, or projectiles, for any person to willfully or carelessly, throw, cast, hurl, bat, propel, discharge, or place in motion in the direction of any person where risk of being hit exists, or of any property, real or personal, where risk of damage exists.

(Section 41.12 – Ord. 695 – Aug. 19 Supp.)

41.13 DRUG PARAPHERNALIA.

1. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
- C. Test the strength, effectiveness or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

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

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

(Code of Iowa, Sec. 124.414)

41.14 SMOKING PROHIBITION.

1. Definitions. The following terms are defined for use in this section:

- A. “City facilities” means buildings owned or operated by the City, including owned or operated outdoor areas of the lot or parcel on which the building is situated.
- B. “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, or plant in any manner or in any form.

2. Smoking Prohibition. Smoking is prohibited in the following areas:

- A. Pool and Ball Fields.
- B. City Facilities.
- C. Inside motor vehicles owned or operated by the City.

3. Exempt Areas. Notwithstanding any other provision of this section to the contrary, City streets, easements, sidewalks and trails are exempt from the provisions of this section.
4. Posting of Signs.
 - A. “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted outside every City facility.
 - B. All ashtrays and other smoking paraphernalia shall be removed from every area where smoking is prohibited under this section.
5. Enforcement.
 - A. Any citizen who desires to register a complaint under this section may initiate enforcement with the Police Chief.
 - B. Any person who violates the provisions of this section shall be subject to a civil penalty in accordance with Section 142B.6 of the *Code of Iowa*.
 - C. The provisions of this section shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

41.15 PSEUDOEPHEDRINE RESTRICTIONS. (Repealed by Ord. 610 – May 06 Supp.)

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing
42.02 Criminal Mischief
42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry
42.05 Fraud
42.06 Theft

42.01 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, exits 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])

42.02 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)

42.03 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)

42.04 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.

42.05 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)

42.06 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)

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means twenty-one (21) years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person’s employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine or beer from any licensee or permittee.

(Code of Iowa, Sec. 123.49[3])

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:

A. “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.

B. “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.

C. “Peace Officer” means the same as defined in Section 801.4 of the Code of Iowa.

D. “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.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place.

3. When a peace officer arrests a person on a charge of public intoxication under this section, 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 of a chemical test performed under this subsection 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 a 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.

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *(See Section 62.07 of this Code of Ordinances.)*

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The purpose of this section is to regulate, by the establishment of a curfew, the hours minors may be upon the streets, alleys or other public places in the City.

1. Establishment. No person sixteen years of age or under shall be or remain upon any of the alleys, streets or public places or be in places of business and amusement in the City on nights of the week commencing Sunday through Thursday between 11:00 p.m. and 5:00 a.m. following, or on Friday or Saturday nights of the week between 12:00 midnight and 5:00 a.m. following, unless such person is accompanied by his or her parent, guardian or some other person having the legal custody of such person, except in case of any person sixteen years of age or under whose employment makes it necessary for such person to be upon such streets, alleys or public places between the aforesaid hours, and provided that this exception does not apply when the person sixteen years of age or under is playing, loafing, idling or unnecessarily loitering in or upon such streets, alleys or public places.

2. Parental Responsibility. No parent, guardian or other person having the legal care and custody of any person sixteen years of age or under shall willfully allow, suffer or permit such child, ward or other person sixteen years of age or under, while in such legal care and custody, to violate the provisions of this chapter.

3. Enforcement. Any peace officer of the City (while on duty) is empowered to arrest any minor who violates any of the provisions of this section, and such minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of said minor.

46.02 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)

46.03 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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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Parks Closed
47.06 Camping
47.07 City Lake and City Lake Park

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, Sec. 364.12)

47.02 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

47.03 FIRES. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.04 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of 10:00 p.m. and 5:00 a.m.

47.06 CAMPING. No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause.

47.07 CITY LAKE AND CITY LAKE PARK.

1. Definitions. The following terms are defined for use in this section:

A. "City Lake" means the water reservoir of the municipal waterworks of the City, and the streams and/or sources from which the water therein is taken for five miles above the point from which it is taken.

B. “City Lake Park” means the lands occupied by the Municipal Reservoir of the City, and all lands adjacent thereto, the title of which is owned by the City, including those lands presently under lease to the County Conservation Board of Davis County, Iowa.

C. “Water” or “waters” refers to the private waters of the City Waterworks Reservoir of the City, and the streams and/or sources from which the water therein is taken. Such water or waters are not public waters as defined in the statutes of Iowa.

2. Swimming and Boating Regulations Generally.

A. No person shall swim, dive, wade, float or bathe in the City Lake.

B. No person shall skate or slide upon ice on the surface of the City Lake within a distance of two hundred (200) feet of the dam of said lake.

C. Designated. No person shall place or operate on the City Lake any boat except rowboats, canoes propelled by hand or out board motor, sailboats or boats propelled by oars, electric trolling motors or outboard motor. All boats or crafts propelled in whole or part by combustion engine or mechanical apparatus other than a single electric trolling motor or an outboard motor are prohibited access to the City Reservoir. No jet skis are allowed. Lake Fisher will become a no wake lake allowing the use of outboard motors. Those violating this provision will be fined \$250.00 for not following the no wake policy.

(Ord. 685 – Oct. 16 Supp.)

3. Damaging or Destroying Property and Polluting Water Prohibited. It is unlawful for any one to damage, deface, destroy or otherwise inure any property in the City Lake Park. It is unlawful for any person to perform any act of omission or commission, the result of which act would tend to pollute the waters of the City Lake.

4. Parking. No person shall park any vehicles within the City Lake Park except in designated parkings areas.

5. Speed Restrictions. The maximum speed for all vehicles traveling upon the surfaced roadways of the City Lake Park is twenty (20) miles per hour.

6. Liability Provisions.

A. Any person exercising any right and/or privilege herein conferred shall be held to consent and agree that the incorporated

City, its officers, agents and/or employees shall not be liable for any damage by reason of any accident to such person or to his or her property occurring in connection with the exercise of such right or privilege.

B. Any person, while upon the land or water of the City Lake Park, will be held to covenant and agree to indemnify the incorporated City, its officers, agents and/or employees, and to hold them harmless from any and all claims for damages by reason of any accident and/or injury to such person or to his or her property, occurring while upon the land or water of the City Lake Park.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited
50.05 Nuisance Abatement
50.06 Notice to Abate: Contents
50.07 Method of Service

50.08 Request for Hearing
50.09 Abatement in Emergency
50.10 Abatement by City
50.11 Collection of Costs
50.12 Installment Payment of Cost of Abatement
50.13 Failure to Abate
50.14 Failure to Maintain

50.01 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)

50.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** 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. **Filth or Noisome Substance.** Causing or suffering any offal, filth, excrement, or noisome substance to be collected or to remain in any place to the prejudice of others, including kennels.

(Ord. 662 – Mar. 12 Supp.)

3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

4. **Water Pollution.** 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. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

6. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or 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. **(See also Section 62.08)**
7. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.
9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.
10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. **(See also Chapter 151)**
11. Airport Air Space. Any object or structure hereafter erected within one thousand (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.
12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; 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 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.

50.03 OTHER CONDITIONS. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions which are deemed to be nuisances:

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 151)**

50.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.05 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])

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

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

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.

50.07 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])

50.08 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

† **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.

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.

50.09 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

50.10 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])

50.11 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])

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), 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)

50.13 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.

50.14 FAILURE TO MAINTAIN. Any property receiving multiple notices in the same year will be fined \$250.00 per notice beginning with the third notice. This applies to any Abatement Notices for the following:

1. Chapter 50 – Nuisance Abatement Procedures.
2. Chapter 51 – Junk and Junk Vehicles
3. Chapter 145 – Dangerous Buildings
4. Chapter 105 – Storage and Disposal of Solid Waste
5. Chapter 151 – Trees

(Ord. 632 – Dec. 07 Supp.)

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

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CHAPTER 52

GRASS AND WEEDS

52.01 Purpose

52.02 Definitions

52.03 Cutting Specifications and Standards of Practice

52.04 Uniform Height Specifications

52.05 Noxious Weeds

52.06 Abatement Notice and Procedure

52.07 Mowing in the Street

52.08 Procedures and Requirements

52.09 Application for Exception Permit

52.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive, or nuisance conditions.

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

1. “Curb,” “curb line” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. “Cut” or “mow” means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. “Owner” means a person owning private property in the City and any person occupying private property in the City.
4. “Parking” means that part of a street, avenue, or highway in the City not covered by a sidewalk and lying between the lot line or property line and the curb line or, on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

52.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow, and maintain all grass, weeds, and brush upon the owner’s property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner’s property, to a uniform height as defined in Section 52.04.
2. Every owner shall cut, mow, and maintain grass, weeds, and brush adjacent to the curb line, including the parking area abutting the owner’s property, in such a manner so as to be in conformity with and at

an even height with all other grass, weeds or brush growing on the remainder of the owner's property.

52.04 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds, and brush shall be cut, mowed, and maintained so as not to exceed the following height specifications:

1. Developed residential, business, and industrial areas – not to exceed eight inches (8”).
2. Infill residential lots – not to exceed eight inches (8”).
3. Undeveloped residential lots – not to exceed ten inches (10”).
4. Agriculture areas – not to exceed fifteen inches (15”).

52.05 NOXIOUS WEEDS.

1. Every property owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner's property, but cutting noxious weeds to ground level. The use of herbicides to eliminate or eradicate such weeds shall not appropriately abate the nuisance if the subject vegetation is in violation of the height limit.
2. Noxious weeds include any weed growth or plant designated as noxious by the State Department of Natural Resources rules and regulations or by the *Code of Iowa*.

52.06 ABATEMENT NOTICE AND PROCEDURE. Annual publication of Chapter 52 of this Code in an official newspaper shall serve as notice to property owners.

1. Upon discovery of the first violation of this chapter per subdivided lot within a mowing year, a notice shall be mailed by regular mail to the address of the property owner on file in the county records and shall include the following information:
 - A. A description of what constitutes the nuisance;
 - B. The location of the nuisance;
 - C. Act(s) necessary to abate the nuisance;
 - D. A reasonable time within which to complete the abatement, not to exceed five (5) calendar days; and
 - E. A statement that if the nuisance or condition is not abated as directed and within the time prescribed, the City will abate it and assess the costs against the property owner.

2. After the reasonable time period for the initial violation has passed, the City shall abate the nuisance without further notice.
3. Subsequent violations per subdivided lot in a mowing year shall not require notice prior to the City's abatement of the nuisance.
4. The City may abate the nuisance itself or by hiring an independent contractor. The property owner shall be charged \$125 per subdivided lot for the first abatement, and \$225 per subdivided lot for subsequent abatements in the same mowing year.
5. 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.
6. The Mayor of his/her designee(s) shall be responsible for the enforcement of this chapter. Additionally, all sworn officers in the Police Department are authorized to post notices and submit abatement work orders to the Director of Public Works, who shall direct his department or an independent contractor to abate the nuisance.

52.07 MOWING IN THE STREET. No property owner shall cut, mow, or deposit in any fashion any grass, weeds, brush, or leaves upon a City street. Property owners found to be in violation of this section shall be fined \$30 for the first occurrence in a mowing year, and \$60 for subsequent violations.

52.08 PROCEDURES AND REQUIREMENTS. Allowable exceptions may be permitted to the uniform height specifications of this chapter in accordance with the rules and procedures as adopted by the Council for the establishment and maintenance of a native grass area. The Council may grant or deny an exception in accordance with the standards set forth herein and within the intent and purpose of this chapter. In granting an exception, the Council may prescribe and impose appropriate conditions, safeguards, and a specific time for the performance for which the exception will be permitted.

52.09 APPLICATION FOR EXCEPTION PERMIT. The Council reserves the right to declare any parcel or lot exempt from this chapter if it involves an agricultural purpose, conservation or other natural grass, flower or wildlife area, such exemption to be approved by the Council by motion and filed in writing with the Clerk. The Council may prescribe appropriate conditions and safeguards in conformity with this chapter and other chapters of this Code of Ordinances. Violation of such conditions and safeguards, when

made a part of the terms under which the exception is granted, shall be deemed a violation of this chapter.

(Ch. 52 – Ord. 715 – Aug. 21 Supp.)

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Animal At Large
55.02 License	55.10 Vicious Animals
55.03 Removal of Waste/Waste Container	55.11 Animal Bites
55.04 Dog Pens	55.12 Dangerous Animals
55.05 Dogs On Chains	55.13 Impoundment
55.06 Number of Animals	55.14 Request for Hearing
55.07 Animal Abuse or Neglect	55.15 Interference With Enforcement
55.08 Nuisance Animals	55.16 Penalties

55.01 DEFINITIONS. The following words and phrases shall for purposes of this chapter have the following meanings:

1. “At large” means an animal off the premises of the owner or is not properly restrained within a motor vehicle, housed in a veterinary hospital or registered kennel, or is not on a leash, cord, muzzle, chain or other similar restraint and under the control of a person competent to restrain and control the animal.
2. “Breeder” means any person, partnership, or corporation which maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration of profit, fee or compensation.
3. “Cats” when used herein, means and includes animals of all ages, both female and male, which are members of the feline species whether altered or not.
4. “Dogs” when used herein, means and includes animals of all ages, both female and male, which are members of the canine species whether altered or not.
5. “Dog pen” means a pen used to house a dog(s) on a semi-permanent basis and does not include temporary enclosures such as a dog house or a dog run.
6. “Muzzle” when required by this chapter, a “muzzle” shall be of appropriate material with sufficient strength to restrain the animal from biting and no such muzzle employed shall be made from any material or maintained on the animal in any manner so as to cut or injure the animal.
7. “Owner” means every person, firm, partnership, or corporation owning, keeping or harboring an animal within the corporate limits of the City. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

8. "Vaccination" means an injection of any vaccine for rabies approved by the State Veterinarian, and administered by a licensed veterinarian or agent of the health officer.
9. "Wild animal" means an animal incapable of being completely domesticated, and requiring exercise of art, force, or skill to keep it in subjection.

55.02 LICENSE. It is unlawful for any person, firm, partnership or corporation to own, keep or harbor a dog within the corporate limits of the City without having first paid to the City an annual license fee for all such animals six months of age or over.

To secure a license, an owner must provide:

1. Proof of current vaccination evidenced by a certificate of vaccination signed by a licensed veterinarian; and
2. Description of the dog as to its breed, sex, age, color, approximate weight, markings, spaying/neutering status, name, and contact information (address and phone number) of all owners of the dog.

Upon submission of the items listed immediately above, along with payment of the license fee to the Bloomfield Police Department at 102 Anderson St., Bloomfield, Iowa 52537, a tag will be issued to the owner. The tag is to be attached at all times to the collar or harness of the licensed dog. Failure to keep such a tag on the collar shall be unlawful. Licenses shall be issued on or before April 1 of each year for a fee of \$5.00. If the license is obtained after April 1, the fee is \$10.00.

The license as referred to in this section shall be effective from January to December, and must be renewed each subsequent year prior to April 1. This license is nontransferable. No refund shall be made on any dog license fee because of the death of the dog or by reason of the owner leaving the City before the expiration of the license period.

Upon the filing of a written affidavit that the license tag has been lost or destroyed, the owner may obtain another tag upon payment of \$1.00 to the Bloomfield Police Department. The Bloomfield Police Department shall keep a proper record of the issuance of duplicate tags. If a dog is found to be at large without proper City identification the dog shall be impounded pursuant to the procedure in Section 55.13. The dog may not be released to an owner until the dog is properly registered with the Bloomfield Police Department.

55.03 REMOVAL OF WASTE/WASTE CONTAINER. It is unlawful for any person owning or having control of any dog not to remove any waste left

by that dog on any sidewalk, gutter, street, lot or other public area or private property not owned by the dog owner located within the corporate limits of the City. Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle or other closed or sealed refuse container. This section shall not apply to large animals whose participation in a parade or event is conditioned upon the provision of the event sponsor's waste removal services. This section shall not apply to service animals of persons with a disability.

Any person owning or having control of an animal within the corporate limits of the City, must have in their immediate control a container for the disposal of pet waste. Such containers must be produced at the request of a law enforcement officer or Code Enforcement Officer. Said requirement does not extend to a person having control of an animal upon the owner's own property.

55.04 DOG PENS. Outdoor dog pens shall be located five feet from the rear lot line and two feet from the side lot line. Yard fences which enclose at least one-half of the yard area are not to be construed as dog pens. Dog pens shall be constructed of such material that would be assured to adequately secure the dog, given the size, age, and weight of the dog. Dog pen sizes must be a minimum of six feet by ten feet. Should an owner's property be smaller than a size that would accommodate the requirements of this section, the Code Enforcement Officer, Mayor or Mayor's designee shall provide written specification as to where the dog pen shall be located. In this case, it shall be the duty of the owner to maintain the dog pen in the manner instructed by the Code Enforcement Officer.

55.05 DOGS ON CHAINS. Outdoor dogs on chains shall be located at least ten feet from the owner's property line and City property, sidewalks or right-of-way accesses. Should an owner's residence not practically allow for keeping an animal in such a manner, the owner must contact the Code Enforcement Officer, who shall locate and provide written specifications of how the dog may be chained. In this case it shall be the duty of the owner to maintain the dog on a chain in the manner instructed by the Code Enforcement Officer.

55.06 NUMBER OF ANIMALS. It is unlawful for any person, firm, partnership or corporation to own, keep or harbor more than six total dogs and/or cats, or any combination thereof, within the corporate limits of the City. This provision shall not apply to proprietors of animal hospitals, and veterinarians when such animals are kept upon premises and used by such business. This provision also shall not apply to owners of animals who are animal breeders or kennel operators, properly licensed with the State of Iowa for breeding or kennel operation.

55.07 ANIMAL ABUSE OR NEGLECT. Owners or caretakers of animals shall provide animals with sufficient good and wholesome food and water, in suitable containers, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No one shall abandon an animal within the corporate limits of the City. Any owner or person in control or possession of an animal who is found to have intentionally abandoned an animal under this section, by dumping it along a thoroughfare, or by moving away and leaving the animal enclosed or secured shall be guilty of a violation of this chapter.

No person shall expose an animal to any known poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by the animal, unless for the purpose of vermin removal.

It is unlawful for any person keeping or harboring animals to:

1. Fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of said premises;
2. Allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animals' waste from the premises;
3. Allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control; or
4. Fail to meet the minimum size standards per animal for a dog pen.

55.08 NUISANCE ANIMALS. A nuisance animal is an animal who infringes upon the rights of another animal or person by:

1. Chasing persons, bicycles, automobiles, or other vehicles;
2. Attacking other animals;
3. Trespassing on others property;
4. Damaging private or public property;
5. Habitually howl, yelp, or bark; and
6. Impeding the passage of another person or animal along a public sidewalk or right-of-way by threatening sounds or physical action.

55.09 ANIMAL AT LARGE. Animals must be confined to the premises of the owner and not at large. An animal shall be deemed not to be at large if:

1. The animal is on the premises of the owner or the premises of a person given charge of the animal by the owners and is either:
 - A. Accompanied by and obedient to the commands of the owner or the person given such charge; or
 - B. Restrained on those premises by an adequate protective fence, or leash, cord, chain or other similar restraint of sufficient strength to restrain the animal and does not allow the animal to go beyond the owner's/person's property line or onto the sidewalk.
2. On a public sidewalk or street but restrained by a leash held by a person capable of restraining the animal.

Any animal found to be in violation of this section shall be immediately impounded pursuant to the procedure in Section 55.13.

55.10 VICIOUS ANIMALS. Vicious animals are prohibited within the corporate limits of the City. "Vicious animal" means and includes:

1. Any animal with a known propensity, tendency or disposition to attack unprovoked as evidenced by its habitual or repeated chasing, snapping or barking at human beings or other animals so as to potentially cause injury or to otherwise endanger their safety.
2. Any animal that has been used as a weapon, or during the commission of a crime, whether injury occurred or not.
3. Any animal that has been trained to injure humans or animals, including, but not limited to fighting. Animals, such as hunting dogs, trained to retrieve injured or dead game are not included.
4. Any animal identified as a vicious animal by a veterinarian.
5. An animal which injures a person, animal or property without just cause or justification.

Any animal deemed to be a vicious animal pursuant to this section shall be immediately impounded pursuant to the procedure in Section 55.13.

55.11 ANIMAL BITES. Any animal which has bitten a person or other domesticated animal is a rabies suspect and such animal shall be immediately surrendered by the owner or custodian for quarantine confinement in a veterinary hospital approved by the City for a period of at least ten calendar days at the expense of the owner, or ownership may be relinquished, and the animal euthanized at the owner's expense. When any animal has bitten, scratched or otherwise attacked a person, or domesticated animal, the person or anyone having knowledge of such an incident shall immediately notify the Bloomfield Police Department.

55.12 DANGEROUS ANIMALS. Dangerous animals are prohibited within the corporate limits of the City. "Dangerous animal" means 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.

Dangerous animals may be temporarily transported and held within the corporate limits of the City for up to seventy-two hours, for purposes of showing the animal in the public exhibition, or transported to a veterinarian's office, provided that they are securely restrained by kennel or muzzle.

55.13 IMPOUNDMENT.

1. The Bloomfield Police Department is authorized to immediately impound any animal within the corporate limits of the City found to be in violation of this chapter and deliver said animal to an impoundment facility as set by the City Council.
2. Subject to the right of appeal as provided in Section 55.14, 10 calendar days after impoundment, the impounded animal shall be destroyed unless an owner of the animal produces evidence deemed sufficient by the Code Enforcement Officer that the animal is to be permanently taken out the City of Bloomfield, and the owner pays all fines due along with the cost of impoundment to be determined by the impoundment facility. The City shall not destroy any animal until the time period for a request for hearing has expired or if hearing is requested and held, until the Animal Protection and Control Committee has rendered their decision.
3. If the Animal Protection and Control Committee overturns the decision of the Bloomfield Police Department or Code Enforcement Officer as to the impoundment of an animal in favor of the owner, the Committee shall determine responsibility for the payment of impoundment fees.

55.14 REQUEST FOR HEARING. If an owner disputes the decision of the Bloomfield Police Department or Code Enforcement Officer as to a violation of any section of this chapter, they may submit a written request for hearing to the Bloomfield City Administrator at Bloomfield City Hall within 48 hours of receiving written notice of violation. If requested, a hearing shall be held in front of the Animal Protection and Control Committee comprised of the Mayor of Bloomfield or their designee, Police Department liaison of the City Council, Code Enforcement Officer, and a licensed veterinarian within seven (7) calendar days. The decision of the Animal Protection and Control Committee shall be conclusive.

55.15 INTERFERENCE WITH ENFORCEMENT. It is unlawful for any person to interfere in any manner with the Bloomfield Police Department or the Code Enforcement Officer while enforcing the provisions of this chapter.

55.16 PENALTIES.

1. Violations of Sections 55.02 through 55.07 of this chapter are punishable by possible impoundment of the animal pursuant to the procedure in Section 55.13, in addition to the following:

A. First offense: written warning delivered to all known owner(s) of the animal(s) via hand delivery or certified mail to the last known address of such owner(s).

B. Second offense: fine of \$100.00, along with the issuance of a municipal infraction citation as provided in Chapter 4 herein.

C. Each repeat offense: fine of \$250.00, along with the issuance of a municipal infraction citation as provided in Chapter 4 herein.

2. Violations of Sections 55.08 through 55.12 of this chapter shall be subject to immediate impoundment pursuant to the procedure in Section 55.13, along with the issuance of a municipal infraction citation as provided in Chapter 4 herein.

(Ch. 55 – Ord. 718 – Mar. 22 Supp.)

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers
60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Bloomfield 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 Department.

(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 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)

60.08 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 City Clerk. 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 Fire Fighters. 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.

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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 Department 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 Department shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Police Department 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 Department 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)

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 Quiet Zones
62.06 Tampering with Vehicle

62.07 Open Containers in Motor Vehicles
62.08 Obstructing View at Intersections
62.09 Reckless Driving
62.10 Careless Driving
62.11 Engine/Compression Brakes Prohibited

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. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.79 – Intent to injure.
6. Section 321.91 – Penalty for abandonment.
7. Section 321.98 – Operation without registration.
8. Section 321.99 – Fraudulent use of registration.
9. Section 321.174 – Operators licensed.
10. Section 321.174A – Operation of motor vehicles with expired license.
11. Section 321.180 – Instruction permits.
12. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
13. Section 321.193 – Restricted licenses.
14. Section 321.194 – Special minor's licenses.
15. Section 321.216 – Unlawful use of license and nonoperator's identification card.

16. Section 321.216B – Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.
17. Section 321.216C – Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 – Permitting unauthorized minor to drive.
19. Section 321.220 – Permitting unauthorized person to drive.
20. Section 321.221 – Employing unlicensed chauffeur.
21. Section 321.222 – Renting motor vehicle to another.
22. Section 321.223 – License inspected.
23. Section 321.224 – Record kept.
24. Section 321.232 – Radar jamming devices; penalty.
25. Section 321.234A – All-terrain vehicles.
26. Section 321.235A – Electric personal assistive mobility devices.
27. Section 321.247 – Golf cart operation on City streets.
28. Section 321.257 – Official traffic control signal.
29. Section 321.259 – Unauthorized signs, signals or markings.
30. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
31. Section 321.262 – Damage to vehicle.
32. Section 321.263 – Information and aid.
33. Section 321.264 – Striking unattended vehicle.
34. Section 321.265 – Striking fixtures upon a highway.
35. Section 321.275 – Operation of motorcycles and motorized bicycles.
36. Section 321.278 – Drag racing prohibited.
37. Section 321.288 – Control of vehicle; reduced speed.
38. Section 321.295 – Limitation on bridge or elevated structures.
39. Section 321.297 – Driving on right-hand side of roadways; exceptions.
40. Section 321.298 – Meeting and turning to right.
41. Section 321.299 – Overtaking a vehicle.

42. Section 321.302 – Overtaking and otherwise.
43. Section 321.303 – Limitations on overtaking on the left.
44. Section 321.304 – Prohibited passing.
45. Section 321.306 – Roadways laned for traffic.
46. Section 321.307 – Following too closely.
47. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
48. Section 321.309 – Towing; convoys; drawbars.
49. Section 321.310 – Towing four-wheel trailers.
50. Section 321.312 – Turning on curve or crest of grade.
51. Section 321.313 – Starting parked vehicle.
52. Section 321.314 – When signal required.
53. Section 321.315 – Signal continuous.
54. Section 321.316 – Stopping.
55. Section 321.317 – Signals by hand and arm or signal device.
56. Section 321.319 – Entering intersections from different highways.
57. Section 321.320 – Left turns; yielding.
58. Section 321.321 – Entering through highways.
59. Section 321.322 – Vehicles entering stop or yield intersection.
60. Section 321.323 – Moving vehicle backward on highway.
61. Section 321.323A – Approaching certain stationary vehicles.
62. Section 321.324 – Operation on approach of emergency vehicles.
63. Section 321.324A – Funeral processions.
64. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
65. Section 321.330 – Use of crosswalks.
66. Section 321.332 – White canes restricted to blind persons.
67. Section 321.333 – Duty of drivers.
68. Section 321.340 – Driving through safety zone.
69. Section 321.341 – Obedience to signal of train.

70. Section 321.342 – Stop at certain railroad crossings; posting warning.
71. Section 321.343 – Certain vehicles must stop.
72. Section 321.344 – Heavy equipment at crossing.
73. Section 321.344B – Immediate safety threat; penalty.
74. Section 321.354 – Stopping on traveled way.
75. Section 321.359 – Moving other vehicle.
76. Section 321.362 – Unattended motor vehicle.
77. Section 321.363 – Obstruction to driver's view.
78. Section 321.364 – Preventing contamination of food by hazardous material.
79. Section 321.365 – Coasting prohibited.
80. Section 321.367 – Following fire apparatus.
81. Section 321.368 – Crossing fire hose.
82. Section 321.369 – Putting debris on highway.
83. Section 321.370 – Removing injurious material.
84. Section 321.371 – Clearing up wrecks.
85. Section 321.372 – School buses.
86. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
87. Section 321.381A – Operation of low-speed vehicles.
88. Section 321.382 – Upgrade pulls; minimum speed.
89. Section 321.383 – Exceptions; slow vehicles identified.
90. Section 321.384 – When lighted lamps required.
91. Section 321.385 – Head lamps on motor vehicles.
92. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
93. Section 321.387 – Rear lamps.
94. Section 321.388 – Illuminating plates.
95. Section 321.389 – Reflector requirement.
96. Section 321.390 – Reflector requirements.
97. Section 321.392 – Clearance and identification lights.

98. Section 321.393 – Color and mounting.
99. Section 321.394 – Lamp or flag on projecting load.
100. Section 321.395 – Lamps on parked vehicles.
101. Section 321.398 – Lamps on other vehicles and equipment.
102. Section 321.402 – Spot lamps.
103. Section 321.403 – Auxiliary driving lamps.
104. Section 321.404 – Signal lamps and signal devices.
105. Section 321.404A – Light-restricting devices prohibited.
106. Section 321.405 – Self-illumination.
107. Section 321.406 – Cowl lamps.
108. Section 321.408 – Back-up lamps.
109. Section 321.409 – Mandatory lighting equipment.
110. Section 321.415 – Required usage of lighting devices.
111. Section 321.417 – Single-beam road-lighting equipment.
112. Section 321.418 – Alternate road-lighting equipment.
113. Section 321.419 – Number of driving lamps required or permitted.
114. Section 321.420 – Number of lamps lighted.
115. Section 321.421 – Special restrictions on lamps.
116. Section 321.422 – Red light in front.
117. Section 321.423 – Flashing lights.
118. Section 321.430 – Brake, hitch and control requirements.
119. Section 321.431 – Performance ability.
120. Section 321.432 – Horns and warning devices.
121. Section 321.433 – Sirens, whistles and bells prohibited.
122. Section 321.434 – Bicycle sirens or whistles.
123. Section 321.436 – Mufflers, prevention of noise.
124. Section 321.437 – Mirrors.
125. Section 321.438 – Windshields and windows.
126. Section 321.439 – Windshield wipers.
127. Section 321.440 – Restrictions as to tire equipment.

- 128. Section 321.441 – Metal tires prohibited.
- 129. Section 321.442 – Projections on wheels.
- 130. Section 321.444 – Safety glass.
- 131. Section 321.445 – Safety belts and safety harnesses; use required.
- 132. Section 321.446 – Child restraint devices.
- 133. Section 321.449 – Motor carrier safety regulations.
- 134. Section 321.450 – Hazardous materials transportation.
- 135. Section 321.454 – Width of vehicles.
- 136. Section 321.455 – Projecting loads on passenger vehicles.
- 137. Section 321.456 – Height of vehicles; permits.
- 138. Section 321.457 – Maximum length.
- 139. Section 321.458 – Loading beyond front.
- 140. Section 321.460 – Spilling loads on highways.
- 141. Section 321.461 – Trailers and towed vehicles.
- 142. Section 321.462 – Drawbars and safety chains.
- 143. Section 321.463 – Maximum gross weight.
- 144. Section 321.465 – Weighing vehicles and removal of excess.
- 145. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Council 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 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.

62.06 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.

62.07 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.

62.08 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 50 of this Code of Ordinances.

62.09 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)

62.10 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.

62.11 ENGINE/COMPRESSION BRAKES PROHIBITED.

1. All drivers operating trucks within the City shall not use the engine back-pressure braking/compression braking system, commonly known as “jake brakes”, and any such use shall be deemed a violation of this section and a simple misdemeanor with a scheduled fine as set out in subsection 3.
2. This section is in the interest of protecting citizens from unnecessary noise pollution within the City limits.
3. Penalty for the first violation of this section shall be set at \$250.00. The penalty for a second or subsequent violations of this section within a twelve-month period of the first violation shall be \$500.00 and/or imprisonment up to 30 days in jail.
4. Posting of Signs. New signs will be posted noting the use of engine/compression brakes is prohibited, noting the penalty and referencing the City Code section at the following locations:
 - A. At the north entrance to the City of Bloomfield on Highway 63.
 - B. At the east and west entrances to the City of Bloomfield on Highway 2.
 - C. At the east entrance to the City of Bloomfield on J40.

(Section 62.11 – Ord. 642 – Oct. 09 Supp.)

(Subsections 3 and 4 – Ord. 705 – Dec. 20 Supp.)

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CHAPTER 63

SPEED REGULATIONS

63.01 General
63.02 State Code Speed Limits
63.03 Cemeteries and Parking Lots

63.04 Special Speed Restrictions
63.05 Minimum Speed

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

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

63.04 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State 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 5 MPH Speed Zones. A speed in excess of five (5) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Brown Street from Franklin Street to Locust Street.

2. Special 25 MPH Speed Zones. A speed in excess of twenty-five miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Washington Street from Locust Street to Chestnut Street.

B. On Jefferson Street from Columbia Street to Railroad Street.

3. Special 50 MPH Speed Zones. A speed in excess of fifty (50) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Iowa Highway No. 2 from the east corporate limits to West Street;

B. On U.S. Highway No. 63 from the north corporate limits to the south corporate limits.

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)

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-turns

64.03 Left Turn for Parking

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 left 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 Council 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. U-turns are prohibited within the business district, at intersections where there are automatic traffic signals and at the following designated intersections.

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

1. At the intersection of Franklin and Madison;
2. At the intersection of Jefferson and Madison.

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.