

# **TITLE III COMMUNITY PROTECTION**

## **CHAPTER 1 OFFENSES**

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### **3-1-1 VIOLATIONS OF CHAPTER**

Commission of any of the acts named in the following Sections by any person shall constitute a violation of this Chapter.

### **3-1-2 PUBLIC PEACE**

It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, 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. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.  
(Code of Iowa, Sec. 723.4(2))
3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.  
(Code of Iowa, Sec. 723.4(2))
4. Direct abusive language 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))
5. Without lawful authority or order 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))
6. Without authority, obstruct any street, sidewalk, highway or other public way.  
(Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

(Code of Iowa, Sec. 364.12(2)(a))

### **3-1-3 PUBLIC MORALS - INDECENT EXPOSURE**

It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.

### **3-1-4 STREETS**

1. **Removal Of Safeguards Or Danger Signals.** No person shall willfully remove, tear down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

2. **Obstructing Or Defacing Streets.** No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

(Code of Iowa, Sec. 716.1)

3. **Allowing Water, Snow, Ice And Accumulations On Sidewalk.** No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.

(Code of Iowa, Sec. 364.12(2)(b and e))

4. **Removal Of Hydrant Caps, Sewer Caps Or Manhole Covers.** No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

### **3-1-5 PUBLIC SAFETY AND HEALTH**

1. **Expectorating.** No person shall expectorate on the ground or on the floor of any structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. **Putting Glass, Etc., On Streets And Sidewalks.** No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

3. **Carrying A Concealed Weapon.** It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife unless licensed by the Iowa Department of Public Safety or having in possession a permit from the county sheriff.
4. **False Alarms.** No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.
5. **Stench Bombs.** No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.
6. **Discharging Firearms And Fireworks.**  
(Code of Iowa, Sec. 727.2)
  - a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.
  - b. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.
  - c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.
  - d. In the interest of public health and safety and at such times as approved by the Chief of Police, the police, Law Enforcement Officer or their designee

may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

- e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this Section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

**7. Possession of fireworks.**

- a. **Definition.** The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.
- b. **Exemption.** The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this subsection.
- c. **Prohibition.** No person shall possess fireworks except as provided in this chapter.

- 8. Abandoned Refrigerators.** No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

- 9. Impersonating An Officer.** No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful

to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

10. **False Reports To Law Enforcement Authorities.** No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.

(Code of Iowa, Sec. 718.6)

11. **False Reports Of Destructive Substance.** No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered.

(Code of Iowa, Sec. 712.7)

12. **Interference With Official Acts.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer 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 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.

(Code of Iowa, Sec. 719.1)

13. **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)

14. **Harassment Of City Employees.**

- a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.
- b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee.

15. **Antenna And Radio Wires.** No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

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

16. **Barbed Wire.** No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

17. **Playing In Streets.** No person shall coast, sled or play games on streets, alleys, or highways except in areas blocked off by the *Chief of Police or* Law Enforcement Officer for such purposes.

(Code of Iowa, Sec. 364.12)

18. **Wood and Other Combustible Outdoor Stoves.** No person shall install or use an outdoor wood or other combustible burning stove or heating unit unless a chimney is part of the burning unit that extends at least two (2) feet above the height of the nearest structure.

19. **Littering Prohibited.**

a. As used in this Code, "**discard**" means to place, cause to be placed, throw, deposit or drop, and "**litter**" means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Richland, except as provided and approved by the City of Richland, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one's ownership, possession or control. Yard waste may be retained more than ten (10) days if composting is being completed.

f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste is kept in place in the manner prescribed in this Code.

20. **Bomb Threats.** No person shall threaten to place or attempt to place any incendiary or explosive device or material, or any destructive substance or device in any place where it will endanger persons or property.

(Code of Iowa, Sec. 712.8)

21. **Carrying Weapons.** No person shall go armed with a dangerous weapon concealed on or about his person, or shall, within the limits of the City, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or shall knowingly carry or transport in a vehicle a pistol or revolver, provided that this section shall not apply to any of the following:

(Code of Iowa, Sec. 724.4)

- a. **Own Premises.** A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person.

(Code of Iowa, Sec. 724.4[1])

- b. **Peace Officer.** Any peace officer, when his or her duties require the person to carry such weapons.

(Code of Iowa, Sec. 724.4[2])

- c. **Armed Forces.** Any member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with his or her duties as such.

(Code of Iowa, Sec. 724.4[3])

- d. **Within Container.** Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.

(Code of Iowa, Sec. 724.4[5])

- e. **Within Vehicle.** Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

(Code of Iowa, Sec. 724.4[6])

- f. **Target Practice.** Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while engaged in lawful hunting for game in any place designated by local law as a hunting area.

(Code of Iowa, Sec. 724.4[7])

- g. **Valid Permit.** Any person who has in his or her possession and who displays to any peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a

permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.

(Code of Iowa, Sec. 724.4[8])

- h. **Correctional Officer.** Any correctional officer, when such officer's duties require, serving under the authority of the Iowa Department of Corrections.

(Code of Iowa, Sec. 724.4[4])

- 22. **Storage And Use Of Explosives.** No person shall purchase, possess, transport, store, or detonate explosive materials without first obtaining a use permit from the County Sheriff except when the explosives are possessed for the sole purpose of transporting them through the City.

(Code of Iowa, Sec. 364.12)

### **3-1-6 PUBLIC PROPERTY**

- 1. **Defacing Public Grounds.** No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.

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

- 2. **Injuring New Pavement.** No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.

(Code of Iowa, 364.12(2))

- 3. **Destroying Park Equipment.** No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

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

- 4. **Injury To Public Library Books Or Property.** No person shall willfully or recklessly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

- 5. **Defacing Or Destroying Proclamations Or Notices.** No person shall intentionally 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 of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of 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)



6. **Injury To Gravestones Or Property In Cemetery.** No person shall willfully or recklessly destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.  
(Code of Iowa, Sec. 716.1)
7. **Injury To Fire Apparatus.** No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.  
(Code of Iowa, Sec. 716.1)
8. **Injury to city ambulance or paramedic apparatus.** No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.
9. **Obstructing Or Defacing Roads.** No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.  
(Code of Iowa, Sec. 716.1)
10. **Injury To Roads, Railways, And Other Utilities.** No person shall injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.  
(Code of Iowa, Sec. 716.1)
11. **Tapping Into Utility Transmission Cables.** No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.  
(Code of Iowa, Sec. 727.8)
12. **Obstructing Ditches And Breaking Levees.** No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or

break down any levee established, constructed, or maintained under any provision of law.

(Code of Iowa, Sec. 716.1)

### **3-1-7 DISORDERLY CONDUCT**

Disorderly conduct is defined as unruly or disturbing behavior which acts to provoke a disturbance or breach of the peace and endangers the morals, health, or safety of the community. Prohibited acts that are defined as disorderly conduct include:

1. Public intoxication, urination, defecation, masturbation, or exposing a person's genitalia or buttocks.
2. Fighting (verbal and physical altercations)
3. Creating loud and offensive noise.
4. Littering
5. Loitering and Prowling
6. Vagrancy, panhandling, begging, and soliciting
7. Annoying or obstructing vehicular and pedestrian traffic on streets and walkways
8. Disturbing an assembly or ceremony
9. Defacing, destroying, or removing public property
10. Failure to disperse to the command of a peace officer (A peace officer may order the participants in a riot, unlawful assembly, or a nuisance party to disperse. No person within hearing distance of such command shall refuse to obey.)

### **3-1-8 NUISANCE PARTY DEFINED**

The definition of a nuisance party is: A social gathering or party which is conducted on premises within the City, and which, by reason of the conduct or the persons in attendance, results in one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public or private property:

- A. Public intoxication or unlawful consumption of beer, wine, or alcoholic beverages in a public place.
- B. Outdoor urination or defecation
- C. The unlawful sale, furnishing, dispensing, or consumption of beer, wine, or alcoholic beverages.
- D. Underage or unlawful possession of beer, wine, or alcoholic beverages
- E. The unlawful deposit of litter or refuse.
- F. The damage or destruction of property without the consent of the property owner
- G. Unlawful pedestrian or vehicular traffic
- H. Standing, sitting, or the parking of a vehicle that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services.
- I. Unlawfully loud noise
- J. Fighting or any other conduct or conditions that threatens injury to persons or damage to property is hereby to be an unlawful public nuisance.

### **3-1-9 DUTY TO CONTROL PREMISES**

Any person who is an owner, occupant, or tenant, or otherwise having any possessory control individually or jointly with others, on any premises who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises which is or becomes a public nuisance as defined above, and which nuisance is either the intentional results of, or within the reasonable expectations of the person or persons having such possessory control is deemed to be in violation of this section.

### **3-1-10 VACATION OF PREMISES**

A party or social gathering that is or becomes a public nuisance as defined above shall cease and disperse immediately upon the order of any peace officer, and all persons not domiciled at the site of such social gathering or party shall leave by the premises immediately. Any person who fails or refuses to obey and abide by such order shall be guilty of a violation of this section.

### **3-1-11 PENALTY**

Violation of this section shall be a municipal infraction punishable by a penalty of one hundred dollars (\$100) for a person's first violation thereof and two hundred dollars (\$200) for each subsequent or repeat violation. Alternatively, violations of this section can be charged by a peace officer of the City as a simple misdemeanor.



# **TITLE III COMMUNITY PROTECTION**

## **CHAPTER 2 NUISANCES**

3-2-1	Definitions	3-2-8	Request for Hearing and Appeal
3-2-2	Nuisances Prohibited	3-2-9	Abatement in Emergency
3-2-3	Other Conditions Regulated	3-2-10	Abatement by Municipality
3-2-4	Grass and Weeds	3-2-11	Collection of Cost of Abatement
3-2-5	Notice to Abate Nuisance or Condition	3-2-12	Installment Payment of Cost of Abatement
3-2-6	Contents of Notice to Abate	3-2-13	Condemnation of Nuisance
3-2-7	Method of Service	3-2-14	Failure to Abate

### **3-2-1 DEFINITIONS**

For use in this ordinance, the following terms are defined:

1. NUISANCES DECLARED. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:  
(Code of Iowa, Sec. 657.1)
  - a. The 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.  
(Code of Iowa, Sec. 657.2(1))
  - b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.  
(Code of Iowa, Sec. 657.2(2))
  - c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.  
(Code of Iowa, Sec. 657.2(3))
  - d. The polluting 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.  
(Code of Iowa, Sec. 657.2(4))

- e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

(Code of Iowa, Sec. 657.2(5))

- f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2(6))

- g. 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, especially near intersecting streets.

(Code of Iowa, Sec. 657.2(7))

- h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the city.

- i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.

(Code of Iowa, Sec. 657.2(8))

- j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire resistant construction.

(Code of Iowa, Sec. 657.2(9))

- k. The emission of dense smoke, noxious fumes, or fly ash.

(Code of Iowa, Sec. 657.2(10))

- l. Weeds. Any condition relating to weeds which is described as a nuisance in the Richland Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code.

(Code of Iowa, Sec. 657.2(11))

- m. Trees infected with Dutch elm disease.

(Code of Iowa, Sec. 657.2(12))

- n. Effluent from septic tank or drain field running or ponding on the ground in the open.
- o. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.  
(Code of Iowa, Sec. 716.1)
- p. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.  
(Code of Iowa, Sec. 657.2)
- q. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Keokuk County Public Health Department and junk or salvage materials property stored in accordance with the Richland Municipal Code;
- r. Diseased or damaged trees or shrubs. Any dead, diseased or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.
- t. Any ditch, drain or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basis not maintained in an appropriate manner so as to allow its proper function.
- u. Stagnant water standing on any property, any property, container or material kept in such condition that water can accumulate and stagnate.
- v. Conditions which are conducive to the harborage or breeding of vermin.
- w. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.
- x. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have

failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Keokuk County Department of Health regulation.

y. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

z. Dangerous buildings or structures.

aa. Abandoned buildings.

bb. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

cc. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Richland Municipal Code of Ordinances.

dd. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Richland Municipal Code of Ordinances.

ee. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with the City's Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.

ff. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Richland Municipal Code of Ordinances.



gg. The parking of motor vehicles on private property without the consent of the property owner or responsible party.

hh. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

ii. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.

jj. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.

kk. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

ll. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 7:00 a.m. and 9:00 p.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.

mm. No person shall obstruct, deface, destroy or injure any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

nn. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may injure or damage any person, animal or vehicle or which may annoy, injure or become dangerous to the health, comfort or property of individuals or the public.

oo. No person shall allow any plants to grow uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of 8 inches or more, nor shall any person allow their grass to grow unattended with a consistent height above 8 inches.

pp. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place that prejudices others.

qq. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, lot, vacant or occupied.

rr. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

ss. Pools and ponds containing stagnant water.

tt. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.

uu. Rusty, deteriorated, dilapidated or unusable play equipment visible from any adjoining property.

vv. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.

2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Code of Iowa, Sec. 364.12)

### **3-2-2 NUISANCES PROHIBITED**

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

(Code of Iowa, Sec. 657.3)

### **3-2-3 OTHER CONDITIONS REGULATED**

The following actions are required and may also be abated in the manner provided in this ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.  
(Code of Iowa, Sec. 364.12(3)(b))
2. The removal, repair, or dismantling of dangerous buildings or structures.  
(Code of Iowa, Sec. 364.12(3)(c))
3. The numbering of buildings.  
(Code of Iowa, Sec. 364.12(3)(d))
4. The connection to public drainage systems from abutting property when necessary for public health or safety.  
(Code of Iowa, Sec. 364.12(3)(e))
5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.  
(Code of Iowa, Sec. 364.12(3)(f))
6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.  
(Code of Iowa, Sec. 364.12(3)(g))
7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in section 3-2-3(1).

### **3-2-4 GRASS AND WEEDS**

The maximum height of grass and/or weeds shall be six (6) inches. The property owner and occupant are jointly and severally responsible for mowing the abutting space between the lot line and the curb line or edge of the traveled portion of the street right-of-way and one-half of any alley abutting the property. A lot may be exempted from the foregoing provision on the following conditions:

1. All owners of property abutting such lot must consent in writing.
2. A firebreak thirty (30) feet in width on all sides of such lot shall be mowed to the height of not more than eight (8) inches.
3. The property owners shall assume in writing all liability for such condition and indemnify the City for any claims or damages related thereto.
4. The property is utilized for pasture, grazing, or zoned in an agricultural district.

All weeds or tall grass must be cut by May 15, June 15, July 15, August 15, September 15, and October 15 respectively each year.

If any lot or parcel of ground containing grass or weeds in excess of six inches in height is not cut by the above dates. The City will cause the same to be cut and the cost assess to the property owners. The charges for said mowing shall be not less than \$75.00 for the first offence, \$100.00 for the second offence, and \$125.00 for the third offense.

### **3-2-5 NOTICE TO ABATE NUISANCE OR CONDITION**

Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists which is listed in Section 3, the Mayor or officer shall notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice.

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

### **3-2-6 CONTENTS OF NOTICE TO ABATE**

The notice to abate shall contain:

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

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition 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.

### **3-2-7 METHOD OF SERVICE**

The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

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

### **3-2-8 REQUEST FOR HEARING AND APPEAL**

Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or

prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

### **3-2-9 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 that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

### **3-2-10 ABATEMENT BY MUNICIPALITY**

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk, who shall pay such expenses on behalf of the municipality.

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

### **3-2-11 COLLECTION OF COST OF ABATEMENT**

The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

### **3-2-12 INSTALLMENT PAYMENT OF COST OF ABATEMENT**

If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

### **3-2-13 CONDEMNATION OF NUISANCE**

The City may condemn a residential building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)



# **TITLE III COMMUNITY PROTECTION**

## **CHAPTER 3 TRAFFIC CODE**

- 3-3-1 Short Title
- 3-3-2 Definitions
- 3-3-3 Traffic Accident Reports
- 3-3-4 Police Department/Law Enforcement Officer to Submit Annual Reports

### **ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

- 3-3-5 Authority of Police and Fire Department Officials
- 3-3-6 Required Obedience to Provisions of this Chapter and State Law

### **TRAFFIC CONTROL DEVICES**

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### **3-3-1 SHORT TITLE**

This Chapter may be known and cited as the "Traffic Code".

### **3-3-2 DEFINITIONS**

Where words and phrases used in this Chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.



3. "Stop", when required means complete cessation of movement.
4. "Stop or stopping", when prohibited, means 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 police officer, Law Enforcement Officer or traffic-control sign or signal.
5. "Business district" means the territory contiguous to and including a highway or major roadway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
6. "Residential districts" means all areas of the City not included in business districts.  
(Code of Iowa, Sec. 321.1)

### **3-3-3 TRAFFIC ACCIDENT REPORTS**

The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report shall be filed with the Chief of Police or Law Enforcement Officer. All such reports shall be for the confidential use of the police department or Law Enforcement Officer and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.  
(Code of Iowa, Sec. 321.266)

### **3-3-4 POLICE DEPARTMENT/LAW ENFORCEMENT OFFICER TO SUBMIT ANNUAL REPORTS**

The Police Chief or Law Enforcement Officer shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

## **ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

### **3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS**

Provisions of this Chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

### **3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW**

Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this Chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this Chapter. These Sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.
15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.

- 38. 321.310 Unlawful towing of four-wheeled trailer.
- 39. 321.311 Turning from improper lane.
- 40. 321.312 Making U-turn on curve or hill.
- 41. 321.313 Unsafe starting of a stopped vehicle.
- 42. 321.314 Unsafe turn or failure to give signal.
- 43. 321.315 Failure to give continuous turn signal.
- 44. 321.316 Failure to signal stop or rapid deceleration.
- 45. 321.317 Signal light requirements; see equipment violation.
- 46. 321.318 Incorrect hand signal.
- 47. 321.319 Failure to yield to vehicle on right.
- 48. 321.320 Failure to yield upon left turn.
- 49. 321.321 Failure to yield upon entering through highway.
- 50. 321.322 Failure to obey stop or yield sign.
- 51. 321.323 Unsafe backing on highway.
- 52. 321.324 Failure to yield to emergency vehicle.
- 53. 321.325 Pedestrian disobeying traffic control signal.
- 54. 321.326 Pedestrian walking on wrong side of highway.
- 55. 321.327 Pedestrian right-of-way.
- 56. 321.328 Pedestrian failing to use crosswalk.
- 57. 321.329 Vehicle failing to yield to pedestrian.
- 58. 321.331 Soliciting ride from within roadway.
- 59. 321.332 Unlawful use of white cane.
- 60. 321.333 Failure to yield to blind person.
- 61. 321.340 Driving in or through safety zone.
- 62. 321.341 Failure to properly stop at railroad crossing.
- 63. 321.342 Failure to obey stop sign at railroad crossing.
- 64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
- 65. 321.344 Unlawful movement of construction equipment across railroad track.
- 66. 321.353 Unsafe entry into sidewalk or roadway.
- 67. 321.354 Stopping on traveled part of highway.
- 68. 321.358 Stopping, standing, or parking where prohibited.
- 69. 321.360 Prohibited parking in front of certain buildings.
- 70. 321.361 Parking too far from curb/angular parking.
- 71. 321.362 Parking without stopping engine and setting brake.
- 72. 321.363 Driving with obstructed view or control.
- 73. 321.365 Coasting upon downgrade.
- 74. 321.366 Improper use of median, curb, or controlled access facility.
- 75. 321.367 Failure to maintain distance fire-fighting vehicle.
- 76. 321.368 Crossing unprotected fire hose.
- 77. 321.369 Putting debris on highway/roadway.
- 78. 321.370 Removing injurious material.
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- 80. 321.372 School bus provisions.
- 81. 321.377 Excessive speed of school bus.
- 82. 321.381 Driving or towing unsafe vehicle.
- 83. 321.382 Operating underpowered vehicle.

- 84. 321.383 Failure to display reflective device on slow-moving vehicles.
- 85. 321.384 Failure to use headlamps when required.
- 86. 321.385 Insufficient number of headlamps.
- 87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
- 88. 321.387 Improper rear lamp.
- 89. 321.388 Improper registration plate lamp.
- 90. 321.389 Improper rear reflector.
- 91. 321.390 Reflector requirements.
- 92. 321.391 Improper type of reflector.
- 93. 321.392 Improper clearance lighting on truck or trailer.
- 94. 321.393 Lighting device color and mounting.
- 95. 321.394 No lamp or flag on rear-projecting load.
- 96. 321.395 Parking on certain roadways without parking lights.
- 97. 321.397 Improper light on bicycle.
- 98. 321.398 Improper light on other vehicle.
- 99. 321.402 Improper use of spotlight.
- 100. 321.403 Improper use of auxiliary driving lights.
- 101. 321.404 Improper brake light.
- 102. 321.408 Back-up lamps.
- 103. 321.409 Improperly adjusted headlamps.
- 104. 321.415 Failure to dim.
- 105. 321.419 Improper headlighting when night driving.
- 106. 321.420 Excessive number of driving lights.
- 107. 321.422 Lights of improper color-front or rear.
- 108. 321.423 Special light signal provision.
- 109. 321.430 Defective braking equipment.
- 110. 321.431 Brake performance ability.
- 111. 321.432 Defective audible warning device.
- 112. 321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
- 113. 321.434 Use of siren or whistle on bicycle.
- 114. 321.436 Defective or unauthorized muffler system.
- 115. 321.437 Mirrors
- 116. 321.438 Windshields
- 117. 321.439 Defective windshield wiper.
- 118. 321.440 Defective tires.
- 119. 321.441 Unauthorized use of metal tire or track.
- 120. 321.442 Unauthorized use of metal projection on wheels.
- 121. 321.444 Failure to use safety glass.
- 122. 321.445 Failure to maintain or use safety belts.
- 123. 321.446 Failure to secure child.
- 124. 321.449 Special regulations.
- 125. 321.450 Hazardous materials.
- 126. 321.454 Width and length violations.
- 127. 321.455 Excessive side projection of load — passenger vehicle.
- 128. 321.456 Excessive height.

- |      |         |   |
|------|---------|---|
| 129. | 321.457 | Excessive length.   |
| 130. | 321.458 | Excessive projection from front of vehicle.                                 |
| 131. | 321.459 | Excessive weight — dual axels (each over 2000 lb. over).                    |
| 132. | 321.460 | Spilling loads on highways.   |
| 133. | 321.461 | Excessive tow-bar length.   |
| 134. | 321.462 | Failure to use required towing equipment.                                   |
| 135. | 321.463 | Maximum gross weight.   |
| 136. | 321.466 | Gross weight in excess of registered gross weight (for each 2000 lb. over). |

## **TRAFFIC CONTROL DEVICES**

### **3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES**

The Chief of Police or Law Enforcement Officer shall cause to be placed and maintained traffic-control devices when and as required under this Chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Chief of Police or Law Enforcement Officer shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)

### **3-3-8 CHIEF OF POLICE/LAW ENFORCEMENT OFFICER TO DESIGNATE CROSSWALKS, ESTABLISH AND MARK TRAFFIC LANES**

The Chief of Police or Law Enforcement Officer is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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.
2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where 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 a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

### **3-3-9 PLAY STREETS**

The Chief of Police or Law Enforcement Officer has the authority to declare any street or part thereof a play street and to place 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 the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

### **SPEED REGULATIONS**

#### **3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES SPEED LIMIT**

No person shall operate any motor or other vehicle upon the streets or alleys of the City of Richland, Iowa, at a greater speed than twenty-five miles per hour.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. **Increased speed limit:**

2. **Lower speed limit:**

(Code of Iowa, Sec. 321.290)

### **TURNING MOVEMENTS**

#### **3-3-11 TURNING MARKERS, BUTTONS AND SIGNS**

The Chief of Police or Law Enforcement Officer 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 by the State law 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 the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

#### **3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNS**

The Chief of Police or Law Enforcement Officer is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

#### **3-3-13 OBEDIENCE TO NO-TURN SIGNS**

Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

### **3-3-14 "U" TURNS**

It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

### **ONE-WAY STREETS AND ALLEYS**

#### **3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS**

Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police or Law Enforcement Officer shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this Section.

#### **3-3-16 ONE-WAY STREETS AND ALLEYS**

Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

#### **3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS**

The Chief of Police or Law Enforcement Officer is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police or Law Enforcement Officer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this Section.

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this Section: None.

### **SPECIAL STOPS REQUIRED**

#### **3-3-18 THROUGH HIGHWAYS**

Streets or portions of streets described below are declared to be through highways:

1. Oak Street; from Highway 78 to north city limits.  
(Code of Iowa, Sec. 321.345 and 321.350)

#### **3-3-19 AUTHORITY TO ERECT STOP SIGNS**

Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police or Law Enforcement Officer to cause to be placed and maintained a

stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

### **3-3-20      STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS**

At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Chief of Police or Law Enforcement Officer is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

### **3-3-21      STOP WHEN TRAFFIC IS OBSTRUCTED**

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

### **3-3-22      SCHOOL STOPS**

When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

## **PEDESTRIANS' RIGHTS AND DUTIES**

### **3-3-23      PROHIBITED CROSSING**

Pedestrians crossing a street in the business district shall cross in the crosswalks only.  
(Code of Iowa, Sec. 321.327)

### **3-3-24      PEDESTRIANS ON LEFT**

Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.  
(Code of Iowa, Sec. 321.326)

## **METHOD OF PARKING**

### **3-3-25      STANDING OR PARKING CLOSE TO CURB**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.  
(Code of Iowa, Sec. 321.361)



**3-3-26      STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY  
STREETS**

No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

**3-3-27      SIGNS OR MARKINGS INDICATING ANGLE PARKING**

The Chief of Police or Law Enforcement Officer, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

**3-3-28      OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS**

Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

**STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES**

**3-3-29      STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED  
PLACES**

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or Law Enforcement Officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer or Law Enforcement Officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.

### **3-3-30 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING**

When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police or Law Enforcement Officer may cause curbings to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police or Law Enforcement Officer, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

(Code of Iowa, Sec. 321.358(10))

### **3-3-31 AUTHORITY TO IMPOUND VEHICLES**

Members of the police department or Law Enforcement Officers are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical

injury incapacitated to such an extent as to be unable to provide for its custody or removal.

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.
3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.
4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

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

## **STOPPING, STANDING OR PARKING**

### **3-3-32 PARKING SIGNS REQUIRED**

Whenever by this or any other Chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief or Law Enforcement Officer to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

### **3-3-33 PROHIBITED PARKING DURING SNOW EMERGENCY**

No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the Chief of Police or Law Enforcement Officer is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Police Chief or Law Enforcement Officer shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

### **3-3-34 ALL-NIGHT PARKING PROHIBITED**

No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

### **3-3-35 TRUCK PARKING LIMITED**

Trucks licensed for five tons or more shall not be parked at the following locations on the streets named:

#### **3-3-35 A ON-STREET PARKING OF UNHITCHED TRAILERS**

On-street parking of unhitched trailers is prohibited in the City of Richland, Iowa.

1. No person shall park any trailer which is not both self-propelled and properly licensed as a motorized vehicle at any time on any public street unless the trailer is attached to a motorized vehicle.
2. The foregoing provision shall not apply to:
  - a. Any moving trailer, temporarily parked adjacent to a site associated with the collection, delivery, or removal of home furnishings.
  - b. Any unhitched construction trailer temporarily parked adjacent to an active, permitted construction or demolition site, provided that:
    - i. Proper building and/or demolition permits have been obtained; the construction trailer is not left standing in excess of 72 hours.
3. Towing: Law enforcement officers and/or their designees are authorized to remove any trailer found to be in violation of this section after notice has been posted on that trailer at least 24 hours prior to it being removed.
4. Definitions:

As used in this chapter:

“Construction trailer” shall mean any non-motorized vehicle for which evidence can be provided reasonably demonstrating the trailer is: 1) validly registered with the Iowa Department of Motor Vehicles and either 2) owned by a certified construction company that is providing actual construction or demolition services to the occupants of real property immediately adjacent to the location of the trail; or 3) is owned or rented by an occupant of real property immediately adjacent to the location of the trailer and is being used for construction purposes by that occupant.

“Moving trailer” shall mean any fully enclosed, non-motorized vehicle for which evidence can be provided reasonably demonstration the trail is: 1) validly registered with the Iowa Department of Motor Vehicles and either 2) owned by a certified moving company that is providing actual moving services to the occupants of real property immediately adjacent to the location of the trailer, or 3) is owned or rented by an occupant of real property immediately adjacent to the location of the trailer and is being or will be used for moving purposes by that occupant.

"Semitrailer" and "Trailer" shall be defined as in the Iowa Code.

"Street" means a way or place, of whatever nature, open to use by the public as a matter of right for the purpose of vehicular travel. "Street" included the legal right-of-way, including but not limited to, traffic lanes, curbs, sidewalks, wither paved or unpaved, and any grass plots or other grounds found within the legal right-of-way. "Street" applies irrespective of what the legal right of way is formally called, whether alley, avenue, court, road, or otherwise.

## **MISCELLANEOUS DRIVING RULES**

### **3-3-36 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS**

The driver of a vehicle shall not drive upon or within any sidewalk area.

### **3-3-37 CLINGING TO VEHICLES**

No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

### **3-3-38 PARKING FOR CERTAIN PURPOSES PROHIBITED**

No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City.
4. Storage or as junk or dead storage for more than forty-eight hours.

### **3-3-39 DRIVING THROUGH FUNERAL OR OTHER PROCESSION**

No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

### **3-3-40 DRIVERS IN A PROCESSION**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

### **3-3-41 FUNERAL PROCESSIONS TO BE IDENTIFIED**

A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department or Law Enforcement Officers.

### **3-3-42 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS**

When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the city: None.

### **3-3-43 TRUCK ROUTES**

1. Every motor vehicle licensed for five tons or more, having no fixed terminal within the City or making no schedule or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the City and none other: None.
2. Any motor vehicle licensed for five tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this Section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.
3. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this Section.

### **3-3-44 VEHICULAR NOISE**

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.
2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

### **3-3-45 ENGINE AND COMPRESSION BRAKES**

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

## **BICYCLE REGULATIONS**

### **3-3-46 DEFINITIONS.**

For the purpose of this chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:
  - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
  - b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)

### **3-3-47 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

### **3-3-48 RIDING ON BICYCLES**

A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

### **3-3-49 RIDING ON ROADWAYS AND BICYCLE PATHS**

Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

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

### **3-3-50      SPEED**

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

### **3-3-51      EMERGING FROM ALLEY OR DRIVEWAY**

The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

### **3-3-52      CARRYING ARTICLES**

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

### **3-3-53      PARKING**

Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

### **3-3-54      RIDING ON SIDEWALKS**

No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

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

### **3-3-55      LAMPS AND OTHER EQUIPMENT ON BICYCLES**

Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

## **SNOWMOBILES AND ALL-TERRAIN VEHICLES**

### **3-3-56      DEFINITIONS.**

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.



2. "All-terrain vehicle" means a motor vehicle designed to travel on two or more wheels and designed primarily for off-road recreational use but not including farm tractors or equipment, construction equipment, forestry vehicles, golf carts, or lawn and grounds maintenance vehicles.
3. "Operate" means to control the operation of a snowmobile or ATV.
4. "Operator" means a person who operates or is in actual control of a snowmobile or ATV.

### **3-3-57 PERMITTED AREAS OF OPERATION**

Snowmobiles will be allowed to operate in the City as follows:

The route established herein shall be the only permitted snowmobile or ATV route and the snowmobiles or ATVs shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

### **3-3-58 REGULATIONS**

It shall be unlawful for any person to operate a snowmobile or ATV under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile or ATV registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile or ATV on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.
7. No person shall operate a snowmobile in the City from twelve o'clock (12:00) a.m. to ten o'clock (5:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

### **3-3-59 EQUIPMENT REQUIRED**

All snowmobiles ATVs operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.
2. Adequate brakes in good condition and at least one headlight and one taillight.
3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

### **3-3-60 UNATTENDED VEHICLES**

It is unlawful for the owner or operator to leave or allow a snowmobile or ATV to be or remain unattended on public property while the motor is running or the key left in the ignition.

### **3-3-61 RESTRICTION OF OPERATION**

The City Council may, by resolution, prohibit the operation of snowmobiles or ATVs within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

### **3-3-62 TRAFFIC REGULATION**

Each person operating a snowmobile or ATV shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer or Law Enforcement Officer of the City authorized to direct or regulate traffic.

### **PENALTIES AND PROCEDURE ON ARREST**

#### **3-3-63 CITATION PLACED ON ILLEGALLY PARKED VEHICLE**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the Section titled "LOCAL PARKING FINES" in this Chapter at the City Clerk's office as provided therein.

#### **3-3-64 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING**

In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such

**REGULATIONS FOR USE OF ALL-TERRAIN OR OFF-ROAD UTILITY VEHICLES ON ROADWAYS IN THE CITY OF RICHLAND.**

**Be it enacted by the Richland city council of Richland, Iowa**

**SECTION 1 – PURPOSE**

The purpose of this ordinance is to identify regulations regarding all-terrain vehicle and/or off-road utility vehicle operation on the portion of the city roads as designated by the Richland City Council and the city streets in Richland as designated by all streets/roadways including that portion of highway W15 that is within the city limits of Richland.

**SECTION 2 – DEFINITIONS**

1. ATV "All-Terrain Vehicle" means a motorized vehicle with not less than three wheels and not more than six nonhighway tires that is limited in engine displacement to less than one thousand (1000) cubic centimeters and in total dry weight to less than one thousand two hundred (1200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2. "Off-Road Utility Vehicle" (UTV) means a motorized flotation-tire vehicle with not less than four and not more than eight low pressure tires that is limited in engine displacement to less than 1500 cubic centimeters and in total dry weight to not more than the 1800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

3. "Registered" means the vehicle is currently registered with the County Recorder pursuant to Iowa Code Chapter 321I.

4. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

**SECTION 3 – OPERATION ON ROADWAYS PERMITTED**

A registered ATV or UTV may be operated on the paved, or the shoulder of paved, and gravel, not in the ditch, of all roadways in the City of Richland, Iowa. Operation of an ATV and/or UTV on Richland roadways is not permitted between the hours of 12:00 midnight and 5:00am. The operator of an ATV and/or UTV must obey all applicable provisions of the Code of Ordinances of the City of Richland and Code of Iowa related to motor vehicle traffic and parking regulations.

**SECTION 4 – RESTRICTIONS**

1. A person shall not drive or operate an ATV and/or UTV:

- a. At a rate of speed greater than 35 miles per hour.
- b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- c. While under the influence of intoxicating liquor, narcotics or habit-forming drugs.
- d. Without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a distance of three hundred feet ahead and behind.
- e. Without adequate brakes.

2. A person shall not operate an ATV and/or UTV with more persons on the vehicle than it is

designed to carry.

3. A person shall not operate an ATV and/or UTV unless the operator has a valid Iowa driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Dept. of Natural Resources (IA DNR), and the operator has proof of insurance.
4. A person operating an ATV and/or a UTV who is 16 or 17 years old, shall be required to take and pass an Iowa DNR approved ATV Education Course and provide proof of the same.
5. A person shall not discharge a firearm while on an ATV or UTV, except that a nonambulatory person may discharge a firearm from an ATV or UTV while lawfully hunting if the person is not operating or riding a moving vehicle.
6. This ordinance does not apply to a person who operates an ATV and/or UTV for agricultural or other purposes as permitted in Iowa Code Section 321.234A.

#### SECTION 5 – PENALTIES

Violation of this ordinance constitutes a Simple Misdemeanor, punishable by a fine of at least \$105 and no more than \$855 and/or up to 30 days in jail.

#### SECTION 6 – REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### SECTION 7 – SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be judged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

#### SECTION 8 – WHEN EFFECTIVE


This ordinance shall be in effect after final passage, approval and publication as provided by law.

PASSED and ADOPTED by the Richland City council on this 2 day of November 2020.

  
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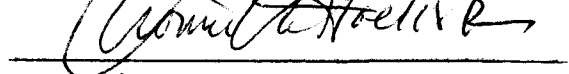
  
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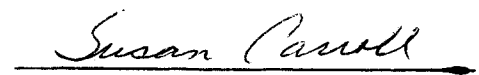
Mayor

First Reading 10/14/20

Second Reading 11/2/20

Third Reading waived

Published 11/13/20

  
ATTEST: City Clerk

vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

### **3-3-65 LOCAL PARKING FINES**

Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within seven days of the violation, for the following parking violations:

- |    |                             |          |
|----|-----------------------------|----------|
| 1. | <b>Overtime parking</b>     | \$ 25.00 |
| 2. | <b>Prohibited parking</b>   | \$ 25.00 |
| 3. | <b>No parking zone</b>      | \$ 25.00 |
| 4. | <b>Blocking alley</b>       | \$ 25.00 |
| 5. | <b>Illegal parking</b>      | \$ 25.00 |
| 6. | <b>Street cleaning</b>      | \$ 25.00 |
| 7. | <b>Snow removal ban</b>     | \$ 25.00 |
| 8. | <b>Persons with</b>         | \$100.00 |
|    | <b>Disabilities parking</b> |          |

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

Note: Legislature allows cities to set parking fines

### **3-3-65 LOCAL TRAFFIC VIOLATION FINES**

Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within seven days of the violation, for the following traffic violations:

1. 321.32, 321.174, 321.189, 321.193, and 321.218 through 321.224—display of registration and license to drive-\$25.00
2. 321.229 through 321.234A—obedience to a peace officer and responsibility of public officers, emergency vehicles, and bicycles to obey traffic regulations-\$25.00
3. 321.256 through 321.260—traffic sign, signals and markings, including right or left turns on red-\$25.00
4. 321.261 through 321.268—accidents and accident reporting- \$25.00
5. 321.275—operation of motorcycles-\$25.00
6. 321.277, 321.277A, 321.278, 321.285, 321.288, 321.290, 321.294, and 321.295—reckless driving, careless driving, drag racing, speed, control of vehicle, and minimum speed-\$25.00
7. 321.297 through 321.299, 321.302 through 321.310—driving on right, meeting, overtaking, following or towing-\$25.00
8. 321.311 through 321.318—turning and starting, signals on turning and stopping--\$25.00
9. 321.319 through 321.324—right of way and entering through highways and approaching certain stationary vehicles-\$25.00
10. 321.325 through 321.334 and 321.340—pedestrian rights and duties and safety zones-\$25.00
11. 321.341 through 321.344—railroad crossings-\$25.00
12. 321.353 through 321.260—stop at sidewalks, stopping, standing and parking-\$25.00
13. 321.362 through 321.371—unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire house, and putting glass, etc. on streets-\$25.00
14. 321.384 through 312.390, 321.392 through 321.398, 321.402 through 321.406, 321.408, 321.409, 321.415, 321.418 through 321.423—lighting equipment required and time of use-\$25.00
15. 321.430 through 321.434, 321.436 through 321.446, 321.449 and 321.450—brakes, horns, sirens, mufflers, wipers, mirrors, tires, windows, safety belts, and special markings for transporting explosives-\$25.00
16. 321.452 through 321.463, 321.465 and 321.466—size, weight and load-\$25.00
17. Municipal violations 3-3-68 through 3-3-69—Snowmobiles and ATV's-\$25.00

### **3-3-67 FAILURE TO PAY PARKING AND TRAFFIC VIOLATION CITATIONS**

If a violator of the restrictions under the parking and/or traffic violation Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking and/or traffic violation citation affixed to such motor vehicle within the thirty days, the City shall send the owner of the motor vehicle to which the parking and/or traffic violation citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from the date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

## **OFF-ROAD VEHICLES**

### **3-3-68 DEFINITIONS**

For use in this Chapter the following term is defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain" vehicle includes off-road utility vehicles as defined in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(Code of Iowa, Sec 321.1)

Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.
3. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

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

### **3-3-69 PROHIBITIONS.**

No person shall operate an ATV, off-road motorcycle or off-road utility vehicle in the city.

## **GOLF CARTS**

### **3-3-70 DEFINITIONS**

For use in this ordinance "golf cart" is defined as a motorized 4-wheeled vehicle design to transport person(s) on a golf course.

### **3-3-71      OPERATION OF GOLF CARTS**

Golf carts may be operated on City streets by persons possessing a valid driver's license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa



## **TITLE III COMMUNITY PROTECTION**

### ***CHAPTER 4 STANDARD OPERATING GUIDELINES***

The Richland City Council by resolution may establish Standard Operating Guidelines for the performance of the Richland Police Department regarding policies and procedures in accordance with the Code of Iowa.



## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 5 FIRE PROTECTION**

**3-5-1 Establishment and Purpose**

**3-5-2 Volunteer Fire Fighters**

**3-5-3 Fire Fighter's Duties**

**3-5-4 Worker's Compensation and  
Hospitalization Insurance**

**3-5-5 Liability Insurance**

**3-5-6 Fires Outside City Limits**

#### **3-5-1 ESTABLISHMENT AND PURPOSE**

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

(Code of Iowa, Sec. 364.16)

#### **3-5-2 VOLUNTEER FIRE FIGHTERS**

Residents of *RICHLAND*, Iowa, at least age eighteen (18) shall be appointed to serve as a volunteer fire fighter. Prior to appointment as a volunteer fire fighter and every two years (or insurance carrier mandate) thereafter a volunteer fire fighter must pass a medical physical examination.

(Code of Iowa, Sec. 362.10)

#### **3-5-3 FIRE FIGHTER'S DUTIES**

When called by the chief, all fire fighters shall report for duty immediately in the manner directed by the chief. They shall be subject to call at any time. They shall obey strictly the commands of any other fire fighter who has been appointed by the chief to be in command temporarily. Fire fighters shall report for training as ordered by the chief.

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

#### **3-5-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE**

The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters. All volunteer fire fighters shall be covered by the contract.

#### **3-5-5 LIABILITY INSURANCE**

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

#### **3-5-6 FIRES OUTSIDE CITY LIMITS**

The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
RICHLAND, IOWA, BY AMENDING PROVISIONS PERTAINING TO  
THE FIRE DEPARTMENT**

BE IT ENACTED by the City Council of the City of Richland, Iowa:

TITLE III, CHAPTER 5 of the Code of Ordinances of the City of Richland, Iowa 2018, is repealed and the following adopted in lieu thereof:

**FIRE DEPARTMENT**

**3-5-1: ESTABLISHMENT AND PURPOSE:**

**3-5-2: ORGANIZATION:**

**3-5-3: COMPENSATION:**

**3-5-3: RESIDENCY:**

**3-5-5: TRAINING:**

**3-5-6: FIRE CHIEF; DUTIES:**

**3-5-7: ACCIDENTAL INSURANCE**

**3-5-8: LIABILITY INSURANCE:**

**3-5-9: CALLS OUTSIDE THE CITY:**

**3-5-10: MUTUAL AID:**

**3-5-11: AUTHORITY TO CITE VIOLATIONS:**

**3-5-12: OBEDIENCE TO FIRE CHIEF:**

**3-5-13: AUTHORITY OF COUNCIL:**

**3-5-14: ORDINANCE UPDATES/REVISIONS**

**3-5-15: SEVERABILITY CLAUSE:**

**3-5-16: WHEN EFFECTIVE:**

**3-5-1: ESTABLISHMENT AND PURPOSE:**

A fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, to respond to hazardous conditions, and to answer all emergency calls for which there is no other established agency. *(Code of Iowa Sec. 363.16)*

**3-5-2: ORGANIZATION:**

The department shall consist of the fire chief and such other officers and personnel as may be authorized by the council. The department shall be headed by a fire chief who is appointed by the Mayor with the approval of the City Council. The department shall include volunteer members. *(Code of Iowa, Sec. 372.13 [3])*

**3-5-3: COMPENSATION:**

Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council. *(Code of Iowa Sec. 372.13[3])*

**3-5-3: RESIDENCY:**

Members of the fire department are not required to be residents of the city of Richland provided they are able to timely respond to a fire call.

**3-5-5: TRAINING:**

All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.  
*(Code of Iowa, Sec. 372.13[3])*

### **3-5-6: FIRE CHIEF; DUTIES:**

The fire chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following: (*Code of Iowa, Sec. 372.13[3]*)

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention, fire code enforcement and the investigation of the cause, origin and circumstances of fires.
2. Appointment and Removal: The Fire Chief shall be appointed and may be discharged by the Mayor subject to final approval of the city council. Appointments to officer vacancies will be at the discretion of the Fire Chief, subject to final approval by the City Council. In case of the absence of the chief, the officer next in rank, or the Fire Chief's designee, shall be in charge and have and exercise all powers of the chief. In the case of the removal or departure of the Fire Chief, an interim Fire Chief will be appointed by the Mayor.
3. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits, and development of fire emergency plans.
4. Personnel. Recruit, select, and train personnel to provide the necessary proficiency level for fire and other emergency service responses.
5. Training. Designating personnel, with the City Council approval, to attend schools and courses concerned with fire and rescue service and all reasonably related subjects.
6. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties. (*Code of Iowa, Sec. 102.2*)
7. Rules. Have the power, in the exercise of duties, to prescribe, promulgate, and enforce rules and regulations for the governance of the members and employees of the Fire Department, which shall, however, not be inconsistent with this Code of Ordinances or the laws of the State; and provide every member of the department with a copy of these rules and regulations. Any change or amendment to the same, before being effective, must be approved by the City Council.
8. Command: Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the fire chief.
9. Property: Be responsible for the proper maintenance of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.
10. Notification: Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000.00) has occurred as a result of a fire, or if arson is suspected, notify the state fire marshal's division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the fire department, file a report with the fire marshal's division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents. (*Code of Iowa, Sec. 102.12*)

11. Right of Entry: Have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises within the fire chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare. *(Code of Iowa, Sec. 102.12)*

12. Recommendation: Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards. *(Code of Iowa, Sec. 102.13)*

13. Assist State Fire Marshal: At the request of the state fire marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires. *(Code of Iowa, Sec. 100.12)*

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

15. Reports: Compile and submit to the city council an annual report of the status and activities of the department, plus monthly minutes of the regular meetings, as well as such other reports as may be requested by the Mayor, or City Council.

16. Control of Scenes: Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department. *(Code of Iowa, Sec. 102.2)*

17. Authority To Barricade: Place or erect ropes, guards, barricades or other obstructions across a street, alley, right of way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency *(Code of Iowa, Sec. 102.2)*

18. Other Duties: Any other duties as directed by the Mayor or City Council.

### **3-5-7: ACCIDENTAL INJURY INSURANCE:**

The City Council shall contract to insure the City against liability for workers' compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for members injured in the performance of their duties as members whether within or outside the corporate limits of the City. All members of the fire department shall be covered by the contract. *(Code of Iowa, Sec. 85.2, 85.61 and 310.18)*

### **3-5-8: LIABILITY INSURANCE:**

The Council shall contract to insure against liability of the City or members of the Department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City. *(Code of Iowa, Sec. 670.2 and 517A.1)*

### **3-5-9: CALLS OUTSIDE THE CITY:**

The Department shall answer calls to fires and other emergencies outside the City limits of Richland for all townships whose trustees have entered into a contract with the City of Richland under a Iowa Code Section 28E agreement. *(Code of Iowa, Sec. 363.3 [2&3] and Sec. 28 E)*

**3-5-10: MUTUAL AID:**

The Department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be maintained by the Chief and filed with the City Clerk of Richland. (*Code of Iowa, Sec. 363.3 [2&3]*)

**3-5-11: AUTHORITY TO CITE VIOLATIONS:**

Fire officials acting under the authority of chapter 100 of the Iowa Code may issue citations in accordance to chapter 805 of the Iowa Code, for violations of State and/or local fire safety regulations. (*Code of Iowa, Sec. 100.31*)

**3-5-12: OBEDIENCE TO FIRE CHIEF:**

No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief when the chief is acting within his lawful authority and in his capacity as the fire chief.

**3-5-13: AUTHORITY OF COUNCIL:**

The City Council shall have full power to dissolve or reorganize the Fire Department, to dismiss, remove or reinstate officers and members, make all appointments and declare vacancies as the good of the department may require. All property of the Fire Department shall be subject to the control of the Council, and nothing herein contained shall divest the City of its property or in any manner impair its right to take possession of the same or any part thereof.

**3-5-14: ORDINANCE UPDATES/REVISIONS:**

The City of Richland will from time to time update this ordinance to assure compliance to the Code of Iowa. Therefore, when the Code of Iowa, pertaining to the sections included in this document, are updated and revised, then this ordinance will also be updated and revised.

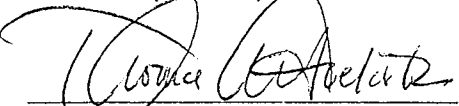
**3-5-15: SEVERABILITY CLAUSE:**

If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

**3-5-16: WHEN EFFECTIVE:**

This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council at the first reading on the 2 day of April, 2019, and  
PASSED by the City Council at the second reading on the 6 day of MAY, 2019 and  
PASSED by the City Council at the third reading on the 3 day of June, 2019

  
Thomas L. Hoekstra, MAYOR

ATTEST:

  
La Nelle Kopsieker, CITY CLERK



# **TITLE III COMMUNITY PROTECTION**

## **CHAPTER 6 CURFEW FOR MINORS**

**3-6-1 Preamble**

**3-6-2 Findings and Purpose**

**3-6-3 Definitions**

**3-6-4 Offenses**

**3-6-5 Defenses**

**3-6-6 Enforcement**

### **3-6-1 PREAMBLE**

The City of ***RICHLAND*** recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This Section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

### **3-6-2 FINDINGS AND PURPOSE**

The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of ***RICHLAND***; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of ***RICHLAND*** has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

### **3-6-3 DEFINITIONS**

In this Chapter:

1. Curfew hours means ***12:01 a.m. until 5:00 a.m.***
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
4. Guardian means:
  - a. A person who, under court order, is the guardian of the person of a minor; or
  - b. A public or private agency with whom a minor has been placed by a court.
5. Minor means any person under age 17 years of age.
6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. Parent means a person who is:
  - a. A biological parent, adoptive parent, or step-parent of another person; or
  - b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. Remain means to:
  - a. Linger or stay; or
  - b. Fail to leave premises when requested to do so by a police officer or Law Enforcement Officer or the owner, operator, or other person in control of the premises.
10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

#### **3-6-4 OFFENSES**

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

### **3-6-5 DEFENSES**

1. It is a defense to prosecution under this Chapter that the minor was:
  - a. Accompanied by the minor's parent or guardian;
  - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - c. In a motor vehicle involved in interstate travel;
  - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - e. Involved in an emergency;
  - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to *the police department or* Law Enforcement Officer about the minor's presence;
  - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of ***RICHLAND***, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of ***RICHLAND***, a civic organization, or another similar entity that takes responsibility for the minor;
  - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
  - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department or Law Enforcement Officer that a minor was present on the premises of the establishment during curfew hours and refused to leave.

### **3-6-6        ENFORCEMENT**

1. Before taking any enforcement action under this Section, a police officer or Law Enforcement Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-5-5 is present.
2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers or Law Enforcement Officers of the City of RICHLAND.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

<b>3-7-1 Definitions</b>	<b>3-7-7 Bond Required</b>
<b>3-7-2 Exemptions</b>	<b>3-7-8 Obstruction Of Pedestrian Or Vehicular Traffic</b>
<b>3-7-3 Permits</b>	<b>3-7-9 Display of Permit</b>
<b>3-7-4 Requirements</b>	<b>3-7-10 Permit Not Transferable</b>
<b>3-7-5 Hours Of Solicitation</b>	<b>3-7-11 Revocation of Permit</b>
<b>3-7-6 Consumer Protection Law</b>	

#### **3-7-1 DEFINITIONS**

For use in this Chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.
2. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this Chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this Chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

### **3-7-2 EXEMPTIONS**

The provisions of this Chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

### **3-7-3 PERMITS**

Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of Sections 3-6-4 and 3-6-5. This permit shall extend no longer than sixty days. A fee of \$25.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

(Code of Iowa, Sec. 9C.2)

### **3-7-4 REQUIREMENTS**

Any applicant engaged in any activity described in 3-6-1 of this Chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

### **3-7-5 HOURS OF SOLICITATION**

No person may conduct those activities described in 3-6-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

### **3-7-6 CONSUMER PROTECTION LAW**

All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

### **3-7-7 BOND REQUIRED**

Before a permit under this Chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this Chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

### **3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC**

No person, while engaged in any of the practices described in 3-6-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

### **3-7-9 DISPLAY OF PERMIT**

Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-6-3 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

### **3-7-10 PERMIT NOT TRANSFERABLE**

Permits issued under the provisions of this Chapter are not transferable in any situation and are to be applicable only to the person filing the application.

### **3-7-11 REVOCATION OF PERMIT**

The City Council after notice and hearing may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted his or her business in an unlawful manner.





## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 8 DANGEROUS BUILDINGS**

**3-8-1 Enforcement Officer**

**3-8-2 General Definition Of Dangerous**

**3-8-3 Dangerous Building**

**3-8-4 Notice To Owner**

**3-8-5 Conduct Of Hearing**

**3-8-6 Posting Of Signs**

**3-8-7 Rights To Demolish**

**3-8-8 Costs**

#### **3-8-1 ENFORCEMENT OFFICER.**

The Mayor shall be responsible for the enforcement of this chapter.

#### **3-8-2 GENERAL DEFINITION OF DANGEROUS.**

All buildings or structures which are structurally dangerous or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any ordinance, are, for the purpose of this chapter, dangerous buildings. All such dangerous buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657.1 & 364.12[3a])

#### **3-8-3 DANGEROUS BUILDING.**

"Dangerous building" means any structure or mobile home meeting any or all of the following criteria:

1. Collapse of Member. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby, injure persons or damage property.
2. Wind Resistance. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.
3. Material Deterioration. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
4. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of

- a. dilapidation, deterioration, or decay; or
- b. faulty construction; or
- c. the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
- d. the deterioration, decay or inadequacy of its foundation; or
- e. any other cause, is likely to partially or completely collapse.

5. Manifestly Dangerous. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly dangerous for the purpose for which it is being used.

6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become

- a. an attractive nuisance to children;
- b. a harbor for vagrants, criminals or immoral persons; or as to
- c. enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

### **3-8-4 NOTICE TO OWNER.**

The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an dangerous building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not re-occupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by Certified Mail to owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

### **3-8-5 CONDUCT OF HEARING.**

If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance should not be abated.

3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

### **3-8-6 POSTING OF SIGNS.**

The enforcement officer shall cause to be posted at each entrance to such building a notice to read:

"DO NOT ENTER. DANGEROUS TO OCCUPY. CITY OF RICHLAND, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed.

Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

### **3-8-7        RIGHT TO DEMOLISH.**

In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

### **3-8-8        COSTS.**

Costs incurred under the Right to Demolish section shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 9 ALCOHOLIC BEVERAGES**

**3-9-1 Purpose**

**3-9-2 Required Obedience To  
Provisions Of This Chapter And  
State Law**

**3-9-3 Action By Council**

**3-9-4 Transfers**

#### **3-9-1 PURPOSE**

The purpose of this Chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

(Code of Iowa, Sec. 364.1)

#### **3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW**

The following Sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test-Exoneration
16. 123.47 Persons Under The Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)

26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

### **3-9-3 ACTION BY COUNCIL**

The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

(Code of Iowa, Sec. 123.32(2))

### **3-9-4 TRANSFERS**

The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 10 JUNK AND ABANDONED VEHICLES**

3-10-1	Purpose	3-10-8	Junk Vehicles Declared A Nuisance
3-10-2	Definitions	3-10-9	Notice To Abate
3-10-3	Removal Of Abandoned Vehicles	3-10-10	Abatement By Municipality
3-10-4	Notification Of Owners And Lien Holders	3-10-11	Collection Of Cost Of Abatement
3-10-5	Impoundment Fees And Bonds	3-10-12	Exceptions
3-10-6	Hearing Procedures	3-10-13	Interference With Enforcement
3-10-7	Auction Or Disposal Of Abandoned Vehicles		

#### **3-10-1 PURPOSE**

The purpose of this Chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

#### **3-10-2 DEFINITIONS**

For the purpose of this Chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:
  - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
  - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
  - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
  - d. A vehicle that has been legally impounded by order of the Chief of Police or Law Enforcement Officer and has not been reclaimed for a period of ten days; or
  - e. Any vehicle parked on the street determined by the Chief of Police or Law Enforcement Officer to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(b))

2. "Private property" means any real property within the City which is not public property as defined in this Section.
3. "Public property" means any public right-of-way open for the purposes of vehicular travel.
4. A "junk vehicle" means any vehicle without current license plates or which has any one of the following characteristics:
  - a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.
  - b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.
  - c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
  - d. Any vehicle which contains gasoline or any other flammable fuel.
  - e. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.
  - f. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.  
(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)
5. "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 shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

### **3-10-3 REMOVAL OF ABANDONED VEHICLES**

1. The Chief of Police or Law Enforcement Officer may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in Section 3-9-2 (1). The Chief of Police or Law Enforcement Officer may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.
2. The impoundment and storage of all vehicles pursuant to this Chapter shall be in such areas or places designated by the City Council.



3. When a vehicle is taken into custody and impounded under the provisions of this Chapter, the Chief of Police or Law Enforcement Officer shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

(Code of Iowa, Sec. 321.89(2))

4. Nothing in this Chapter shall govern the procedures of any police officer or Law Enforcement Officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this Chapter.

### **3-10-4 NOTIFICATION OF OWNERS AND LIEN HOLDERS**

1. When a vehicle is taken into custody under the provisions of this Chapter or under any provisions of State law, the Chief of Police or Law Enforcement Officer shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lien holders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:
  - a. Describe the year, make, model, and serial number of the vehicle.
  - b. Describe the personal property found in the vehicle.
  - c. Describe the location of the facility where the vehicle is being held.
  - d. Inform the persons receiving notice:
    - (1) Of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;
    - (2) That the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
    - (3) That failure of the owner or lien holders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lien holders of all right, title, claim, and interest in the vehicle;
    - (4) That failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

- e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Chief of Police or Law Enforcement Officer or the assessment of fees and charges provided by this Chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-9-6.
  - f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.
  - g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-9-5.  
(Code of Iowa, Sec. 321.89(3)(a))
2. The owner or any person receiving notice may, by written request received by the Chief of Police or Law Enforcement Officer prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.  
(Code of Iowa, Sec. 321.89(3)(c))
3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this Chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this Section. Published notice shall be used if:
- a. The identity of the last registered owner cannot be determined, or
  - b. The registration contains no address for the owner, or
  - c. It is impossible to determine with reasonable certainty the identity and address of all lien holders.  
(Code of Iowa, Sec. 321.89(3)(b))
4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.
5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lien holders after the ten day reclaiming period.  
(Code of Iowa, Sec. 321.89(3))

### **3-10-5 IMPOUNDMENT FEES AND BONDS**

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this Chapter or any other provision of law may recover such vehicle, such person shall present to the Chief of Police or Law Enforcement Officer evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:
  - a. An impoundment fee
  - b. Towing charges
  - c. Preservation charges
  - d. Storage charges
  - e. Notice charges

(Code of Iowa, Sec. 321.89(3)(a))

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.
3. If a hearing is requested under Section 3-9-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:
  - a. The fees required by Sec. 3-9-5(1)
  - b. The amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

### **3-10-6 HEARING PROCEDURES**

1. The registered owner, any lien holder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to Section 1-4-1 et seq.

(Code of Iowa, Sec. 321.89(3))

### **3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES**

The Chief of Police or Law Enforcement Officer shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

(Code of Iowa, Sec. 321.89(4))

### **3-9-8 JUNK VEHICLES DECLARED A NUISANCE**

Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of *RICHLAND*, Iowa, 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 vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

### **3-10-9 NOTICE TO ABATE**

1. Whenever the Chief of Police or Law Enforcement Officer shall find a junk vehicle placed or stored on private property within the City in violation of 3-9-8, the Chief of Police or Law Enforcement Officer shall notify, by certified mail with five-days return receipt, the following persons:
  - a. The owner of the property
  - b. The occupant of the property
2. The notice to abate shall:
  - a. Describe, to the extent possible, the year, make, model, and color of the vehicle
  - b. Describe the location of the vehicle
  - c. State that the vehicle constitutes a nuisance under the provisions of this Chapter
  - d. State that the owner of the property shall remove or repair the said junk vehicle within ten days

### **3-10-10 ABATEMENT BY MUNICIPALITY**

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

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

### **3-10-11 COLLECTION OF COST OF ABATEMENT**

The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

### **3-10-12      EXCEPTIONS**

This Chapter shall not apply to the following:

1.    A vehicle in an enclosed building.
2.    A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3.    A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

### **3-10-13      INTERFERENCE WITH ENFORCEMENT**

No person shall interfere in any way with the enforcement provision of this Chapter.



# **TITLE III COMMUNITY PROTECTION**

## **CHAPTER 11 DRUG PARAPHERNALIA**

### **3-11-1 Definitions**

### **3-11-3 Prohibition**

### **3-11-2 Exemption**

### **3-11-1 DEFINITIONS**

1. **Controlled Substance.** The term "controlled substance" as used in this Chapter is defined as the term "controlled substance" is defined in the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa, as it now exists or is hereafter amended.
2. **Drug Paraphernalia.** The term "drug paraphernalia" as used in this Chapter means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa. It includes, but is not limited to:
  - a. **Growing Kits.** Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
  - b. **Processing Kits.** Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
  - c. **Isomerization Devices.** Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
  - d. **Testing Equipment.** Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
  - e. **Scales.** Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
  - f. **Diluents.** Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.

- g. Separators, Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- h. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- i. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- j. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
- k. Injecting Devices. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
- l. Ingesting, Inhaling Devices. Objects used, intended for use, or designed for use in ingesting, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured bowls;
  - (2) Water pipes;
  - (3) Carburetion tubes and devices;
  - (4) Smoking and carburetion masks;
  - (5) Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
  - (6) Miniature cocaine spoons and cocaine vials;
  - (7) Chamber pipes;
  - (8) Carburetor pipes;
  - (9) Electric pipes;
  - (10) Air driven pipes;
  - (11) Chillums;
  - (12) Bongs;
  - (13) Ice pipes or chillers.

### **3-11-2 DETERMINING FACTORS**

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



1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or Federal law relating to any controlled substance.
3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.
4. Proximity To Substance. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence Of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom such owner or other person knows, or should reasonably know, intent to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
7. Innocence Of An Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Distributor Or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

### **3-11-3      POSSESSION OF DRUG PARAPHERNALIA PROHIBITION**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

### **3-11-4      MANUFACTURE, DELIVERY, OR OFFERING FOR SALE**

It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

# **TITLE III COMMUNITY PROTECTION**

## **CHAPTER 12 FIREWORKS ORDINANCE**

**3-12-1 Definitions**

**3-12-2 Violations**

**3-12-3 Prohibitions**

**3-12-4 Sale of Consumer Fireworks**

**3-12-5 Restrictions on the Use of Consumer Fireworks**

**3-12-6 Permits Required**

**3-12-7 Seizure of Fireworks**

**3-12-8 Emergency**

### **3-12-1 DEFINITIONS**

The following words, terms, and phrases, when used in this Article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

- a. "Consumer Fireworks" includes First-Class Consumer Fireworks and Second-Class Consumer Fireworks as those terms are defined in Section 100.19 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.
- b. "Display Fireworks" include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.
- c. "Fireworks" means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association's Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

### **3-12-2 VIOLATIONS**

- a. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be guilty of a simple misdemeanor punishable by a fine or punishable as a municipal infraction civil penalty as set forth in this Code.
- b. A person may be prosecuted under the public nuisance provisions set forth in this Code and/or any other remedy available at law, to address any failure to perform an act required by the provisions of this Chapter or any action prohibited by the provisions of this Code of Ordinances or Code of Iowa.
- c. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

- d. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- e. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of \$250.00.
- f. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- g. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

### **3-12-3 PROHIBITIONS**

- a. It shall be unlawful to manufacture fireworks within the City limits.
- b. It shall be unlawful to sell Display Fireworks within the City limits.
- c. It shall be unlawful for a person to possess, use or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

### **3-12-4 SALE OF CONSUMER FIREWORKS**

- a. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.
- b. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.
- c. Consumer Fireworks may only be sold in zoning districts within the City that permit retail sales. Fireworks may not be sold on public property or within a residential zoning district.

### **3-12-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS**

- a. A person shall not use or explode Consumer Fireworks on days other than June 25 through July 8 and December 27 through January 3 of each year, all dates inclusive.
- b. A person shall not use or explode Consumer Fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m.
- c. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.
- d. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.

- e. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in the person's body.
- f. Any use or explosion of Consumer Fireworks must be more than 500 feet/yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.
- g. Any use or explosion of Display Fireworks must be more than 500 feet/yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.
- h. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.
- i. A person who violates this subsection commits a simple misdemeanor.

### **3-12-6 PERMITS REQUIRED**

- a. A permit must be obtained from the City in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with City permitting and insurance requirements.
- b. Application for a permit must be made, in writing, and filed at the Office of the City Clerk, at least ten (10) days in advance of the proposed display.

### **3-12-7 SEIZURE OF FIREWORKS**

The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

### **3-12-8 EMERGENCY**

When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

