

CITY OF AVOCA

TITLE III: PUBLIC SAFETY
CHAPTER 1: PUBLIC PEACE

1.01 ASSAULT. No person shall, without justification, do any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
(Code of Iowa, Chapter 708.1 [1])
2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
(Code of Iowa, Chapter 708.1 [2])
3. Dangerous Weapon. Intentionally point any firearm toward another, or display in a threatening manner any dangerous weapon toward another.
(Code of Iowa, Chapter 708.1 [3])
4. Exceptions. Provided, that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace, the act shall not be an assault.
(Code of Iowa, Chapter 708.1)
5. Adopted by Reference. These sections of the Code of Iowa are adopted by reference and are as follows:
 - A. 708.4 Willful Injury.
 - B. 708.5 Administering Harmful Substances.
 - C. 708.6 Intimidation with a Dangerous Weapon.
 - D. 708.7 Harassment.
 - E. 708.8 Going Armed with Intent.
 - F. 708.9 Spring Guns and Traps.

- G. 708.10 Hazing.
- H. 708.11 Stalking.
- I. 708.12 Harassment and Stalking- No Contact.
- J. 708.13 Disarming a Peace Officer of a Dangerous Weapon.

1.02 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
(Code of Iowa, Chapter 723.4 [1])
2. Noise. Make loud and raucous noise in the vicinity of any residence or place of business, or building to which the general public may enter, which causes unreasonable distress either to the occupants thereof or to any person in the vicinity of the residence, business, or public building.
(Code of Iowa, Chapter. 723.4 [2])
3. Abusive Language. Direct abusive epithets or make any gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
(Code of Iowa, Chapter 723.4 [3])
4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
(Code of Iowa, Chapter 723.4 [4])
5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
(Code of Iowa, Chapter 723.4[5])
6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.
(Code of Iowa, Chapter 723.4[6])

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Chapter 723.4[7])

1.03 RIOT. A riot is three (3) or more persons assembled together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them or any of them against another person, or causing property damage. It shall be unlawful for any person willingly to join in or remain part of a riot, knowing or having reasonable grounds to believe that it is such.

(Code of Iowa, Chapter 723.1)

1.04 UNLAWFUL ASSEMBLY. It shall be unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such.

(Code of Iowa, Chapter 723.2)

1.05 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Chapter 723.3)

1.06 PROSTITUTION, PIMPING, PANDERING, PROHIBITED. No person shall engage in prostitution, pimping or pandering as defined in Section 24.11 and Chapter 725 of the Code of Iowa.

(Code of Iowa, Chapters 725.1, 725.2, 725.3)

1.07 LEASING PREMISES OR TRANSPORTATION FOR PROSTITUTION. No person shall do any of the following:

1. Rent or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, knowing or having reason to know, that the lessee or tenant is using such for the purpose of prostitution, and any person shall immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place.
2. No person shall knowingly transport, offer to transport or knowingly aid or assist in transporting any person, in, on, over or through public property by means of a motor vehicle for hire, for the purpose of prostitution.

1.08 MINORS AND WEAPONS. The following regulations shall apply to minors and weapons:

1. No person shall give, sell, lend, or provide to any person under the age of eighteen (18) years any sword, dirk, dagger or knife other than an ordinary penknife or pocketknife with a blade not to exceed three inches in length, or any spring blade, switch blade or snap blade knife, or any blackjack, bludgeon or similar weapon, or metallic knuckles, or any firearm, air gun or other missile throwing device, or any ammunition or missiles for use therewith, or any explosive substance or device, or any other device designed primarily for use as a weapon; provided, that arms, ammunition and other equipment for hunting, fishing and other lawful sports may be furnished to a person under the age of eighteen (18) years by or with the consent of that person's parent or guardian.
2. No minor under 18 years of age shall possess, own or carry on or about his or her person, whether concealed or not, within the city any knife which opens by hand pressure applied to a button, lever, switch, or other device in the handle of the knife or by operation of inertia, gravity or both.
3. No person under the age of 18 shall possess, shoot, fire or discharge any airgun, airsoft gun, paintball gun, B-B gun or other firearm unless under the direct supervision of an adult.

1.09 SALE OR GIFT OF TOBACCO PRODUCTS TO MINORS. No person shall furnish to any minor under eighteen years of age by gift, sale, or otherwise, any smokeless tobacco, cigarette or cigarette paper, or any paper or other substance made or prepared for the purpose of use in making of cigarettes. No person shall directly or indirectly or by an agent, sell, barter, or give to any minor under eighteen years of age any tobacco in any other form whatever except upon the written order of the minor's parent or guardian or the person in whose custody the minor is.

1.10 USE OR POSSESSION OF TOBACCO PRODUCTS BY MINORS. No person under eighteen years of age shall smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, or cigarettes.

(Code of Iowa, Chapter 453A.2)

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

(Code of Iowa, Chapter 727.1)

1.12 FIREWORKS. The sale, use or exploding of fireworks within the City shall be subject to the following:

1. Definition. The term "fireworks" means and includes any explosive composition, or combination of explosive substances, or Subchapter prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance.
(Code of Iowa, Chapter 727.2)
2. Regulations. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, use, possess, or explode any fireworks;.provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
 - A. Personal Injury: \$ 500,000.00 per person.
 - B. Property Damage: \$ 100,000.00.
 - C. Total Exposure: \$2,000,000.00.
(Code of Iowa, Chapter 727.2)
3. Exceptions. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads, trucks, forsignal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
(Code of Iowa, Chapter 727.2)

1.13 SALE OR EXCHANGE OF DAGGERS, BRASS KNUCKLES. No person shall exhibit for sale, exchange, gift or any other purpose, in any showcase, show window or other place, exposed to public view, any dagger, Bowie knife, stiletto, butterfly knife, switchblade knife or other knife or instrument which opens by hand pressure applied to a button or other device in the handle of the knife or by operation of inertia, gravity or both, throwing stars or any other martial arts weapon, brass knuckles or knuckles of lead, brass or other metal or materials; or display any sign, poster, cartoon or card, suggesting the keeping for sale, exchange or gift of any of the above described articles. Nothing in this section shall be deemed to prohibit the display of such articles for educational or historical purposes.

1.14 KNIVES. No person shall possess, own or carry on or about his or her person, whether concealed or not, any knife or primary or secondary school property within the city, with the exception of a knife or knives furnished by such school system or specifically authorized by such school system, and then only in connection with the specific activity for which so authorized.

1.15 USE OF BLOWGUNS, ETC. No person shall use any blowgun or similar device, or throw any stone, stick or other substance in such a manner as to hit, injure or endanger any person, window or other property.

1.16 USE OF SLINGS, SLINGSHOTS, ETC. No person shall keep, possess, sell, give, use, fire, shoot or discharge any sling, slingshot, wrist slingshot or wrist supported slingshot of any type or kind within the corporate limits.

1.17 USE OF BOWS AND ARROWS. No person shall shoot a bow and arrow, within the City or within a city-owned park, without permission from the City Manager, or his or her designee. Such permission shall limit the time and place of shooting and may be revoked by the City Manager, or his or her designee. To "shoot a bow and arrow" means to place a nock of the arrow in the string of a bow or of any other object and to release the arrow in such fashion that when the string is pulled and released, the arrow thrusts forward.

1.18 USE OF BOWS AND ARROWS ON PRIVATE PROPERTY. No person shall shoot a bow and arrow in such fashion that it travels beyond the boundaries of the private or school property on which the person is shooting. Any person shooting a bow and arrow on private or school property shall direct the arrow toward a backdrop composed of a substance which will not allow the arrow to pass through and such backdrop must extend at least five feet beyond the target on the top and both sides and must extend from the bottom of the target to the ground. The target shall be constructed and installed so that the target face cannot move more than two inches in any direction.

1.19 USE OF BOWS AND ARROWS FOR HUNTS. No person shall shoot a bow and arrow within the city limits or in a city-owned park at any living being such as an animal, bird, fish or fowl.

1.20 USE OF BOWS AND ARROWS BY MINORS. No person shall furnish to any minor under 15 years of age by gift, sale, or otherwise, any arrows or components thereof unless said minor is participating in a supervised school program, or is practicing at an approved public or private archery lane or range, or is practicing on the private property of the supervising adult.

1.21 TRAPPING. No person shall set or use a steel, claw, or box trap outside of any structure or building for the purpose of taking, killing, maiming, wounding, ensnaring, trapping, or capturing an animal or which is injurious to persons or animals except for the following:

1. Any trap designed for the primary use of capturing mice, rats, gophers, moles, or aquatic rodents which are trapped in water;
2. Any trapping by a governmental unit to capture animals which are creating a public nuisance or for the protection of public or private property.

1.22 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, Chapter 718.6)

1.23 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, Chapter 712.7)

1.24 IMPERSONATING A PUBLIC OFFICIAL. No person shall falsely hold himself or herself out or assume to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the state or any subdivision thereof, having no authority to do so.

(Code of Iowa, Chapter 718.2)

1.25 IMPERSONATING AN OFFICER. No person shall adopt or wear upon any street or in any public place the official uniform worn by the Police Department of the City or a uniform likely to be confused with such official uniform nor shall any person, not a member of the Police Department, represent himself or herself as, or assume to be, a police officer.

1.26 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer or firefighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of the officer or firefighter, 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, Chapter 719.1)

1.27 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, Chapter 719.2)

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

(Code of Iowa, Chapter 718.4)

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

(Code of Iowa, Chapter 727.3)

1.30 RECKLESS USE OF FIRE OR EXPLOSIVES. No person shall so use fire or any incendiary or explosive device or material as to recklessly endanger the property or safety of another.

(Code of Iowa, 1995, 712.5)

1.31 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, Chapter 712.8)

1.32 ANTENNA AND RADIO WIRES. No person shall allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

(Code of Iowa, Chapter 364.12 [2])

1.33 DISCHARGING WEAPONS. No person shall shoot, fire or discharge rifles, shotguns, revolvers, pistols, guns, slingshots, airguns, B-B guns, or firearms of any kind within the City limits except by authorization of the City Manager, or his or her designee.

(Code of Iowa, Chapter 364.12 [2])

1.34 EMPTYING FLAMMABLE LIQUIDS INTO SEWERS. No person shall place, dump, throw, empty or deposit into any public sewer or into any sewer connecting with a public sewer any benzene, benzole, naphtha, gasoline or any other liquid product of petroleum except as may be approved by Fire Chief.

1.35 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

(Code of Iowa, Chapter 364.1, 364.12 [2])

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

(Code of Iowa, Chapter 364.12)

1.37 DESTROYING PUBLIC PROPERTY. It shall be unlawful for a person to destroy or injure any public property or equipment by willfully defacing, breaking, damaging, mutilating or cutting.

(Code of Iowa, Chapter 716.1)

1.38 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person intentionally to deface, obliterate, tear down, alter, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Chapter 716.1)

1.39 DEFACE PUBLIC BUILDINGS. It shall be unlawful for a person willfully to write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, court house, city hall, city park structure, or other public building, or on any furniture, apparatus, or fixture therein; or willfully to injure or deface the same, or any wall or fence enclosing the same.

(Code of Iowa, Chapter 716.1)

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

(Code of Iowa, Chapter 716.1)

1.41 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful.

(Code of Iowa, Chapter 716.1)

1.42 UNAUTHORIZED ENTRY. No person shall enter any public building or public enclosure unless authorized to do so. An entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry.

(Code of Iowa, Chapter 364.1)

1.43 OBSTRUCTING OR DEFACING STREETS AND PUBLIC PLACES. It shall be unlawful for any person to obstruct, deface, damage, or injure any public road in any manner, or to defecate or urinate in or upon any street, alley, sidewalk, public corridor or other place open to public view.

(Code of Iowa, Chapter 716.1)

1.44 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Chapter 321.369)

1.45 PLAYING IN STREETS. It shall be unlawful for any person to coast, slide or play games on streets or highways.

(Code of Iowa, Chapter 364.12 [2])

1.46 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES. No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except when crossing a street on a crosswalk.

1.47 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of the City Manager, or his or her designee.

1.48 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any machinery, or any other goods, wares, and merchandise of any kind upon any street