

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

41.03 PROVIDING FALSE IDENTIFICATION INFORMATION. No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

41.06 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

41.07 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

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

41.12 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB

guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

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

41.14 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. The definitions enumerated in *Code of Iowa* Section 727.2 and Section 100.19 are incorporated herein by reference.

2. Sales – General Requirements.

A. Permit Required. Prior to any person engaging in the sale of consumer fireworks, a fireworks sales permit must be issued by the Humboldt Fire Chief. The following shall be provided for consideration in the issuance of a fireworks sales permit:

(1) Fireworks Sales Permit Application. A completed application must be submitted to Humboldt Fire Rescue at least 30 days prior to the first date that sales are anticipated to commence. A separate application must be submitted for the June 1 to July 8 sales period and for the December 10 to January 3 sales period as set forth below. The application form shall be prescribed by the Humboldt Fire Chief.

(2) State License: Proof of valid license issued from the State Fire Marshal must be provided upon receipt by the applicant. Failure to provide proof of a valid license will preclude the issuance of a fireworks sales permit.

(3) Fireworks Sales Permit Fee. A fee of \$250.00 shall be due when the fireworks sales permit application is submitted to the City.

(4) Liability Insurance. Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.00.

(5) Site Plan. A site plan of the location where sales are requested must accompany the fireworks sales permit application. Two paper copies and one electronic copy shall be provided.

(6) Building Floor Plan: A building floor plan of the location where sales are requested must accompany the fireworks sales permit application. Two paper copies and one electronic copy shall be provided.

(7) Approval of Property Owner: A copy of a lease agreement or letter of approval from the property owner of the location where sales are requested must accompany the fireworks sales permit application.

(8) Fire Inspection: Any property, building, or premise whether it be permanent or temporary, intended for the sale of consumer fireworks shall have a fire inspection completed by the Humboldt Fire

Chief prior to engaging in the sale of consumer fireworks for each sales period set forth in *Code of Iowa* Section 727.2. The Humboldt Fire Chief shall cause an inspection to occur meeting the requirements of the current fire code adopted by the State of Iowa. A fireworks sales permit shall only be issued upon completion of a satisfactory inspection.

B. Dates of Sale. Consumer fireworks sales shall only be conducted in accordance with dates and times designated by *Code of Iowa* Section 727.2. It is unlawful to sell consumer fireworks without meeting the requirements specified in this section, or to sell fireworks outside of the dates specified.

(1) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.

(2) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between June 13 and July 8.

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

(1) No person shall sell consumer fireworks to a person under the age of 18.

(2) Consumer fireworks shall not be sold to persons showing visible signs of—or who is determined to be—intoxicated or under the influence of a drug or narcotic.

D. Restricted Location. Consumer fireworks sales shall only be allowed in areas zoned other than residential.

3. Restrictions on Discharging.

A. No person shall discharge a consumer fireworks device within the City limits of Dakota City.

B. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, and such other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a licensed operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance as required under *Code of Iowa* Section 727.2 and under this section.

C. Sky lantern open flame devices are not permitted to be released within the City limits, except if tethered by a retrievable rope.

4. Manufacture of Fireworks. It is unlawful for a person to manufacture fireworks within the City limits without a permit as may be required by local, State, or federal laws and regulations.

5. Violations. All violations of any provisions of this section may be prosecuted by the City either as simple misdemeanors or municipal infractions. A landowner who knowingly allows persons to discharge fireworks on their property in violation of this

section shall also be deemed to be in violation. Violations of this chapter shall be reported to the State Fire Marshal.

41.15 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

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

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

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

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

41.16 CIGARETTES AND TOBACCO. It is unlawful for any person under 18 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under 18 years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)

41.17 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under 18 years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

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