

## TITLE 9

### PUBLIC PEACE, MORALS AND SAFETY

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**I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

**9.10.010 Harassment of city employees.**

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

**II. OFFENSES AGAINST THE PERSON**

**III. OFFENSES AGAINST PUBLIC DECENCY**

**CHAPTER 9.12**

**INDECENT EXPOSURE<sup>36</sup>**

**Sections:**

- 9.12.010 Deemed misdemeanor.
- 9.12.020 Violation – Penalty.

**9.12.010 Deemed misdemeanor.**

If any person appears in any public place in the state of nudity, in an indecent or lewd dress, makes any indecent exposure of his or her person, is guilty of any lewd or indecent act or behavior, sells or offers to sell or exhibits any indecent or lewd book, picture, photograph, painting, caricature or other thing or is a party to, or a performer in any indecent or lewd play or other representation, such person is guilty of a misdemeanor

**9.12.020 Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## CHAPTER 9.16

### DISORDERLY HOUSES<sup>38</sup>

#### **Sections:**

- 9.16.010 Defined.
- 9.16.020 Keeping disorderly house.
- 9.16.030 Frequenting.
- 9.16.040 Transporting persons.
- 9.16.050 Violation – Penalty.

#### **9.16.010      Defined.**

“*Disorderly house*” for the purpose of this chapter means and includes, and it is designated to be, any building, room or rooms, hall or halls, any vehicle or one or more enclosures or structures of any kind of nature, where lewd, disorderly or disreputable persons, either male or female, gather or assemble, or where loud, boisterous, indecent or profane language or immoral conduct between male and female, or male and female occupants, guests or patrons, is carried on, places restored to for the use of opium or hashish, opium or hop joints, places where intoxicating liquors are illegally kept, sold or given away or where any unlawful practice or gambling for money or property is carried on, places or resorts of any kind whatsoever for thieves, drunkards, prostitutes or other idle, vicious and disorderly person, or places where persons are permitted to become intoxicated therein.

#### **9.16.020      Keeping disorderly house.**

No person or persons, firm or corporation shall maintain, own, conduct, keep or operate or in any manner be concerned in maintaining, conducting, keeping, contributing to or operating within the limits of the city, any disorderly house as defined in Section 9.16.010.

#### **9.16.030      Frequenting.**

No person or persons, shall frequent, resort to, nor be an inmate of or be found in any disorderly house as defined in Section 9.16.010 within the limits of the city. No person or persons, shall frequent, resort to, nor be an inmate of or be found in any disorderly house as defined in Section 9.16.010 within the limits of the city.

#### **9.16.040      Transporting persons.**

No person or persons, firm or corporation, knowing the character or reputation of any disorderly house as defined in Section 9.16.010, shall transport in any manner whatsoever or in any manner be concerned in transporting or soliciting for transportation any person or persons either to or from any disorderly house as hereinabove referred to within the limits of the city.

#### **9.16.050      Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

**IV. OFFENSES AGAINST PUBLIC PEACE**

**CHAPTER 9.24**

**CONSUMPTION OF LIQUOR<sup>39</sup>**

**Sections:**

- 9.24.010 Intoxication in public – Action.
- 9.24.020 Violation – Penalty.

**9.24.010 Intoxication in public – Action.**

If any person, within the limits of the city, is in a state of intoxication, he is guilty of a misdemeanor and may be arrested without a warrant and taken into custody

**9.24.020 Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## CHAPTER 9.28

### DISTURBING THE PEACE<sup>41</sup>

#### **Sections:**

9.28.010	Disturbances of public place or private family.
9.28.020	Disturbance of quiet in building.
9.28.030	Disturbing places of worship.
9.28.040	Discharge of firearms or fireworks.
9.28.050	Violations – Penalty.
9.28.060	Disturbing assembly.

#### **9.28.010      Disturbances of public place or private family.**

If any person or persons, within this city, shall disturb the public peace and quiet of any public ground or place, or of any street, alley, public assemble, neighborhood, private family or person by loud or unusual noise or by fighting or quarreling, or by offering to fight, or by the use of profane, blasphemous, vulgar, obscene or abusive language, or by any other device or means whatsoever, such person or persons are guilty of a misdemeanor.

#### **9.28.020      Disturbance of quiet in building.**

If any person suffers or permits any quarreling, fighting, obscene language or conduct of any loud and unusual nature or other disturbance of the public peace and quiet in any building or upon any premises owned, occupied or controlled by him, to the disturbance of others, such person is guilty of a misdemeanor.

#### **9.28.030      Disturbing places of worship.**

No person shall disturb or annoy any place of worship, or person or persons therein worshipping, or any lawful assembly of persons lawfully congregated together, by any rude, boisterous or unbecoming language or behavior in or near the place of worship or place of assembly within this city, and any person so doing is guilty of a misdemeanor.

#### **9.28.040      Discharge of firearms or fireworks.**

No person shall, within the city, discharge any firearms, firecrackers, percussion canes, cap pistols or any fireworks of any kind or character, or permit the same to be done without first having obtained the permission of the mayor, and any person violating the provisions of this section is guilty of a misdemeanor.

#### **9.28.050      Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

**9.28.060      Disturbing assembly.**

If any person makes or excites any disturbance in a tavern, store, grocery or at any election or public meeting, or other place where the citizens are peaceable and lawfully assembled, he shall be punished as provided in Section 1.12.010.

**CHAPTER 9.32**

**VAGRANCY<sup>44</sup>**

**Sections:**

9.32.010 Persons designated.

9.32.020 Violation – Penalty.

**9.32.010      Persons designated.**

The following persons eighteen years of age or over, are vagrants: All habitual drunkards; all frequent or habitual users of drugs; all keepers or proprietors of houses of ill fame or other places of prostitution; all persons having the character and reputation of being “pimps”; all gamblers; all crap shooters or other persons playing or indulging in games of chance in the street, alley or other places; all persons who aid or abet in enticing, inducing or procuring persons to indulge in any game of chance; all prostitutes or street walkers; all persons begging from house to house or public places; all persons having the character and reputation of being tramps; all persons having no visible calling, business or occupation by which to maintain themselves and who are unable to show reasonable efforts in good faith to secure employment; all disorderly persons and all persons whose income or livelihood is derived from any illegally or illegitimate business, calling, occupation or employment.

**9.32.020      Violation– Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## CHAPTER 9.36

### LOITERING – BEGGING

#### Sections:

9.36.010 Begging – Wandering – Sleeping in street – Disorderly persons.

9.36.020 Violation – Penalty.

9.36.030 Loitering – Annoying passers-by.

#### **9.36.010 Begging – Wandering – Sleeping in street – Disorderly persons.**

If any able-bodied person is found within the limits of his city begging food or money from any private family, hotel or restaurant, or from any passer-by upon any of the streets, alleys or public grounds of this city; if any person is found wandering about in any part of the city without satisfactory excuse or reason therefor; if any person is found sleeping out upon any street or alley, public ground or property other than his own, without permission from the owner thereof; or if anyone commits any disorderly act such as cursing, threatening or intimidating another, he is guilty of a misdemeanor.

#### **9.36.020 Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

**9.36.030 Loitering – Annoying passers-by.** No person shall congregate, stand, loaf or loiter upon any sidewalk, bridge or crossing so as to obstruct the same or hinder, prevent or annoy persons passing or attempting or wishing to pass thereon, congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance to any public building, store, shop, office, factory, parking lot, filling station drive or other like building so as to obstruct the same or hinder, prevent or annoy persons passing along or make remarks or gestures or signs and like to disturb, annoy or insult any person being upon or passing along any street sidewalk.

## CHAPTER 9.40

### DISTURBING CEMETERY PROPERTY

#### Sections:

9.40.010 Trespassing – Defacing.

9.40.020 Violation – Penalty.

#### **9.40.010 Trespassing – Defacing.**

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

#### **9.40.020 Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.



## CHAPTER 9.44

### UNFAIR OR DISCRIMINATORY HOUSING PRACTICES

#### Sections:

9.44.010	Purpose.
9.44.020	Discriminatory practices defined.
9.44.030	Exemptions.
9.44.040	Complaint procedure.

#### **9.44.010**     Purpose.

The purpose of this chapter is to provide for the general welfare of the citizens of Eldon, Iowa by declaring discriminatory practices in house to be against public policy, and to provide proper procedures for the administration and enforcement of this chapter.

#### **9.44.020**     Discriminatory practices defined.

It is an unlawful discriminatory housing practice to engage in any of the following acts, if they are based on race, creed, color, age, disability, sex, national origin, religion or ancestry:

- A.     Refusing to sell or rent to, deal or negotiate with any person;
- B.     Discriminating in terms, conditions, or privileges for buying, renting, or any transfer of housing;
- C.     Discriminating by advertising that housing is available only to persons of a certain race, etc.;
- D.     Denying that housing is available for inspection, sale or rent when in fact it is so available;
- E.     For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood;
- F.     Denying or making different rates, terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations and insurance companies;
- G.     Making a record or making available for public knowledge in any way a person's race, etc.;
- H.     Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or renting of housing.

#### **9.44.030**     Exemptions.

Nothing in this chapter shall be construed to apply to:

- A.     The sale or rental of single-family houses owned by a private individual owner of three or fewer such single-family houses provided;
  - 1.     A broker is not used;
  - 2.     Discriminatory advertising is not used,
  - 3.     Nor more than on house in which the owner was not the most recent resident is sold during any two-year period;
- B.     Rentals of rooms or units in owner-occupied multi-dwellings for two or four families, if discriminatory advertising is not used;

C. Limiting the sale, rental or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin;

D. Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than commercial purpose.

**9.44.040 Complaint procedures.**

In order to insure that the rights of all parties will adequately be protected, the following procedures are available:

A. Any person claiming to be aggrieved by a discriminatory or unfair practice within the city may, by himself or through his attorney, make, sign and file a verified written charge of discriminatory practice with the fair housing officer of the city.

B. If the local fair housing officer is unable to obtain voluntary compliance, the complainant may also send a notarized complaint to HUD within one hundred eighty days of the alleged discriminatory act.

C. A person may also take a complaint directly to the U.S. District Court or state or local court within one hundred eighty days of the alleged discriminatory act.

D. Information about possible discrimination in housing may also be brought to the attention of the Attorney General.

**CHAPTER 9.48**

**CURFEW**

**Sections:**

- |          |                           |
|----------|---------------------------|
| 9.48.010 | Definitions.              |
| 9.48.020 | Persons under eighteen.   |
| 9.48.030 | Exceptions.               |
| 9.48.040 | Responsibility of adults. |
| 9.48.050 | Enforcement procedures.   |

**9.48.010 Definitions.**

As used in this chapter those words listed below shall be assigned the following meanings:

- A. “*Minor*” means an unemancipated person who has not yet reached their eighteenth birthday.
- B. “*Responsible adult*” means any parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody of a minor.
- C. “*Public place*” means a public place and shall include the general business district, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use and public areas; and shall also include such parts of buildings or other premises whether publicly or privately owned 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 definition a vehicle or other means of conveyance is considered to be a public place when located in the areas described herein whether moving or in a stationary position.
- D. “*Emergency errand*” means an errand which is of an emergency nature and is a nonrecurring event, and is generally limited to an errand relating to a fire, natural disaster, automobile accident, or other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.

**9.48.020 Minors under eighteen.**

It is unlawful for any person under eighteen years of age to be, or remain in or upon any of the streets, alleys or public places in the city between midnight and 6:00 a.m. the following morning unless such person is accompanied by his or her parent, guardian or some other person having the legal custody of such person unless permitted by this chapter.

**9.48.030 Exceptions.**

In the following cases the presence of a minor in or upon any public place during the curfew time set forth in this chapter shall not constitute a violation of this chapter:

- A. When a minor is accompanied by the minor’s parents.
- B. When a minor is accompanied by an adult authorized by a parent of such minor to take such parent’s place in accompanying said minor for a designated time and purpose. Such authorization shall be in writing and must be presented upon request.
- C. When a minor exercises their First Amendment rights, such as free exercise of religion, freedom of speech, right of assembly, or the right to petition the government where the use of the public place is a necessity thereto.
- D. When a minor is traveling, by direct route, to or from a place of employment, or such travel is necessary in conjunction with employment duties.
- E. When a minor is traveling through the city from and to a destination outside of the city, with no point of destination within the city, when such travel is by the most direct route.
- F. When a minor is returning home by a direct route from and within thirty minutes of the termination of a school or church activity, or a government sponsored event or program.
- G. When a minor is traveling to or from a city or school sponsored, “after-prom” event.
- H. When a minor is going to or from and emergency errand as defined herein.

**9.48.040      Responsibility of adults.**

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

**9.48.050      Enforcement procedures.**

The following shall be used in the enforcement of the provisions of this chapter:

A. Determination of age. In determining the age of a minor, and in the absence of convincing evidence such as Birth Certificate or a driver's license, a peace officer shall use his or her best judgment in determining the age of a minor.

B. Grounds for arrest and conditions of custody. Refusing to sign a citation without qualification; persisting in violating the provisions of this chapter; refusing to provide the proper identification or identifying the person's self; or committing actions that constitute an immediate threat to the person's own safety or the safety of the public, all will be grounds for immediate arrest. A peace officer who arrests a minor for a curfew violation may keep the minor in custody, either in a shelter care facility, or in a non-secured setting. The peace officer shall not place bodily restraints 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 for a curfew violation.

C. Notification of responsible adult. After a minor is taken into custody the peace 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 condition that such person will produce the minor in court at such time as the court may direct.

D. Minors without supervision. If, after a responsible amount of time and after a reasonable attempt to locate a minor's "responsible adult", a peace officer determines that a minor does not have any adult supervision, the officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the minor, or another adult person who is known to the minor.

E. All contacts with minors under this section shall be referred to law enforcement for follow-up contact with the parent or guardian of the minor.

**9.48.060      Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

**CHAPTER 9.52**  
**SUPPLYING LIQUOR TO MINORS<sup>47</sup>**

**VIII. RESERVED**

## IX. DRUG PARAPHERNALIA

### CHAPTER 9.80

#### DRUG PARAPHERNALIA

##### Sections:

9.80.010	Definitions.
9.80.020	Possession of drug paraphernalia.
9.80.030	Manufacture or delivery of drug paraphernalia.
9.80.040	Violation- Penalty.

##### **9.80.010**      **Definitions.**

A.      The term “*controlled substances*” as used in this chapter shall be defined as the term “*controlled substance*” is defined in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, as now in force or as hereafter amended.

B.      The term “*drug paraphernalia*” as used in this chapter, shall mean 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 Code of Iowa. It includes, but is not limited to:

1.      Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant from which a controlled substance can be derived.
2.      Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3.      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 used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances.
5.      Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6.      Diluents and Adulterants, such as Quinine Hydrochloride, Mannitol, Mannite, Dextrose, or Lactose, used, intended for use, or designed for use in cutting controlled substances.

7. 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. Blenders, bowls, containers, spoons, and mixing devices, use, intended for use, or designed for use in compounding controlled substances.
9. Capsules, balloons, envelopes, bags, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Containers or other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Objects used, intended for use, or designed for use in ingesting, 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 marijuana cigarettes that have become too small or too short to be held in the hand or by the fingers;
  - 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;
13. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:
  - a. Statements by an owner or by anyone in the control of the object concerning its use;
  - b. 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. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa;
  - d. The proximity of the object to controlled substances;
  - e. The existence of any residue of controlled substance on the object;
  - f. 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 or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa;
  - g. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
  - h. Instruction, oral or written, provided with the object concerning its use;
  - i. Descriptive materials accompanying the object which explain or depict its use;
  - j. National and local advertising concerning its use;
  - k. The manner in which the object is displayed for sale;
  - l. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
  - m. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
  - n. The existence and scope of legitimate uses for the object in the community;
  - o. Expert testimony concerning its use.
- C. *“Person”* as used in this chapter shall mean an individual, corporation, business, trust, estate, partnership, limited liability company or association, or any other legal entity. (Ord. 214 §2, 1999).

**9.80.020      Possession of drug paraphernalia.**

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 Substances Act, Chapter 124 of the Code of Iowa.

**9.80.030      Manufacture or delivery of drug paraphernalia.**



It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, intending that the drug paraphernalia will be used, or knowingly, 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, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

**9.80.040      Violation - Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.