

## CHAPTER 40

### PUBLIC PEACE

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**40.01 ASSAULT.** No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

*(Code of Iowa, Sec. 708.1 [1])*

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

*(Code of Iowa, Sec. 708.1 [2])*

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

*(Code of Iowa, Sec. 708.1)*

**40.02 HARASSMENT.** No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:

A. Communicates with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

*(Code of Iowa, Sec. 708.7)*

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.

*(Code of Iowa, Sec. 708.7)*

C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

*(Code of Iowa, Sec. 708.7)*

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

*(Code of Iowa, Sec. 708.7)*

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

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

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

*(Code of Iowa, Sec. 723.4 [1])*

2. Noise. Make loud and raucous noise in the vicinity of any residence, business or public building which causes unreasonable distress to the occupants thereof.

*(Code of Iowa, Sec. 723.4 [2])*

2A. Loud Motor Vehicle Stereos or Radios. No person shall operate a motor vehicle in a public in a public place or on any public street, highway, or alley in which a stereo (stereo, tape player, compact disc player, radio or any other sound amplification device) can be heard a distance of one hundred (100) feet or more from the vehicle. The provisions of this subsection may be enforced following personal observation or hearing by any police officer or upon receipt of a complaint made or filed with the Police Department by the person disturbed by such noise. *(Ord. 01-58 – Sep. 01 Supp.)*

3. Abusive Language. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another. *(Code of Iowa, Sec. 723.4 [3])*

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly. *(Code of Iowa, Sec. 723.4 [4])*

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless. *(Code of Iowa, Sec. 723.4 [5])*

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

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

- A. “Deface” means to intentionally mar the external appearance.
- B. “Defile” means to intentionally make physically unclean.
- C. “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.
- D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.
- E. “Show disrespect” means to deface, defile, mutilate or trample.
- F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle or animal to tread upon.

*(Ord. 07-103 – Dec. 07 Supp.)*

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

*(Code of Iowa, Sec. 723.4 [7])*

8. **Obstruct Use of Buildings.** Harass or intimidate, by word or conduct, individuals attempting to enter or exit businesses or other public places.

9. **Funeral or Memorial Service.** Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

*(Code of Iowa, Sec. 723.5)*

*(Ord. 16-161 – Nov. 15 Supp.)*

**40.04 UNLAWFUL ASSEMBLY.** It is 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 it is such.

*(Code of Iowa, Sec. 723.2)*

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

*(Code of Iowa, Sec. 723.3)*

**40.06 LOITERING IN MUNICIPAL PARKING LOTS.** It is unlawful for any person to congregate, stand, loaf or loiter in any municipal parking lot which is either owned, operated or leased by the City, and it is also unlawful for any person

to make any remarks, gestures, noises, signs or to do any other act which will in any way disturb, annoy, insult or interfere with any person using said parking facilities.

**40.07 LOITERING IN PUBLIC PLACES.** It is unlawful for any person to do any of the following:

1. Congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same or to hinder or prevent persons passing or attempting or desiring to pass thereon;
2. Congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theatre, hotel, eating house, lodging house, office building, store, shop, office or factory, or in front of persons walking along or into or out of the same or persons attempting or desiring to do so;
3. Sit upon or lean upon or against any railing or other barrier about any area, entrance, basement or window to obstruct the light or to prevent passage of persons or tenants occupying the building to which such area, entrance, basement or window belongs.

**40.08 DISORDERLY HOUSES.**

1. Definition. The term “disorderly house” means any structure or any room therein, or any part of the premises adjacent thereto, in or upon which occurs any disorderly conduct as defined in Section 723.4 of the Code of Iowa as it now reads or may hereafter be amended or any violation of the provisions of Section 40.03 of this Code of Ordinances or any of the other following prohibited activities:

- A. The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Code of Iowa, under which possession of such substance would be an offense;
- B. Gambling in violation of Chapter 99B of the Code of Iowa;
- C. Dispensing, selling or consumption of an alcoholic beverage in violation of Chapter 123 of the Code of Iowa;
- D. Acts of prostitution, pimping or pandering as defined in Chapter 725 of the Code of Iowa.

2. Keeping a Disorderly House. It is unlawful for any person to knowingly keep a disorderly house as defined in subsection 1. For purposes of this section, “keep” means ownership or having control of a structure or room therein or any part of the adjacent premises. A person shall not be guilty of this offense if that person had taken steps reasonably calculated to

abate, eliminate or prevent further acts of disorderly conduct at that time and place including, but not limited to, calling the police or other law enforcement agency and reporting the disorderly conduct which was occurring.

3. Frequenting or Being Found in a Disorderly House. It is unlawful for any person to frequent or be found in a disorderly house as defined in this section. As used herein, a structure, room or adjacent premises may only be defined as a disorderly house at such time disorderly conduct and other acts, which are included in the definition of disorderly house, may be occurring upon the premises.

4. Violation. A violation of this section will constitute a simple misdemeanor with a scheduled fine of one hundred dollars (\$100). Second and subsequent violations will have a scheduled fine of two hundred fifty dollars (\$250).

*(Ord. 10-122 – Mar. 10 Supp.)*