

Title 9
PUBLIC PEACE, MORALS AND SAFETY

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Chapter 9.04 NUISANCES

Sections:

9.04.010 Definitions.

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

- (1) "Nuisance" means whatever is injurious to health, indecent or offensive to the senses, or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:
 - (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, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public;
 - (B) The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others;
 - (C) The obstructing or impeding, without legal authority, the passage of any navigable river, harbor, or collection of water;
 - (D) The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state to the injury or prejudice of others;
 - (E) The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds;
 - (F) House of ill fame kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the user of opium or hashish, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others;
 - (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;
 - (H) Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the city;
 - (I) Any object or structure hereafter erected within one thousand feet of the limits of any municipal or regularly established airport or landing place which may endanger or obstruct aerial navigation, including takeoff and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located;
 - (J) The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction;
 - (K) The emission of dense smoke, noxious fumes, or fly ash;

- (L) Dense growth of all weeds, vines, brush or other vegetation in the city so as to constitute a health, safety, or fire hazard;
- (M) Trees infected with Dutch elm disease.
- (2) "Property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Ord. 545 §1, 1984)

9.04.020 Creating nuisances prohibited—Abatement.

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

(Ord. 545 § 2, 1984)

9.04.030 Miscellaneous requirements and nuisance conditions.

The following actions are required or may be abated, as the case may be, in the manner provided in this chapter:

- (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 curblines upon the public street;
- (2) The removal, repair or dismantling of a dangerous building or structure;
- (3) The numbering of buildings;
- (4) The connection to public drainage systems from abutting property when necessary for public health or safety;
- (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;
- (6) The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

(Ord. 545 § 3, 1984)

9.04.040 Notice to abate—Nuisance conditions.

Whenever the mayor or other authorized municipal officer finds that a nuisance or other condition listed in Section 9.04.030 exists, (s)he shall cause to be served upon the property owner as shown by the records of the county auditor of written notice to abate the nuisance within a reasonable time after notice.

(Ord. 545 § 4, 1984)

9.04.050 Notice to abate—Contents.

The notice to abate shall contain:

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

- (4) A reasonable time within which to complete the abatement;
- (5) A statement that if the nuisance or condition 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.

(Ord. 545 § 5, 1984)

9.04.060 Notice to abate—Method of service.

The notice may be in the form of any ordinance or sent by certified mail to the property owner as shown by the records of the county auditor.

(Ord. 545 § 6, 1984)

9.04.070 Hearing on abatement.

- (a) Any person ordered to abate a nuisance or condition may have a hearing with the council as to whether a nuisance or other condition exists. A request for a hearing must be made in writing and delivered to the city clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance or other condition exists, and it must be abated as ordered. The hearing will be heard by the council at a time and place fixed by the council.
- (b) At the conclusion of the hearing, the council by resolution shall render a decision as to whether a nuisance or other condition exists. If it finds that a nuisance or other condition exists, it must order it abated within an additional time which must be reasonable under the circumstances.

(Ord. 545 § 7, 1984)

9.04.080 Emergency abatement.

Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The city shall assess the costs as provided in Section 9.04.100 of this chapter after notice to the property owner under the applicable provision of Sections 9.04.040 and 9.04.050, and hearing as provided in Section 9.04.070.

(Ord. 545 § 8, 1984)

9.04.090 Abatement by city—Costs.

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

(Ord. 545 § 9, 1984)

9.04.100 Abatement costs—Collection.

The city 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, he shall certify the costs to the county auditor and it shall then be collected with and in the same manner as general property taxes.

(Ord. 545 § 10, 1984)

9.04.110 Abatement costs—Installment payments.

If the amount expended to abate the nuisance or conditions exceeds one hundred dollars, the city shall permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and with the same interest as benefited property.

(Ord. 545 § 11, 1984)

Chapter 9.08 ABANDONED VEHICLES

Sections:

9.08.010 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 places authorized. The council finds that unauthorized open storage of such vehicles and machinery tends to become the habitat of rats, mice, snakes, or other vermin, provides a breeding place for mosquitoes and other insects, encourages the rank growth of weeds and other vegetation that cause problems of health and pose a danger from fire, and such vehicles and machines attract children and others with attendant increased risk of injury from broken parts and glass. This chapter provides for the enforcement against prohibited storage by penalties for violations and defines certain cases as nuisances and provides for their abatement.

(Ord. 528 § 1 (part), 1983)

9.08.020 Definitions.

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

- (1) "Property" means either private or public real property within the city.
- (2) "Unlicensed" means any vehicle which is not displaying a valid current license permitting its operation upon the public highways as required by the laws of the state of Iowa, including (without limitation) vehicles in storage.
- (3) "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy and wagon, or any combination thereof.
- (4) A "junk vehicle" means:
 - (A) Any vehicle, whether licensed or unlicensed, located within the corporate limits of the city of Chariton, Iowa, in public view, and which has any one of the following characteristics:
 - (i) Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects;
 - (ii) Any motor vehicle lacking an engine, one or more wheels, or other structural parts which render said motor vehicle totally inoperable; or

- (iii) Any other vehicle which because of its defective or obsolete condition in any other way constitutes a threat to the public health and safety; or
- (B) Any unlicensed vehicle located within the corporate limits of the city of Chariton, Iowa, in public view, and which has any one of the following characteristics:
 - (i) Any vehicle with a broken or cracked windshield or window or headlight or any other cracked or broken glass;
 - (ii) 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; or
 - (iii) Any vehicle which contains gasoline or other flammable fuel.

(Ord. 591 § 2, 1988; Ord. 528 § 1 (part), 1983)

9.08.030 Junk vehicles declared a nuisance.

Except as hereinafter provided, it is declared that storage within the corporate limits of a junk vehicle upon either public or private property within the city of Chariton, 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 hereof, the owner of said vehicle shall be prima facie liable for said violation.

(Ord. 528 § 1 (part), 1983)

9.08.040 Notice to abate.

Whenever the chief of police or any member of the police department shall find a junk vehicle placed or stored on public or private property within the city in violation of the foregoing Section 9.08.030, the chief of police or other designated member of the police department shall notify by certified mail the owner of the property upon which said vehicle is placed or stored and the last known registered owner and all lienholders of record of the said vehicle if different than the owner of the property at the last known address of record that:

- (1) The junk vehicle constitutes a nuisance under the provisions of this chapter;
- (2) The owner must remove or repair the junk vehicle in accordance with the terms of this chapter; and
- (3) Failure to remove or repair the junk vehicle will be sufficient cause for its removal by the city at the owner's cost.

Said notice to abate shall be deemed given when mailed by certified mail.

(Ord. 528 § 1 (part), 1983)

9.08.050 Duty of owner to remove or repair.

The owner of a junk vehicle which violates the provisions of Section 9.08.030 shall, within ten days after the notice to abate is given, remove the junk vehicle to one of the areas provided in the section on exceptions as provided in this chapter, or repair the defects which cause said vehicle to violate the provisions of this chapter, including licensing if the vehicle is not currently licensed.

(Ord. 528 § 1 (part), 1983)

9.08.060 Abatement.

If such owner of a junk vehicle fails to remove or repair the vehicle in accordance with the terms of Section 9.08.050, the chief of police or a designated member of the police department shall abate such nuisance by causing the junk vehicle to be removed and impounded and sold or disposed of as specified in Section 321.89-94 of the Code of Iowa dealing with abandoned vehicles, and the cost of abatement shall be charged to the owner of the junk vehicle.

(Ord. 528 §1 (part), 1983)

9.08.070 Redemption of impounded vehicle—Fees.

Within thirty days after the impoundment of any junk vehicle under this chapter, the owner thereof may appear and claim the same on payment of an impoundment fee of five dollars and towing charges and storing charges at the rate of fifty cents per day. Upon payment of the fees the vehicle shall be released.

(Ord. 528 §1 (part), 1983)

9.08.080 Exceptions.

The provisions of 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 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 in a lawful manner by this city.

(Ord. 528 § 1 (part), 1983)

9.08.090 Interference with enforcement.

Any person who shall interfere in any way with the enforcement provision of this chapter shall be deemed guilty of a misdemeanor and punished accordingly.

(Ord. 528 § 1 (part), 1983)

Chapter 9.12 OFFENSES

Sections:

9.12.010 Intoxication and vagrancy.

It is unlawful to commit any of the following acts:

- (1) Be, or be found, in a state of intoxication;
- (2) Be, or be found in a state of vagrancy;
- (3) Maintain, keep or operate any building or place where intoxicating liquor is illegal kept, sold or given away.

(Ord. 32 § 1(1—3), 1933)

9.12.020 Obscenity.

It is unlawful to:

- (1) Publicly, or in the hearing of others curse, swear, or use profane, blasphemous, obscene, abusive or vulgar language;
- (2) Make any personal, indecent or insulting remark to or about any one passing along the street or sidewalk;
- (3) Appear on any street or in a public place in a state of nudity or in any indecent or obscene dress;
- (4) Make any indecent exposure of the person, or commit any indecent or lewd act;
- (5) Sell or offer for sale any indecent, lewd or obscene book, picture, publication or thing;
- (6) Perform or present any indecent, immoral or obscene play, picture, publication or thing;
- (7) Print, write, stamp or paint anything obscene, indecent, immoral or vulgar.

(Ord. 201 § 1, 1959; Ord. 32 § 1(4, 6—11), 1933)

9.12.030 Prostitution.

It is unlawful to:

- (1) Allow, suffer or permit in any house, room or place owned, controlled, or occupied, any prostitution or lewdness;
- (2) Solicit for immoral purposes;
- (3) Molest or annoy any female person in any public place or solicit her to ride in any motor vehicle for any immoral purpose;
- (4) Occupy or be found in any hotel, rooming house or other building or place for any immoral purpose;
- (5) Keep, be an inmate of or connected with, contribute to the support of, own or be interested in as owner, tenant or landlord, or transport others to or from any house, room or place resorted to for the purpose of gambling, prostitution or lewdness, or where gambling, prostitution or lewdness is carried on.

(Ord. 32 § 1(12—14, 19, 20), 1933)

9.12.040 Baseball games on Sunday.

It is unlawful to permit or allow any baseball game to which an admission is charged to be played or performed on Sunday.

(Ord. 32 § 1(15), 1933)

9.12.060 Fighting.

It is unlawful to:

- (1) Engage in, offer or threaten to fight or quarrel, or use blows or violence towards another in any angry or quarrelsome manner, or strike, assault or fight another person;
- (2) Allow, suffer or permit in any house or upon any premises owned, occupied or controlled any profane, obscene or vulgar language or conduct, or any fighting, quarrelling or affray, or any loud or unusual noises.

(Ord. 32 § 1(21, 22), 1933)

9.12.070 Illegal occupancies.

It is unlawful to occupy for lodging, gambling, prostitution, card playing or other purposes, any barn, stable, shed, office, car or other building or place without the consent of the owner or party in possession or entitled to the same.

(Ord. 32 § 1(23), 1933)

9.12.080 Obstructing passageways.

It is unlawful to join any group or company of persons on any sidewalk or crossing so as to obstruct the free passage thereon, or the entrance to any public building, place of business or church.

(Ord. 32 § 1(24), 1933)

9.12.090 Loitering.

It is unlawful to:

- (1) Loaf around or congregate about any church or upon the sidewalks or streets adjacent thereto, during the time of any service in any church;
- (2) Loaf around or congregate in front of any pool hall or other place of business so as to obstruct the passage of pedestrians along the sidewalk;
- (3) Loiter around or about the streets or alleys after the hour of twelve midnight or before four a.m., without showing sufficient reason therefor;
- (4) Loiter about the railway yards, depots or any public building unless having business there.

(Ord. 32 § 1(25—28), 1933)

9.12.100 False fire alarm.

It is unlawful to give a false alarm of fire.

(Ord. 32 § 1(29), 1933)

9.12.110 Begging.

It is unlawful to beg for food, money or any other thing.

(Ord. 32 § 1(30), 1933)

9.12.120 Resisting officers.

It is unlawful to:

- (1) Refuse, neglect or fail to obey the signal of any traffic officer, or any flagman at the railroad crossing;
- (2) Interfere with or hinder the marshal or any policeman or officer in making arrests or in the discharge of his duties;
- (3) Encourage or counsel resistance to any officer;
- (4) Falsely claim or represent to be an officer or without authority, exercise or attempt to exercise any of the duties, functions or powers of an officer.

(Ord. 32 § 1(31—34), 1933)

9.12.130 Weapons and firearms.

It is unlawful to:

- (1) Discharge any cannon, gun, pistol, revolver, or firearm of any description, without first having obtained permission in writing from the mayor, unless the person doing the same is an officer acting within the duties of his office;
- (2) Carry any concealed weapon, either revolver, pistol, razor, dirk, knife, metal knuckles or other dangerous weapon.

(Ord. 32 §1(35, 36), 1933)

9.12.140 Unlawful assembly.

It is unlawful to be concerned, or join or participate in, any assemblage, meeting, concert, parade, procession or other exercise or display upon any street, alley, highway or public ground without written permit issued to one or more of the participants thereof by the mayor.

(Ord. 32 § 1(37), 1933)

9.12.150 Railroads.

It is unlawful to:

- (1) Annoy passengers or citizens, or obstruct any sidewalk crossing or platform at any railway station;
- (2) Refuse or neglect to conform to any regulation adopted by the railroad company or companies, occupying any railroad station;
- (3) Obstruct the operation of any railroad or interfere therewith by placing any stick, stone or obstacle upon the tracks or rails;
- (4) Get on the cars of any railway and refuse to pay the usual fare;
- (5) Get on or off the cars of any railway with the intent to annoy or interfere with the persons in charge of the cars;
- (6) Get upon or off a locomotive, engine or car of any railroad company, while the same is in motion, except the person is employed thereon or is an officer of the law in the discharge of his duty;

- (7) Permit any person or employee, whether male or female to be quartered, lodged or boarded in any box car, vehicle or structure upon wheels, except sleeping cars, erected or maintained upon any railway track, side track or right-of-way of any railway company, unless the same shall be approved by the mayor health officer and all such places shall be kept clean and sanitary according to the rules of the county board of health.

(Ord. 32 §1(38—44), 1933)

9.12.160 Billiards and pool tables.

It is unlawful to use or operate or allow the use or operation of any public billiard or pool table, bowling or shooting gallery except as may be provided by ordinance.

(Ord. 32 § 1(45), 1933)

9.12.170 Disturbing the peace.

It is unlawful to:

- (1) Disturb the peace and quiet of any street, alley, avenue, public ground, or any religious or public assembly or building, public or private, or any neighborhood, private family or person, by giving a false alarm of fire, by loud or unusual noise, by ringing bells, blowing horns, or other instruments, by indecent, obscene, profane, rude, violent, boisterous, offensive or disorderly language, conversation or conduct, or by threatening, quarrelling, assaulting, fighting, or by any other device or means whatever;
- (2) Engage in any sport or exercise likely to scare or injure horses or persons, to destroy property or embarrass or hinder the passage of animals or pedestrians.

(Ord. 32 § 1(46, 47), 1933)

9.12.180 Unwholesome food.

It is unlawful to:

- (1) Sell, expose or offer for sale any putrid, blown, tainted or unsound meat or fish, or any rotten or unsound eggs, butter, poultry, lard, vegetables, fowl, game or any other article of food;
- (2) Sell, expose or offer for sale for use as food, any poultry, which after being killed, is not dressed and the entrails immediately removed therefrom;
- (3) Sell, expose or offer for sale the flesh of any animal that was diseased, overheated or run down by dogs, at or before the time such animal was butchered or slain, or which dies a natural or violent death not in the usual manner of killing animals for food;
- (4) Sell, expose or offer for sale the flesh of any swine, sheep or cattle unless the same are free from contagious or infectious disease;
- (5) Sell the flesh of any boar, ram or bull without informing the purchaser of the character and kind of flesh.

(Ord. 32 § 1(48—52), 1933)

9.12.190 Slaughterhouses.

It is unlawful to keep, maintain or use any building as a slaughterhouse, within the platted portion of the city.

(Ord. 32 § 1(53), 1933)

9.12.200 Spitting.

It is unlawful to spit, expectorate, deposit or place any sputum, spittle, phlegm, tobacco juice, cigarette stubs, cigar stubs, or quids of tobacco upon the floor, stairway, or other part of any building, or on any sidewalk or depot platform.

(Ord. 32 § 1(54), 1933)

9.12.210 Distributing medicine.

It is unlawful to distribute any bottle or packages of medicine, pills or other free bottles or packages of any preparation for medical purposes by leaving the same on porches or doorsteps or about the premises of any building or business house, or upon any lot, street, sidewalk or place.

(Ord. 32 § 1 (55), 1933)

9.12.220 Throwing debris on street.

It is unlawful to throw, place or deposit or cause or permit to be thrown, placed or deposited on any street, alley, sidewalk, stream, ditch, ravine, drain, or other public place, or upon the premises of any other person, lawn clippings, leaves, any filth, carrion, offal, trash, waste, manure, ashes, cinders, bottles, broken glass, cans or rubbish of any kind.

(Ord. 757 § 2, 1999: Ord. 32 § 1(56), 1933)

9.12.230 Building fires on pavement.

It is unlawful to start, maintain or allow a fire of any kind on any pavement.

(Ord. 32 § 1(57), 1933)

9.12.240 Obstructing public improvement work.

It is unlawful to hinder or obstruct the making or repairing of any public improvements or work.

(Ord. 32 § 1(58), 1933)

9.12.250 Removing public property.

It is unlawful to remove or cause to be removed any dirt, sand, stone, rock, tree, shrub, plank, sidewalk, or fence from any street, alley, highway, lot or ground belonging to the municipality without permission from the council.

(Ord. 32 § 1(59), 1933)

9.12.260 Injuring public property.

It is unlawful to:

- (1) Dig into or in any manner break any sidewalk, curb, pavement, street, alley, or public ground, without replacing the same in as good condition as found;

- (2) Tear down, deface or destroy any house number, street sign, traffic marker or other sign;
- (3) Knock down, remove or destroy any barricade erected by authority of the council or municipal officer on any street or part of street to protect persons or animals on and using the same or drive on or over any curb or parking to pass around the same;
- (4) Tear down or destroy any resolution, order, ordinance, advertisement or official notice posted by order of the council or any public officer or by the person entitled to possession of the property;
- (5) Deface, mark or in any way injure or meddle with any fire hydrant, valve or other appurtenance of the waterworks system or attempt to work or operate them without authority.

(Ord. 32 § 1(60—64), 1933)

9.12.270 Water and sewer connections.

It is unlawful to:

- (1) Make any connection with the waterworks or sewer systems unless the person making the connection is acting with proper authority;
- (2) Make, or cause to be made, any excavation in any street, alley or highway for the purpose of laying any drain or water or sewer connection, without first obtaining a permit for same;
- (3) Make or attempt to make any connection with the waterworks or sewer system without first obtaining a permit for the same.

(Ord. 32 § 1(65—67), 1933)

9.12.280 Electric wires—Keeping free from other wires.

It is unlawful to refuse or neglect to keep all electric wires free from and a safe distance from the wires of the street lighting system and all wires of the fire alarm system.

(Ord. 32 § 1(68), 1933)

9.12.290 Fire and police alarm boxes.

It is unlawful to meddle, interfere with, injure or destroy any fire or police alarm boxes or any wires or other apparatus connected therewith.

(Ord. 32 § 1(69), 1933)

9.12.300 Keeping trees from falling into wires.

It is unlawful to fail or neglect to keep trees or branches therefrom from falling into or in any manner damaging, electric light, telephone or other wires, while the same is being cut down or removed.

(Ord. 32 § 1(70), 1933)

9.12.310 Defacing city property.

It is unlawful to break, deface, injure or destroy or assist in breaking, defacing, injuring or destroying any tree, building, bridge, pavement or other property belonging to or controlled by the city.

(Ord. 32 § 1(71), 1933)

9.12.320 Public library and city hall property.

It is unlawful to cut, mutilate, tear, write upon, mar, injure or destroy any book, magazine, pamphlet, map, picture or document or any furniture or property belonging to the public library or city hall.

(Ord. 32 § 1(72), 1933)

9.12.330 Injuring public utilities.

No person shall, within this city, wilfully injure, break or cause to be injured or broken any sidewalk, crossing, culvert, sewer, pavement, curbing, water main, hydrant, electric light or telephone pole, electric light fixtures, electric light wires or other property or improvement.

(Ord. 32 § 1(73), 1933)

9.12.340 Trespassing on cemetery property.

Any person who shall trespass upon any cemetery within the city by wilfully destroying, injuring or defacing any grave, vault, tombstone or monument, or any building, fence, tree, shrub, flower or any thing belonging to the cemetery or placed therein by persons for the purpose of beautifying or decorating any part thereof is guilty of a misdemeanor.

(Ord. 32 § 1(74), 1933)

9.12.350 Injuring park property.

Any person who shall injure or destroy the beauty of any of the public parks of the city including the small sodded parks along paved or improved streets is guilty of a misdemeanor.

(Ord. 32 § 1(75), 1933)

9.12.360 Destroying private property.

It is unlawful to:

- (1) Cut, break, hack, deface, or otherwise injure or destroy any ornamental, fruit or shade tree, railing, fence, private building or other property;
- (2) Enter any yard, garden, orchard or private premises and cut, hack, pull, carry away or destroy any flowers, fruit, shrub, plant or vegetables, without the consent of the owner or person in charge;
- (3) Cut across or enter upon any lot or ground or go up or down any terrace without the consent of the owner or person in charge, or lead or drive any stock or allow any stock to travel over or upon any lawn, terrace, parking, yard or garden in a way as to injure, trample or destroy the same.

(Ord. 32 § 1(76—78), 1933)

9.12.370 Bill posting.

It is unlawful to paste, write, print, stamp, nail or affix to any building, erection, fence, tree, lamp post, sidewalk, telephone, telegraph or other pole, or to any other improvement, any poster, showbill, handbill, or other printed notice or sign.

(Ord. 32 § 1(79), 1933)

9.12.380 Buying property from minor.

It is unlawful to buy or receive any property from a minor without the consent of a parent or guardian.

(Ord. 32 § 1(80), 1933)

9.12.390 Throwing injurious objects.

It is unlawful to throw any stone, stick or other thing whereby any person may be, or shall be hit or hurt, or any window broken, or other property injured or destroyed.

(Ord. 32 § 1(81), 1933)

9.12.400 Removal of snow and ice from sidewalks.

- (a) Intent of Section. It is the intent of this section to provide for certain procedures relative to removal of snow and ice from sidewalks and for certain penalties for failure to act hereunder.
- (b) Enforcement of Section. The city manager or his or her designated representative or any police officer shall enforce the provisions of this section.
- (c) Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this section, have the meanings in this subsection.
 - (1) "Person" means and includes an individual or group or association of individuals; a firm or any member thereof; a corporation, or any executive officer, manager, person in charge or employee thereof; and the use of a pronoun specifying one gender shall include both genders.
 - (2) "Property owner" means the record title holder or the contract purchaser, if any.
 - (3) "Snow season" means the period beginning October 15 and ending April 15th.
- (d) Obligation of Property Owner. The owner of any property abutting a public sidewalk shall remove snow, ice and accumulations from sidewalks within a reasonable time but in no case more than forty-eight hours following the cessation of the weather event by which they were deposited; provided, however, that in extraordinary weather circumstances the city manager or his or her designated representative may extend the period of time provided in this section for removal under this subsection. In those extraordinary weather situations the city manager or his or her designated representative will deliver to representative news media a statement indicating the amount of additional time the property owners shall have to remove snow, ice and accumulations from sidewalks. If snow, ice or accumulations are not removed as required above, including in any extraordinary weather circumstances, the time designated by the city manager or his or her designated representative any police officer is authorized to issue a civil citation, pursuant to paragraph 364.22(4) of the Code of Iowa, indicating said property owner is in violation of this subsection and is subject to the penalties provided for in subsection (g) of this section.
- (e) Treatment of Unremovable Ice. When ice has formed upon any sidewalk so that it cannot be reasonable removed, the abutting property owner shall within a reasonable time keep such ice sprinkled with fine cinders, sand or deicing chemicals in such manner as to provide traction and prevent the sidewalk from being dangerous to persons using the same. Nothing in this subsection shall be construed to be a substitute for the removal of ice and accumulations, as required in subsection (d) of this section. This subsection shall only apply when ice cannot be reasonably removed. However, all accumulations of ice shall be removed as soon as practical. The city manager or his or her designated representative or any police officer is authorized to issue a civil citation pursuant to paragraph 364.22(4) of the Code of Iowa to anyone violating this subsection

indicating said person is in violation of this subsection and is subject to the penalties provided for in subsection (g) of this section.

- (f) **Deposit on Public Property.** No person shall remove, or cause to be removed, snow, ice and accumulations from private premises (including sidewalks and driveways located within the public right-of-way) and deposit the same or cause the same to be deposited upon any public square or common within the city or upon any public right- of-way, street, avenue, or alley if deposited in a manner which constitutes a hazard to pedestrians or vehicles. The city manager or his or her representative or any police officer is authorized to issue a civil citation pursuant to Section 364.22(4) of the Code of Iowa to anyone violating this subsection indicating said person is in violation of this subsection and is subject to the penalties provided for in subsection (g) of this section.
- (g) **Violations.** Violations of subsections (d) through (f) of this section shall be a municipal infraction punishable by a civil penalty of twenty-five dollars for each such violation.
- (h) **Alternative Relief.** In any proceeding seeking a civil penalty for violations of the provisions of this section the city manager or his or her designated representative may seek additional alternative relief appropriate to the condition to be abated.
- (i) **Removal by the City of Chariton.** Whenever snow or ice, or accumulations of snow and ice, shall have remained on any sidewalk in violation of subsection (d) of this section the city may cause such snow, ice or accumulations to be removed.
- (j) **Right to Assess.** When the city removes snow and ice accumulations under subsections of this section, the city may assess the actual cost of removing such snow from the abutting property owners' sidewalks under subsections (i) and (j) of this section, in addition to taking any other action provided for in this section.
- (k) **Assessment of Costs.** The actual cost of removing snow and ice accumulations from abutting property from the sidewalks shall be paid by the owner of the property abutting thereon and shall be assessed against such property.
- (l) **Schedule of Assessments.** Whenever any snow or ice, or accumulations of snow and ice, have been removed from any sidewalks by the city as provided in this section, and the right to assess provided for in subsection (j) of this section is invoked, the city shall cause to be prepared a schedule giving the name of the owner, so far as known, a description of the property, the date when the work was done, and the amount charged to each lot, and for what work and materials the charge was made. The schedule shall include all work done under the provisions of this section for the twelve-month period ending on the fifteenth day of April of each year. As soon thereafter as practicable the schedule shall be filed with the city clerk.
- (m) **Notice to Property Owners to File Objections—Form and Substance of Notice of Assessment.** Upon filing the schedule of assessments for snow and ice removal with the city clerk, the city council shall by resolution set a date as the last date for filing written objections to the schedule of assessments. The city clerk shall thereupon publish a notice in a newspaper of general circulation in the city. This notice shall be published at least twenty days prior to the last day for filing written objections to the schedule of assessments. It shall be in form and substance as follows:

"NOTICE OF ASSESSMENT
FOR REMOVAL OF SNOW AND ICE

TO: The owners of the following described real estate situated in the City of Chariton, Lucas County, Iowa:

(give legal description of real estate)

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that a schedule has been prepared and is now on file in the office of the City Clerk of the City of Chariton, Iowa, showing assessments for the cost of removing snow and

ice and accumulations thereof from sidewalks in front of the above described real estate for the twelve months period ending April 15, 19___, and that said schedule shows the description of the said real estate to be assessed, the names of the owners thereof so far as known, the amount to be assessed to each parcel or lot or part thereof, and for what the assessments are made.

YOU ARE FURTHER NOTIFIED that any and all objections which you, or any of you, have to the said schedule of assessments, or any part thereof, must be filed in writing in the office of the City Clerk of the City of Chariton, Iowa, on or before _____, 19___, otherwise any objections to the said schedule will be considered as waived.

YOU ARE FURTHER NOTIFIED that thereafter and at a meeting of the City Council to be held at or before the first regular meeting of the City Council in June, 19___, the City Council will adopt and approve final schedule of assessments and cause such to be certified to the County Auditor for collection as provided by law and ordinance.

CITY OF CHARITON, IOWA,

By
City Clerk"

- (n) Adoption of Assessment Schedule. The city council shall consider all objections to the schedule of assessments for the removal of snow and ice from sidewalks, duly filed, and shall by resolution at or before the first regular meeting in June finally approve a schedule of assessments.
- (o) Certification for Collection. Upon adoption by the city council the schedule of assessments for the removal of snow and ice from sidewalks and the resolution approving such shall be certified by the city clerk to the county auditor for collection in the manner provided by law.
- (p) Allocation of Cost. The cost of removing snow, ice or accumulation from sidewalks shall be paid from the proper fund and when collected shall be credited to that fund.

(Ord. 625 § 2, 1991)

9.12.410 Rollerskates and similar devices prohibited on certain city streets and sidewalks.

It is unlawful to use rollerskates, rollerblades, skateboards, or similar contrivances or devices, to slide on any sled or skates, or to coast wagons or similar vehicles on any of the following streets or sidewalks adjacent thereto:

- (1) Main Street between Linden Avenue and Roland Avenue;
- (2) Grand Street between Linden Avenue and Roland Avenue;
- (3) Court Avenue between Twelfth Street and Eighth Street;
- (4) Braden Avenue between Eleventh Street and Eighth Street.

(Ord. 654 § 3, 1993)

9.12.420 Playing ball on street or lot.

It is unlawful to play ball on the streets or on any vacant lot without the consent of the owner, and not even then when the same becomes a nuisance.

(Ord. 32 § 1(84), 1933)

9.12.430 Throwing projectiles on streets.

It is unlawful to throw any projectile from any sling, catapult or air gun or to shoot any arrow from any bow or crossbow upon any street, alley or other public place.

(Ord. 729 § 2, 1998)

9.12.440 Moving buildings.

It is unlawful to move, aid or assist in moving any building, in, along or over any of the streets or alleys without first having obtained a written permit therefor from the mayor.

(Ord. 32 § 1(86), 1933)

9.12.450 Giving way to oncoming traffic or fire department.

It is unlawful for any person, team, bicycle or vehicle meeting another on any street or sidewalk to refuse or neglect to pass or turn to the right and give half of the street or sidewalk so as to allow an uninterrupted passage of such person or vehicle, or hinder in any manner the fire department in making a trip to a fire or return therefrom by parking or driving in a manner to hamper the firemen in the discharge of their regular duties as such.

(Ord. 32 § 1(87), 1933)

9.12.460 Using right hand side of street.

It is unlawful for any vehicle or bicycle not to keep on the right hand half of the street, in accordance with the direction they are going.

(Ord. 32 § 1(88), 1933)

9.12.470 Overhanging weeds.

It is unlawful to permit any weeds, thistles, brush or plants to overhang or encroach upon any sidewalk adjoining the owners' property.

(Ord. 32 § 1(89), 1933)

9.12.480 Wood, coal or fuel on street.

It is unlawful to place or allow to remain upon any street, alley or sidewalk for a longer period of time than twelve hours, any wood, coal or fuel of any kind, or cut, saw or split the same upon any sidewalk.

(Ord. 32 § 1(90), 1933)

9.12.490 Storing cans or boxes on streets.

It is unlawful to keep, place, store or permit or allow the keeping, placing or storing of any ice cream cans or containers, pop and near-beer cases, chicken crates, packing cases or boxes or any other things of similar character to be on any sidewalk, street or alley.

(Ord. 32 § 1(91), 1933)

9.12.500 Vehicles on streets over forty-eight hours.

It is unlawful to allow or suffer any wagon, automobile, truck, engine, machinery or vehicle to be in any street, alley or highway for more than forty-eight hours.

(Ord. 637 § 2 (part), 1992; Ord. 32 § 1(92), 1933)

9.12.505 Miscellaneous junk and debris.

No person shall place, keep or store, or permit inoperable vehicles, vehicular component parts, or miscellaneous junk and debris on any public or private property unless it is in an enclosed building or otherwise completely screened from public view.

(Ord. 662 § 3, 1993)

9.12.510 Obstructing sidewalk with goods for sale.

It is unlawful to place upon or suffer to be placed upon any sidewalk any goods, wares or merchandise, for sale or for show, or to suspend the same in any manner over the sidewalk without a license to do so granted by the city.

(Ord. 693 § 2, 1995; Ord. 281 § 1, 1967; Ord. 32 § 1(93), 1933)

9.12.520 Excavations.

It is unlawful to:

- (1) Keep open any cellar door, grating or cover to any vault or fail properly to protect, or guard all openings on or within six feet of any street, alley, sidewalk or highway;
- (2) Make any excavation in any street, alley or public place or within ten feet of any sidewalk, street, alley or public place and not secure the excavation by an enclosure at least four feet high, substantially built and with red lights placed and burning during the entire night.

(Ord. 32 § 1(94, 95), 1933)

9.12.530 Stairs or steps on sidewalk, street or alley.

It is unlawful to erect any stairs or steps upon any part of any sidewalk, street or alley.

(Ord. 32 § 1(96), 1933)

9.12.540 Building material on street.

It is unlawful to place or deposit any building material in any street, without a written permit from the mayor, subject to revocation by the council, to use part of the street, not exceeding one-half, in front of or adjacent to the lot whereon such building is being erected for depositing therein, the material for such building, but all material shall be placed in such manner as not to obstruct the gutters of the street. The person occupying a portion of the street shall at all times enclose or guard the same in such a manner as to protect persons and animals from injury thereby, and with red lights placed and burning through the night.

(Ord. 32 § 1(97), 1933)

9.12.550 Fruit and vegetable stands.

It is unlawful to erect or keep any stand for the sale of fruit, vegetables, or other substances or commodities on any sidewalk, street, or alley or use or occupy any part of a street or alley with any vehicle for the sale therefrom of any article without written permission from the mayor.

(Ord. 32 § 1(98), 1933)

9.12.560 Draining water on sidewalk.

It is unlawful to cause or permit any water spout, trough, gutter or balcony extending from any building owned or leased to discharge or conduct water upon the surface of any sidewalk, but all such water shall be conducted under the sidewalk in accordance with plans and specifications of the city engineer and under his direction.

(Ord. 32 § 1(99), 1933)

9.12.570 Barb wire near street.

It is unlawful to place or maintain any barb wire, to enclose in whole or in part, any park, terrace, lot or parcel of ground fronting on or adjacent to any street, alley or sidewalk.

(Ord. 32 § 1(100), 1933)

9.12.580 Occupying more than one parking space.

It is unlawful to allow or suffer any omnibus, hack, automobile, truck, delivery wagon or other vehicle, except vehicles used by the police or fire department, to occupy more space from curb to curb than provided by the traffic ordinance, or for loading or unloading such vehicle, and then only as long as is necessary for such purpose, unless written permission is given by the mayor.

(Ord. 32 § 1(101), 1933)

9.12.590 Bicycles, tricycles and similar vehicles prohibited on certain sidewalks.

It is unlawful to:

- (1) Ride any bicycle, tricycle, velocipede, tandem or similar vehicle on any sidewalk adjacent to the following streets:
 - (A) Main Street between Linden Avenue and Roland Avenue,
 - (B) Grand Street between Linden Avenue and Roland Avenue,
 - (C) Court Avenue between Twelfth Street and Eighth Street,
 - (D) Braden Avenue between Eleventh Street and Eighth Street;
- (2) Ride on a bicycle, tricycle, velocipede, tandem or similar vehicle on any sidewalk, street, avenue, highway or alley during dusk or darkness without a lantern of sufficient power to warn people of its approach;
- (3) Ride any bicycle, tricycle, velocipede, tandem or similar vehicle in a careless or negligent manner.

(Ord. 655 § 3, 1993)

9.12.600 Obstructing street, alley, or sidewalk.

Any person, firm or corporation who shall in any manner obstruct or blockade any street, alley, or sidewalk by placing therein or thereupon any wagons, buggies, boxes, goods or other obstructions is guilty of a misdemeanor.

(Ord. 32 § 1(105), 1933)

9.12.610 Littering.

It is unlawful to:

- (1) Scatter waste or place, paste, paint or writing on any sidewalk;
- (2) Leave any paper removed or coming from billboards on any street or sidewalk, or scatter showbills, handbills or other advertising on the sidewalks, streets or alleys;
- (3) Throw, place or deposit or cause or permit to be thrown, placed or deposited, any glass, nails, or other sharp substances, ashes, straw, paper, sweepings, brush, weeds, spoiled fruit or vegetables, manure, trash, litter or rubbish of any kind upon any sidewalk, street, alley, highway, gutter, drain or public ground;
- (4) Throw, place or deposit or cause or permit to be thrown, placed or deposited upon any street, alley or highway or into any gutter or drain, or upon any lot, park or ground, any paper, hay, straw, leaves, shavings, waste, excelsior, boards or other inflammable substances without causing the same to be burned;
- (5) Cause, allow or permit, grease, waste or other oily substances from any garage, shop, factory, creamery, restaurant, or other building or place to be washed over, upon or across any paving, sidewalk or other public place.

(Ord. 32 § 1(106—110), 1933)

9.12.620 Cruelty to animals.

It is unlawful to inhumanly or cruelly abuse or beat any animal or leave the same needlessly exposed to inclement weather.

(Ord. 32 § 1(111), 1933)

9.12.630 Keeping swine and goats.

It is unlawful to keep or maintain any swine, goats, or other offensive animals, within two hundred feet of any public building or private dwelling unless the premises where the same are kept are thoroughly cleaned and sanitary according to the rules of the county board of health.

(Ord. 32 § 1(112), 1933)

9.12.640 Animals at large.

It is unlawful to stake out or allow to run at large, over the streets, alleys, highways, public grounds or private property of others, any cattle, horse, mule, sheep, goat, swine, chicken, duck, goose or other domestic animal or poultry of any kind. Animals so found shall be impounded by the marshal and cared for at such charges as are reasonable or as provided by law. The owner or owners, if known, shall be notified thereof and if the costs of

impounding are not paid, together with any fine and costs imposed for a violation of this provision, such animals may be disposed of as provided by law, the proceeds of such sale to be applied to the satisfaction of any costs incurred thereby.

(Ord. 32 § 1(113), 1933)

9.12.650 Herds.

It is unlawful to have charge of a herd of more than six animals and not have a person constantly with such herd.

(Ord. 32 § 1(114), 1933)

9.12.660 Riding or driving teams.

It is unlawful to:

- (1) Drive or ride or direct, cause or permit to be driven or ridden any horse or other animal, carriage or vehicle, in a careless or improper manner;
- (2) Drive or ride any team, horse or other animal upon any street or public place faster than a trot, or to try its speed or to race;
- (3) Cause or allow any animal or vehicle to collide with any person, vehicle or other thing;
- (4) Leave any horse, team or other animal in any street, alley or other public place without tying, fastening or guarding so as to prevent its escape.

(Ord. 32 § 1 (115—118), 1933)

9.12.670 Hitching animals to fixtures.

It is unlawful to fasten, hitch, or tie any horse or other animal to any fire hydrant, telegraph, telephone, electric light or other pole, or to any fence, tree, shrub or other property.

(Ord. 32 § 1(119), 1933)

9.12.680 Driving animals on property.

It is unlawful to drive, ride, lead, place or allow any animal or vehicle upon any sidewalk, terrace, parking, or lot, or leave the same standing on or across any footway or crossing, except that any person may lead, drive or ride any animal over any sidewalk, into a lot or building with the consent of the occupant or owner.

(Ord. 32 § 1(120), 1933)

9.12.690 Standing animal—Permit required.

It is unlawful to exhibit, or stand for service, any stallion, jack, bull, boar or other animal, unless within an enclosure so arranged as to prevent the noise therefrom from disturbing the public or any person or without the written permit from the mayor to exhibit or stand any such animal in that particular place.

(Ord. 32 § 1(121), 1933)

9.12.700 Molesting squirrels and birds.

Any person who shall kill, injure or molest any squirrels or birds, excepting English sparrows, within the city limits, is guilty of a misdemeanor.

(Ord. 32 § 1(122), 1933)

9.12.710 Stoves.

It is unlawful to:

- (1) Use a stove in any house, store, shop or other building without placing thereunder a plate or platform of brick, stone, sheet iron, zinc or earth to sufficiently protect the floor;
- (2) Use any stove pipe, unless it be at least three inches from any wood at its intersections with any floor, partition or ceiling through which it may pass, and pass through an earthen, tin or other fire proof material ventilator, extending at least two feet above and beyond the floor, partition or ceiling through which it passes.

(Ord. 32 § 1(123, 124), 1933)

9.12.720 Chimneys.

It is unlawful to:

- (1) Maintain or use any chimney where the plaster or mortar is worn out so that the same is in an unsafe condition or so as to allow smoke to escape between the bricks;
- (2) Cover any chimney opening with cloth or paper without first closing such opening with a metal stop or with brick and mortar;
- (3) Set fire to any chimney for the purpose of burning out or cleaning the same, except in the daytime and not then unless the roof is damp or covered with snow;
- (4) Use or operate any blacksmith shop or other shop, mill or building, for carrying on any business or trade in which fire is used, unless the chimneys or flues are not less than four feet higher than all buildings within twenty feet.

(Ord. 32 § 1(124—127), 1933)

9.12.730 Lighted candle near flammable material.

It is unlawful to convey any lighted candle or lamp into any stable, building, or any other place where hay, straw, hemp, cotton, flax, rushes or other combustible material is stored, unless such candle or lamp is enclosed in a lantern.

(Ord. 32 § 1(128), 1933)

9.12.740 Boiling oil or varnish.

It is unlawful to boil oil or varnish within twenty feet of any building without the permission of the mayor.

(Ord. 32 § 1(129), 1933).

9.12.750 Depositing ashes.

It is unlawful to deposit ashes in any house, cellar, or building, or within ten feet of any building, fence, wood pile, or wooden structure or sidewalk, except in a secure metal, brick, stone, or other noncombustible receptacle.

(Ord. 32 § 1(130), 1933)

9.12.760 Burning in the city limits.

With the exception of recreational fires, it is unlawful to burn: Shavings, leaves, yard waste, or solid waste in any street, avenue, alley or public ground, or on any lot. Recreational fires of wood only are permissible within a receptacle designed or manufactured specifically for that purpose such as a fire pit (with cover), or chiminea and so long as such burning is not within twenty-five feet of any building, wood pile, or wooden structure. Recreational fires shall be prohibited in the city limits of the City of Chariton, Iowa, in the event that a burning ban has been issued by Lucas County Emergency Management.

(Ord. 32 § 1(131), 1933)

(Ord. No. 857, § 2, 10-4-2010; Ord. No. 928, § 2, 12-6-2021)

9.12.770 Fire exits.

It is unlawful to permit any assembly of people in any hall, opera house, theatre, church, place of amusement or other place, unless all the doors of exit shall swing outward and be unlocked and easy to open while the assembly is therein.

(Ord. 32 § 1(132), 1933)

9.12.780 Violation of health rules and ordinances.

It is unlawful to:

- (1) Violate any of the rules of the Lucas County board of health;
- (2) Violate any ordinance where no penalty for the violation is prescribed, and the council are empowered to fix a penalty.

(Ord. 32 § 1(134), 1933)

9.12.790 Explosives.

- (a) Any person, firm or corporation who shall keep within the limits of the city more than twenty-five pounds of gun powder or blasting powder is guilty of a misdemeanor.
- (b) No nitroglycerine or gun cotton shall be used or kept at any time within the limits of the city. Any person violating any of the provisions of this subsection is guilty of a misdemeanor.

(Ord. 32 § 1(135, 136), 1933)

9.12.800 Monuments, grades and stakes.

Any person who shall wilfully molest, move, raise or lower or change in any manner any grade, stake, stone, pinrod, or other mark or monument made or placed by the city engineer, or by his orders within the city is guilty of a misdemeanor.

(Ord. 32 § 1(137), 1933)

9.12.810 False call to public official.

Any person who shall for the purpose of either misleading, or deception, notify or cause to be notified or informed any marshal or nightwatchman or other city official that his presence or services are needed at any particular point and thus cause such officer to go to such point, or who shall cause, suffer or permit any false call of any such officer to be made by or through any telephone, is guilty of a misdemeanor.

(Ord. 32 § 1(138), 1933)

9.12.820 Electric fences.

- (a) It is unlawful to erect, place, maintain, or use electric wire as fencing to enclose in whole or in part real estate zoned residential within the city. "Electric wire," as used herein, means wire through which an electric current is being transmitted.
- (b) Any person violating any of the provisions of this section shall upon conviction be subject to imprisonment not exceeding thirty days or a fine not exceeding one hundred dollars.

(Ord. 523 §§ 3, 4, 1982)

Chapter 9.16 CURFEW¹

9.16.010 Definitions.

For purposes of this chapter, the following terms are defined as follows:

"Emergency errand" means, but is not limited to, an errand relating to a fire, natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.

"Home" means the minor's dwelling place, but need not be the minor's permanent dwelling place.

"Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

"Minor" means any unemancipated person under the age of eighteen years.

"Non-secured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room, which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or the peace officer's designee or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing non-secured custody only while awaiting transfer to an appropriate juvenile facility or court, for contacting of and release to the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

¹ Prior ordinance history: Ord. 268.

"Public place" means and includes parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this chapter, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

"Responsible adult" means a parent, guardian, or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

"Unemancipated" means unmarried and still under the custody or control of a responsible adult.

(Ord. 844 § 2 (part), 2008)

9.16.020 Curfew established.

Unless accompanied by a responsible adult, no minor shall be in any public place between the hours of twelve-one a.m. and five a.m. each day.

(Ord. 844 § 2 (part), 2008)

9.16.030 Exceptions.

The following conduct or actions shall not violate the curfew:

- (1) The minor is accompanied by a responsible adult.
- (2) The minor is on the sidewalk or property where the minor resides.
- (3) The minor is present at or traveling between home and one of the following:
 - (A) Minor's place of employment in a business, trade or occupation, in which the minor is permitted by law to be engaged, or if traveling, within one-half hour before the beginning or within one-half hour after the end of work.
 - (B) Minor's place of religious activities, or if traveling, within one-half hour before the beginning or within one-half hour after the end of the religious activity.
 - (C) Governmental or political activity, or, if traveling, within one-half hour before the beginning or within one-half hour after the end of the activity.
 - (D) School activity, or, if traveling, within one-half hour before the beginning or within one-half hour after the end of the activity.
 - (E) Assembly such as a march; protest; demonstration; sit-in; or meeting of an association for the advancement of economic, political, religious or cultural matters; or for any other activity protected by the First Amendment of the U.S. Constitution's guarantee of free exercise of religion, freedom of speech, freedom of assembly, or, if traveling, within one-half hour before or within one-half hour after the end of the activity.
- (4) The minor is on an emergency errand for a responsible adult.
- (5) The minor is engaged in interstate travel through the city beginning, ending, or passing through Chariton, Iowa, when such travel is by direct route.

(Ord. 844 § 2 (part), 2008)

9.16.040 Responsibility of adults.

It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in Chariton within the time periods prohibited by this chapter, unless the minor's presence falls within one of the above exceptions.

(Ord. 844 § 2 (part), 2008)

9.16.050 Enforcement procedures.

- (a) **Determination of Age.** In determining the age of the minor and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall, in the first instance, use his or her best judgment.
- (b) **Grounds for Taking Into Custody and Conditions of Custody.** Grounds for taking into custody are the person refuses to sign the citation; persists in violating the ordinance codified in this chapter; refuses to provide proper identification or identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who takes into custody a minor for curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraint, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation unless by legal order from a court with proper jurisdiction.
- (c) **Notification of Responsible Adult.** After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.
- (d) **Minor Without Adult Supervision.** If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian, or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child, or another person who is known to the child.

(Ord. 844 § 2 (part), 2008)

9.16.060 Penalties.

- (a) **Responsible Adult's First Violation—Warning.** In the case of a first violation by a minor, the chief of police shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
- (b) **Responsible Adult's Second Violation—Simple Misdemeanor.** Any responsible adult as defined in this chapter who, following receipt of a warning, knowingly allows a minor to violate any of the provisions of this section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed one hundred dollars or imprisonment not to exceed thirty days.
- (c) **Minor's First Violation—Warning.** In the case of a first violation by a minor, the police shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.

- (d) **Minor's Second Violation—Simple Misdemeanor.** For the minor's second and subsequent violations of any of the provisions of this section, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed one hundred dollars or to perform community service as ordered by the court.

(Ord. 844 § 2 (part), 2008)

9.16.070 Additional notice.

Notice of the ordinance codified in this chapter and its contents may be posted in, on or about such public or quasi-public places as may be designated by the police department in order that the public may be constantly informed of the existence of this chapter and its regulations, in addition to publication of the ordinance codified in this chapter in a newspaper as required by law.

(Ord. 844 § 2 (part), 2008)

Chapter 9.18 DRUG PARAPHERNALIA

Sections:

9.18.010 Purpose.

The purpose of Sections 9.18.010 through 9.18.080 is to prohibit the use, possession with intent to use, manufacture and delivery of drug paraphernalia as defined in Section 9.18.020.

(Ord. 714 § 2 (part), 1997)

9.18.020 Definitions.

As used in this chapter:

- A. "Controlled substance," as used in Sections 9.18.010 through 9.18.080 is defined as "controlled substances" is defined in the Uniform Controlled Substance Act, Chapter 124 of the Iowa Code, as it now exists or is hereafter amended.
- B. "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 Substances Act, Chapter 124 of the Iowa Code. It includes, but is not limited to:
1. **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;
 2. **Processing Kits.** Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 3. **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;

4. 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;
 5. Scales. Scales and balances used, intended for use, or designed for use in weighing and measuring controlled substances;
 6. Dilutants. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose used, intended for use, or designed for use in cutting controlled substances;
 7. 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;
 8. Mixing Devices. Blenders, bowls, container, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
 9. Containers. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
 10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storage or concealing controlled substances;
 11. 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;
 12. Ingesting-inhaling Device. Objects used, intended for use, or designed for use in ingestion, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls,
 - b. Water pipes,
 - c. Carburetion tubes and devices,
 - d. Smoking and carburetion masks,
 - e. 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,
 - f. Miniature cocaine spoons and cocaine vials,
 - g. Chamber pipes,
 - h. Carburetor pipes,
 - i. Electric pipes,
 - j. Air driven pipes,
 - k. Chillums,
 - l. Bongs,
 - m. Ice pipes or chillers.
- C. "Person," as used in Sections 9.18.010 through 9.18.080, means an individual, corporation, business, trust, estate, partnership or association, or any other legal entity.

(Ord. 714 § 2 (part), 1997)

9.18.030 Determination.

In determining whether an object is drug paraphernalia for the purpose of enforcing Sections 9.18.010 through 9.18.080 the following factors should be considered in addition to all other logically relevant factors:

- A. Statements. Statements by an owner or by anyone in control of the object concerning its use;
- B. 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;
- C. 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 Iowa Code;
- D. Proximity of Substances. The proximity of the object to controlled substances;
- E. Residue. The existence of any residue of controlled substances on the object;
- F. 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 he knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Iowa Code;
- G. 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 Iowa Code, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- H. Instructions. Instructions, oral or written, provided with the object concerning to its use;
- I. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use;
- J. Advertising. National and local advertising concerning its use;
- K. Displayed. The manner in which the object is displayed for sale;
- L. Licensed Distributor or Dealer. Whether the owner, 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;
- M. Sales Ratios. Direct or circumstantial evidence of ratio of sales of the object (s) to the total sales of the business enterprise;
- N. Legitimate Uses. The existence and scope of legitimate uses for the object in the community;
- O. Expert Testimony. Expert testimony concerning its use.

(Ord. 714 § 2 (part), 1997)

9.18.040 Possession.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia 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 Substance Act, Chapter 124 of the Iowa Code.

(Ord. 714 § 2 (part), 1997)

9.18.050 Manufacture, delivery or offering for sale.

It is unlawful for any person to deliver, possess with the 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 Substance Act, Chapter 124 of the Iowa Code.

(Ord. 714 § 2 (part), 1997)

9.18.060 Legislative intent.

It is the purpose and intent of this city council to promote the health, safety, and morals of the citizens of the city. The use or administration of controlled substances is clearly illegal. The banning of all objects in close connection and adopted for the use of controlled substances should also be controlled because of the lack of social or practical purposes of such objects or paraphernalia, whether the use be by adults or minors. It is also strong public policy to protect children from the unsupervised exposure and familiarity of drug paraphernalia. In addition to education about the items in school and at home, it is also essential to discourage open use, possession, manufacture, and commerce of these drug related items.

(Ord. 714 § 2 (part), 1997)

9.18.070 Nuisance.

In addition to the provisions of Section 9.18.080 or in lieu thereof, violation of this Section 9.18.010 through 9.18.080 shall constitute a nuisance which may be abated in the manner provided in Iowa Code 364.12 (3)(h) by injunction in the Iowa District Court or by the nuisance abatement proceedings as set forth in this code.

(Ord. 714 § 2 (part), 1997)

Chapter 9.20 NOISE CONTROL

Sections:

9.20.010 Purpose.

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

(Ord. 769 § 2 (part), 2000)

9.20.020 Radios, stereos, musical instruments and other similar devices.

No person shall operate, play or permit the operation or playing of any radio, stereo, musical instrument or other similar device which produces sound in such a manner as to create sound which endangers or jeopardizes the welfare, safety or health of city residents, or devalues or injures personal or real property.

(Ord. 769 § 2 (part), 2000)

9.20.030 Penalties for offenses pertaining to noise control.

- (a) A violation of any provision of this chapter shall be a municipal infraction punishable by a penalty of fifty dollars for a person's first violation and one hundred dollars for each repeat violation.
- (b) Alternatively, a violation of any provision of this chapter can be charged by a peace officer of the city as a simple misdemeanor punishable by a fine not to exceed one hundred dollars or imprisonment not to exceed thirty days.

(Ord. 769 § 2 (part), 2000)

Chapter 9.22 FIREWORKS

9.22.010 Purpose.

The purpose of this chapter is to provide for the regulation of the use of fireworks in the City of Chariton, Iowa.

(Ord. No. 909, § 2, 9-17-2018)

9.22.020 Fireworks defined.

"Fireworks" or "consumer fireworks" as used in this chapter, shall mean those items listed or referred to under the definition of "first-class consumer fireworks" and "second-class consumer fireworks" as set forth under Iowa Code Chapter 100.

(Ord. No. 909, § 2, 9-17-2018)

9.22.030 Use of fireworks limited.

No person shall use or explode consumer fireworks on days and times other than July 4 from the hours of nine o'clock a.m. to eleven o'clock p.m., and December 31 from the hours of nine o'clock a.m. until eleven o'clock p.m. The use of fireworks shall be prohibited in the city limits of the City of Chariton, Iowa, in the event that a burning ban has been issued by Lucas County Emergency Management.

(Ord. No. 909, § 2, 9-17-2018; Ord. No. 928, § 3, 12-6-2021)

9.22.040 Penalties for offenses relating to fireworks.

- (a) A violation of any provision of this chapter shall be a municipal infraction punishable as set forth in Chapter 1.30.030.
- (b) Alternatively, a violation of any provision in this chapter may be charged by a peace officer of the city as a simple misdemeanor punishable by a fine not to exceed two hundred fifty dollars, or imprisonment not to exceed thirty days.

(Ord. No. 909, § 2, 9-17-2018)

Chapter 9.24 PARK REGULATIONS

9.24.010 Purpose.

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

(Ord. No. 921, § 2, 4-19-2021)

9.24.020 Definitions.

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

"City Lakes Park" means Lake Morris and Lake Ellis and the surrounding area owned by the City of Chariton, Iowa.

(Ord. No. 921, § 2, 4-19-2021)

9.24.030 Prohibitions in City Lakes Park.

It is unlawful to:

- (1) Operate any boat or watercraft on the lakes in City Lakes Park with any motorized propulsion other than electric motor;
- (2) Conduct any target shooting in the City Lakes Park;
- (3) Operate a motor vehicle in the City Lakes Park in any location other than on the designated road ways and parking areas;
- (4) Conduct open burning in any location in the City Lakes Park.

(Ord. No. 921, § 2, 4-19-2021)

9.24.110 Violations—Penalty.

Any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of one thousand five hundred dollars and/or a maximum of thirty days in jail. Furthermore, any violation of this chapter shall constitute a municipal infraction, as set forth in Chapter 1.30 of this Code, and, therefore, any civil penalties may likewise be assessed and enforced as set forth therein.

(Ord. No. 921, § 2, 4-19-2021)