

## **Title 9 PUBLIC PEACE, MORALS AND SAFETY**

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### **Chapter 9.04 CRIMES AGAINST THE PUBLIC PEACE <sup>(1)</sup>**

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#### **9.04.010 Disorderly conduct.**

Disorderly conduct is:

- (1) Engaging 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;
- (2) Making loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof;
- (3) Directing abusive epithets or making any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another;
- (4) Without lawful authority or color of authority disrupting any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly;
- (5) Words or actions or the initiation or circulation of a report or warning of fire, epidemic or other catastrophe knowing such report to be false or such warning to be baseless;
- (6) Knowingly and publicly using the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense;
- (7) Without authority or justification obstructing any street; sidewalk, highway or other public way with the intent to prevent or hinder its lawful use by others.

(Ord. 1562 § 2(2), 1981).

#### **9.04.020 Unlawful assembly.**

An unlawful assembly is three or more persons assembled 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.

(Ord. 1562 § 2(3), 1981).

#### **9.04.030 Disturbances on own premises.**

It is unlawful for any person, within the city limits to permit or suffer any quarreling, fighting, profane or obscene language or conduct or any affray in any house, or upon any premises owned, occupied, possessed or controlled by him, in such manner as to disturb the neighborhood or persons passing along the street.

(Ord. 510 § 3).

#### **9.04.040 Violations.**

- (a) It is unlawful for any person to willingly join in or remain a part of an unlawful assembly knowing or having reasonable grounds to believe that it is such.

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- (b) It is unlawful for any participant in an unlawful assembly or person in the immediate vicinity of an unlawful assembly to fail to disperse when ordered to do so by a peace officer. Any person within hearing distance of such command who refuses to obey shall be in violation of this chapter.
- (c) It is unlawful for any person to conduct themselves in a disorderly manner.  
(Ord. 1562 § 3, 1981).

### **9.04.050 Attracting people to sale or auction.**

No person shall offer any goods or property of any kind for sale at auction on any sidewalk, public street, alley or public grounds of the city, except by authority of the city council under the ordinances of the city authorizing and regulating such sale, and no person shall ring any bell, or make any loud noise with any instrument, or by outcry upon any street or in any public place, or procure another to do so for the purpose of attracting people to any auction room or for any other purpose.

(Ord. 510 § 39).

### **9.04.060 Vagrants—Evidence of reputation.**

Every vagrant, mendicant, street beggar, gambler, or prostitute shall upon conviction, be subject to a fine and in any prosecution under this section it shall be competent to sustain or rebut the offense charged with evidence of reputation.

(Ord. 510 § 13).

### **9.04.070 Concealed weapons.**

No person shall within the limits of the city, wear under his clothes or concealed about his person any pistol, revolver, sling shot, brass knuckles, or any dagger, bowie-knife, razor, or any other dangerous or deadly weapon. Provided that this section shall not be construed to prohibit any officer of the United States, state, county or city from carrying any such weapons as may be necessary in the proper discharge of his official duties.

(Ord. 510 § 23).

### **9.04.080 Discharging firearms.**

No person shall discharge any gun, pistol, or any other firearm within the city limits, provided that this section does not apply to the United States, state, county or city officers, in the execution of their duties such as officers.

(Ord. 510 § 17).

### **9.04.090 Throwing stones or discharging firearms at vehicles.**

No person shall throw any stone or other substance of any nature whatever, or discharge any gun, pistol or other firearm at any railroad train, airplane or motor vehicle within the limits of the city.

(Ord. 510 § 43).

### **9.04.100 Discharging missiles or weapons.**

No person shall within the limits of the city throw or discharge a missile of any character from an air gun or any other weapon or discharge such missile in any manner or by any means whatever.

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(Ord. 510 § 50).

### **9.04.110 Throwing missiles, sticks or stones.**

Whoever wilfully or carelessly throws any stick, stone, or other missile whereby any person may be hit or hurt or any window broken or other property destroyed or injured, shall be subject to a fine.

(Ord. 510 § 36).

### **9.04.120 Firing explosives—Sports likely to frighten.**

No person shall cause or aid in causing firecrackers, torpedoes, or other explosives to be fired, exploded or thrown upon the public streets, alleys, or grounds or upon any private ground, without permission of the owner or occupant, nor participate in any sport or exercise likely to frighten teams or persons, injure passengers, or interfere with the passage of vehicles on the street.

(Ord. 510 § 21).

### **9.04.130 False information on location of bombs or explosives.**

No person shall give or circulate false information as to the location of any bomb, explosive or other hazardous device or dangerous instrument upon the premises of any school, church, theater, auditorium, or other place of lawful assembly, with the wilful intent of disturbing or interrupting the usual, legal and normal operations of the school, church, theater, auditorium or other place of lawful assembly.

(Ord. 1237 § 1, 1966).

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#### FOOTNOTE(S):

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For the statutory provisions regarding the power of cities to restrain and prohibit riots, noise, disturbance, and disorderly assemblies, and to punish any person engaged in riotous, noisy or disorderly conduct, see ICA 368.7(7); for provisions regarding the same or similar offenses, see ICA Chapter 743, Unlawful Assembly and Suppression of Riots; Chapter 744, Disturbing Public Assemblies; Chapter 746, Vagrancy; ICA 695.2, Carrying Concealed Weapons; Chapter 697, Injuries by Explosives; Chapter 728, Profanity. ([Back](#))

## **Chapter 9.05 CRIMES AGAINST THE PERSON**

### **Sections:**

[9.05.010 Definitions.](#)

[9.05.020 Violation.](#)

### **9.05.010 Definitions.**

"Assault." A person commits an assault when, without jurisdiction, the person does any of the following:

- (1) 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;
- (2) 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;
- (3) Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

Provided, that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace, the act shall not be an assault.

(Ord. 1562 § 2(1), 1981).

### **9.05.020 Violation.**

It is unlawful for any person to commit an assault.

(Ord. 1562 § 3(3), 1981).

## **Chapter 9.08 CRIMES AGAINST PROPERTY <sup>121</sup>**

### **Sections:**

[9.08.010 Injuring or destroying public property.](#)

[9.08.020 Obstructing, injuring or destroying apparatus of water supply.](#)

[9.08.030 Injuring awning, post, tree or property enclosure.](#)

[9.08.040 Defacing or tying to light posts, etc.](#)

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[9.08.200 Unlawful to deposit bottles, refuse, etc.](#)

[9.08.210 Digging holes or placing obstructions without permission.](#)

[9.08.220 Piling lumber, rubbish, etc. within one hundred yards of dwelling.](#)

[9.08.230 Throwing refuse.](#)

[9.08.240 Use of barbed wire.](#)

### **9.08.010 Injuring or destroying public property.**

No person shall injure or destroy or assist in destroying or injuring any public building, or property belonging to the city or any bridge, pavement, side or cross walk, drain or sewer, or any part thereof without due authority from the city, or hinder, delay or obstruct the making or repairing of any pavement, sewer, side or cross walk or interfere with any person employed by the street commissioner in making or repairing any public improvement or work ordered by the city council.

(Ord. 510 § 25).

### **9.08.020 Obstructing, injuring or destroying apparatus of water supply.**

No person shall wilfully or carelessly injure, break, mar, destroy, deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenance of the waterworks of the city, of any public or private hydrant or water trough, or stop cock, box, meter, water supply or service pipe or any part thereof, nor shall any person deposit anything in any stop cock box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the permission of the board of water commissioners or except in cases hereinafter or otherwise regulated by ordinances of the city.

(Ord. 100 § 2).

### **9.08.030 Injuring awning, post, tree or property enclosure.**

No person shall cut or injure in any manner any awning, post, lamp post, ornamental or shade tree, railing or enclosure or any property belonging to any person, or any property belonging to the city or to any firm or corporation.

(Ord. 510 § 34).

### **9.08.040 Defacing or tying to light posts, etc.**

No person shall without authority light or extinguish any street lamp, or deface, break or injure any such lamp, telegraph or telephone post, or wire, or fasten any horse or other animal to or place any goods, boxes, or other substance against the same.

(Ord. 510 § 45).

**9.08.050 Unlawful posting.**

No person shall post, nail or by any means affix to any building, erection, or other improvement, any show bills, handbills, or other printed or written notice of any kind.

(Ord. 803 § 2).

**9.08.060 Attaching signs to bridges.**

No person shall attach any sign of any kind to any bridge, within the city limits.

(Ord. 510 § 46).

**9.08.070 Defacing or tearing down notices.**

No person shall deface or tear down in whole or in part any advertisement, ordinance or notice posted by order of the city council or any city officer or under the provisions of the laws of the state of Iowa.

(Ord. 510 § 35).

**9.08.080 Possessing burglar tools.**

It is unlawful for any person to be found within this city having in his possession any burglar tools or implements and it shall be the duty of the chief of police upon arresting such person to retain possession of such tools or implements until proper order respecting the same is made by the police court.

(Ord. 510 § 47).

**9.08.090 Unlawful occupancy.**

No person shall move into or occupy any building, room, or house, within the city limits without permission of the owner or his authorized agent.

(Ord. 510 § 56).

**9.08.100 Obstructing aisles in places of assembly.**

No person firm or corporation owning, operating, or conducting any hall, opera house, theater, church or place of amusement resorted to by the general public shall cause, suffer or allow the aisles between the seats or pews in any of the said halls, opera houses, theatres, churches, or places of amusement to become in any manner obstructed with chairs or benches, nor shall such chairs, benches or other obstructions be allowed in such aisles, but the same shall at all times be kept open for the use of the public attending at any time any of the places heretofore in this section mentioned.

(Ord. 510 § 58).

**9.08.110 False alarm of fire.**

No person shall within the city limits give or cause to be given or made any false alarm of fire.

(Ord. 510 § 57).

**9.08.120 Interfering with hydrants, fire plugs, etc.**

No person shall put or cause to be put any sand, gravel, dirt or other material into any water valve belonging to the city water works, nor without lawful authority in any manner interfere with any of the hydrants, fire plugs, mains or machinery belonging to the waterworks.

(Ord. 510 § 59).

**9.08.130 Injuring or destroying fire alarm boxes, wires, etc.**

No person shall injure, deface or destroy any fire alarm box, nor cut, break, or otherwise injure any fire alarm wire, electric light, telegraph, or telephone wire or wires of any description used by the city for fire alarm purposes, nor shall any person cut, break, injure, or destroy any wire used for any purpose within the city, lawfully erected and maintained.

(Ord. 510 § 60).

**9.08.140 Injuring fire department apparatus.**

No person shall cut, mark or otherwise injure or deface any hose, engine, ladder, or other apparatus belonging to the fire department, or interfere with the working of any hose cart, hook and ladder wagon, or other apparatus of the fire department.

(Ord. 510 § 61).

**9.08.150 Vehicles obstructing sidewalks—Funeral procession.**

No person shall drive upon and leave any vehicle standing across or upon any sidewalk or cross walk, so as to obstruct the free use of the same nor drive any vehicle through any funeral procession in such manner as to disturb the same.

(Ord. 510 § 18).

**9.08.160 Driving on sidewalk.**

No person shall drive any vehicle upon any sidewalk unless it be in crossing the same into a yard or lot or for the purpose of unloading such vehicle.

(Ord. 510 § 27).

**9.08.170 Depositing goods on sidewalk.**

No person shall place or deposit upon any sidewalk or street any box, crate, goods, wares, merchandise, lumber, coal, wood, stone or other substance or material, except in receiving or delivering such goods, in which case they shall not obstruct the whole of the street or walk, or allow the same to remain upon any street or sidewalk longer than twelve hours, except as provided for the erection of buildings.

(Ord. 510 § 28).

**9.08.180 Selling merchandise on or near sidewalk.**

No person shall place upon or cause to be placed upon any sidewalk in this city any goods, wares, merchandise, for sale or for show, nor suspend the same within eight feet of the sidewalk, except where

the same may be temporarily permitted under the ordinances regulating and licensing designated vocation. Provided that merchants may under the direction of the chief of police use for the purpose of displaying their goods not to exceed three feet of the sidewalk from the property line.

(Ord. 510 § 29).

**9.08.190 Unlawful to injure pavement.**

It is unlawful for any person, not in the regular and ordinary use of the streets and alleys of this city or acting for and by authority of the city, to cut, break, mar or injure in any way the pavement or curb or guttering of the streets and alleys.

(Ord. 377 § 2).

**9.08.200 Unlawful to deposit bottles, refuse, etc.**

It is unlawful for any person to deposit in or upon any street, alley, sidewalk, or stairways in the city, any bottles, glass or refuse of any kind.

(Ord. 377 § 3).

**9.08.210 Digging holes or placing obstructions without permission.**

No person shall dig any hole, drain or ditch in any street, alley or public ground, or remove or carry away or cause the same to be done, any sod, stone, earth, sand or gravel from any street, alley, public or private ground in the city, or place any stone, gravel, or other obstruction of any kind in or upon any street, alley or public ground without first having obtained permission from the mayor or from the owner of the property.

(Ord. 510 § 24).

**9.08.220 Piling lumber, rubbish, etc. within one hundred yards of dwelling.**

It is unlawful for any person within the limits of this city to pile or deposit any kind of lumber, wood, rubbish or timber upon any lot or property within a distance of one hundred yards of any dwelling house without written authority from the city council which may be granted upon application in writing by the person desiring to pile or deposit such material, and the written authority shall state the conditions under which such permission is granted.

(Ord. 510 § 54).

**9.08.230 Throwing refuse.**

No person shall place or throw any ashes, refuse matter or other obstruction of any kind in any street, alley, public ground or vacant property, or in any manner use the streets, alleys or public grounds of the city for such purpose.

(Ord. 510 § 52).

**9.08.240 Use of barbed wire.**

It is unlawful for any person to use barbed wire to enclose in whole or in part, any lot or lots or parts thereof within the corporate limits of the city, and all barbed wire now in use in the city to enclose in whole or in part any lot or lots shall be removed by the owner or occupant thereof within ten days from and after

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notice to remove the same has been given the owner or occupant by any police officer of the city. Any person violating any of the provisions of this section shall be subject to a fine.

(Ord. 510 § 53).

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FOOTNOTE(S):

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For statutory provisions covering the same or similar offenses, see ICA Chapter 714, Malicious Mischief and Wilful Trespass; ICA Chapter 716, Injuries to International Improvements and Common Carriers. [\(Back\)](#)

## **Chapter 9.12 CRIMES BY OR AGAINST PUBLIC OFFICERS [B1](#)**

### **Sections:**

[9.12.010 Refusing to assist or obey commands of police officer.](#)

[9.12.020 Obstructing officer in discharge of his duties.](#)

### **9.12.010 Refusing to assist or obey commands of police officer.**

No person shall refuse to obey the commands and directions of any police officer doing duty at any point or public place within the limits of the city, or refuse to assist any policeman in making arrests when lawfully required by such police officer to render assistance.

(Ord. 510 § 37).

### **9.12.020 Obstructing officer in discharge of his duties.**

No person or persons shall rescue or attempt to rescue or take from the custody of any police officer, any person under arrest, nor resist, oppose, obstruct or in any manner impede any member of the police force in making an arrest or in the discharge of his duties.

(Ord. 510 § 38).

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FOOTNOTE(S):

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For the statutory provisions regarding refusal to aid officers, see ICA 743.6. [\(Back\)](#)

## **Chapter 9.16 CRIMES AGAINST PUBLIC HEALTH AND SAFETY <sup>[4]</sup>**

### **Sections:**

[9.16.010 Labeling poisons.](#)

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[9.16.100 Obstructing and closing street—Notification of certain officials.](#)

[9.16.110 Careless driving.](#)

### **9.16.010 Labeling poisons.**

No person shall vend, give or deliver within this city, any deadly drug or poison, knowing the same to be such, without marking the same in legible characters, "Poison."

(Ord. 510 § 19).

### **9.16.020 Distributing medicine samples.**

No person, firm or corporation, by themselves or their agents, shall distribute any sample package of medicine, pills, or other free sample package of any preparation whatever, for medicinal purposes, by way of advertising, by leaving the same on the porches or doorsteps of any residence, dwelling house or business house within this city, or upon any street, sidewalk or lot therein. The intention of this section being to prevent the distribution of the above described sample packages in such manner as will permit the same getting into the hands of children. Nothing herein is to be construed as prohibiting the distribution of free samples of patent medicines or medicines of any kind where the samples are handed to adults.

(Ord. 510 § 62).

### **9.16.030 Throwing sharp objects in streets.**

No person shall hereafter throw, deposit, or place in the traveled portion of any of the public streets, or alleys of the city, any glass, tacks, nails, crockery, or waste material of any kind or character, or any other article with sharp points or surfaces.

(Ord. 510 § 65).

**9.16.040 Boarding or alighting moving engine or vehicle.**

It is unlawful for any person not employed thereon and not an officer of the law in the discharge of his duty, to get upon or off any locomotive engine, or any vehicle, within the limits of this city without the consent of the person in charge thereof, while the engine or vehicle is in motion, or to get up, cling to or otherwise attach himself to any engine or vehicle for the purpose of riding upon the same without the consent of the person in charge of such engine or vehicle.

(Ord. 510 § 44).

**9.16.050 Open grates or cellar doors.**

No person shall keep or leave open any cellar door or grating of any vault on any street, alley or sidewalk or suffer the same to be left or kept open, or suffer any sidewalk in front of his or her premises to become or continue so broken as to endanger life or limb of any person.

(Ord. 510 § 22).

**9.16.060 Lighting stairways.**

The owner or owners of every building within the city now constructed or that may hereafter be constructed having a stairway or stairways therein opening directly upon any public street or sidewalk, excepting private residences, shall keep such stairway or stairways well lighted during the night time with a good and sufficient light to be provided and maintained by such owner or owners.

(Ord. 510 § 63).

**9.16.070 Skating or sliding on street or sidewalk.**

No person shall skate, coast, or slide upon any sidewalk in this city, or slide upon any sleigh or other vehicle upon any traveled street or highway.

(Ord. 510 § 40).

**9.16.080 Constructing sewers—Moving buildings.**

No person shall without permission from the city council construct or attempt to construct any sewer, vault, cistern, well or cess pool in any street, alley or public ground, or move or cause to be moved any building into, along or across any street, public alley or ground, except as provided by the ordinances regulating the moving of buildings within the city.

(Ord. 510 § 31).

**9.16.090 Enclosing excavating.**

Any person making an excavation in the streets, alleys or public grounds within the city shall secure the same during the performance of the work by an enclosure at least four feet in height. Any person violating this section shall be subject to a fine and shall also be liable for any damages that may result from failure to comply herewith.

(Ord. 510 § 32).

**9.16.100 Obstructing and closing street—Notification of certain officials.**

Every contractor or other person or company engaged in constructing any improvement in or upon any of the streets, avenues or alleys in the City of Fort Dodge, shall before commencing the construction of such improvement therein and before obstructing the same for ravel, notify the street commissioner and the chief of the fire department of the commencement of the work and of the obstruction and closing of the street. A failure to comply with the provisions of this section shall subject the party so failing to a fine and such person or company shall also be liable for any and all damages that may result for such failure.

(Ord. 510 § 33).

**9.16.110 Careless driving.**

No person shall drive any vehicle in or upon any street, alley or public ground within the city in such a careless manner or at such rate of speed as to endanger life or property.

(Ord. 510 § 20).

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FOOTNOTE(S):

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For the statutory provisions regarding crimes relating to public health and safety, see ICA Chapter 732.  
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**Chapter 9.20 CRIMES AGAINST MORALITY AND DECENCY <sup>[5]</sup>**

**Sections:**

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[9.20.050 Right to search gambling houses.](#)

[9.20.060 Unlawful game for money.](#)

[9.20.070 Lotteries and sales of merchandise for prizes.](#)

[9.20.080 Transporting inmates of gambling houses.](#)

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### **9.20.010 Gambling.**

Any person convicted of the crime of gambling within the city is guilty of a violation of this chapter.

### **9.20.020 Gambling devices.**

The mayor, chief of police or any police officer of the city may seize or direct to be seized any instrument, device or thing used for the purpose of gambling or by or with which money or other article of value may be lost or won, and all such articles may under the direction of the mayor, superintendent of accounts, finances and public safety or chief of police be destroyed and the owner or person in charge of such article, instrument, device to thing shall be subject to a fine.

(Ord. 1587 § 3 (part), 1982; Ord. 510 § 15).

### **9.20.030 Prohibiting gambling houses and disorderly houses.**

Gambling houses, bawdy houses, disorderly houses and houses of ill fame, road houses where lewdness is carried on, opium or hop joints, places resorted to for the use of opium or hashish and places where intoxicating liquor is illegally kept, sold or given away, are prohibited within the limits of the city.

(Ord. 586 § 1).

### **9.20.050 Right to search gambling houses.**

If the owner, keeper, or any other person within any gambling house or room or any disorderly house or any house of ill fame within this city shall refuse to permit the mayor, chief of police or any officer, to enter the same, he or they shall be subject to a fine, and it shall be lawful for such officer to enter any such house or room, or cause the same to be entered by force, and to arrest with or without warrant, any suspicious persons found therein. Any person obstruction or resisting said city officers in the performance of any act authorized by this section shall be subject to a fine.

(Ord. 1587 § 3 (part), 1982; Ord. 510 § 16).

**9.20.060 Unlawful game for money.**

No person, being the keeper of any store or other building or room, shall play therein any game by which money or other thing of value may be lost or won, or permit any such games to be played therein.

(Ord. 510 § 9).

**9.20.070 Lotteries and sales of merchandise for prizes.**

It is unlawful for any person, firm or corporation within the limits of the city owning, operating or conducting any store, shop or any business of selling property or things of value to the public to conduct a lottery or to sell any article of merchandise which sale shall be accompanied by any chance through means of which the purchaser may obtain a prize, money or other thing of value.

(Ord. 770 § 1).

**9.20.080 Transporting inmates of gambling houses.**

Inmates of such houses or places, found therein, and all persons resorting thereto, and any person who, knowing the character or reputation of such place or places, transports others to or from the same, is guilty of a violation of the provisions of this chapter.

(Ord. 586 § 3).

**9.20.090 Frequenting disorderly house.**

Any person who shall be found in or frequent any brothel, disorderly house, gambling house or house of ill-fame, is guilty of a violation of this chapter.

**9.20.100 Being found with a prostitute.**

Any person found in any store, shop or other place of business after the close of the same for business, or in any room, apartment or building with any common prostitute is guilty of a violation of this chapter.

**9.20.110 Indecent exposure, dress, act or exhibit.**

It is unlawful for any person to appear in a public place in the city in a state of nudity, or in a dress not belonging to his or her own sex, or in an indecent or lewd dress, or to make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, or to sell or offer for sale any lewd or indecent book, picture or other thing, or to exhibit or perform any indecent, immoral act or obscene or other representation.

(Ord. 510 § 4)

**9.20.120 Definitions.**

All applicable definitions as set out in Section 123.3 of the 1975 Code of Iowa are adopted by reference and are controlling for Sections 9.20.125, 9.20.130, 9.20.135 and 9.20.136.

(Ord. 1441 § 1, 1976).

**9.20.125 Intoxication.**

It shall be unlawful for any person to be intoxicated in any private house or place to the annoyance of any person, and unlawful for any person to be intoxicated on any public street, alley, or public place in the city of Fort Dodge, Iowa.

(Ord. 1441 § 2, 1976).

**9.20.130 Consumption of liquor or beer in public places.**

It shall be unlawful for any person to use or consume alcoholic liquors or beer upon the public streets of the city of Fort Dodge, or alcoholic liquors in any public place, except premises covered by liquor control license, or to possess or consume alcoholic liquor or beer upon any public school property.

(Ord. 1441 § 3, 1976).

**9.20.135 Open containers of liquor or beer.**

It shall be unlawful for any person to possess an open container of alcoholic liquor or beer upon the public streets or highways of the city of Fort Dodge, to include the City Square Park, at Central and Fifth Street in the city of Fort Dodge, Iowa, or to possess an open container of alcoholic liquors in any public place, except the premises covered by a liquor control license.

(Ord. 1441 § 4, 1976).

**9.20.140 Intoxicating beverages—Definitions and sign regulations.**

For the purpose of Sections 9.20.140 through 9.20.146:

- (a) All applicable definitions set out in the Iowa Liquor Control Act (Iowa Code Annotated, Section 123) are controlling;
- (b) All Class "B" or Class "C" liquor control license holders and/or Class "B" beer permit holders who wish an exemption shall annually in conjunction with their yearly liquor control license renewal and/or beer permit renewal submit to the city clerk of the City of Fort Dodge, Iowa a statement from a CPA that more than fifty percent of their gross sales from the licensed premises is or will be from the sale of food or other services. Upon receipt of the CPA statement, the clerk shall issue a certificate of exemption.
- (c) All Class "B" or Class "C" liquor control license holders and/or Class "B" beer permit holders who qualify for the conclusive presumption set out in paragraph (b) above may post a sign on their premises indicating that minors may enter and remain for the purpose of obtaining food or other services.

(Ord. 1399 § 6, 1974).

(Ord. No. 2100, § I, 12-22-08)

**9.20.141 Intoxicating beverages—Prohibited to persons under twenty-one years—  
Exceptions.**

Except within a private home, and then only with the consent of the parent or legal guardian of such person under the age of twenty-one years or by either a physician or dentist for medicinal purposes:

- (a) It shall be unlawful for any person under the age of twenty-one years to buy, or otherwise obtain or attempt to buy or obtain, any beer or alcoholic beverage from anyone in the city of Fort Dodge, Iowa.

- (b) It shall be unlawful for any person to sell, give or otherwise supply alcoholic beverage or beer to any person knowing or having reasonable cause to know said person to be under the age of twenty-one years.

(Ord. 1576 § 2 (part), 1981; Ord. 1399 § 1, 1974).

(Ord. No. 2100, § I, 12-22-08)

**9.20.142 Intoxicating beverages—License and/or permit holder—Sales restrictions.**

It shall be unlawful for any Class "B" or Class "C" liquor control license holder and/or Class "B" beer permit holder or his agent to permit any person under the age of twenty-one years to remain on the premises of the Class "B" or Class "C" liquor control license holder and/or Class "B" permit holder unless accompanied by parent or legal guardian of such person, or unless the business of selling food or other services constitutes more than fifty percent of the gross business of the license holder on said premises and then the minor may remain only for the purpose of obtaining food or other services.

(Ord. 1576 § 2 (part), 1981; Ord. 1399 § 2, 1974).

(Ord. No. 2100, § I, 12-22-08)

**9.20.143 Persons under twenty-one years—Entering certain premises prohibited—Exceptions.**

It shall be unlawful for any person under the age of twenty-one years to enter, attempt to enter, remain or attempt to remain upon the premises of a Class "B" or Class "C" liquor control license holder and/or Class "B" beer permit holder, unless accompanied by his parent or legal guardian or unless the premises entered or remained upon is in business of selling food or other services to the extent that more than fifty percent of the gross business of the premises is derived from the sale of food or other services and then said person may remain only for the purpose of obtaining food or other services, or unless the premises entered or remained upon has a valid minors' activities permit as prescribed in Section 9.20.146, and during the hours therein set out.

(Ord. 1576 § 2 (part), 1981; Ord. 1474 § 2, 1978; Ord. 1399 § 3, 1974).

(Ord. No. 2100, § I, 12-22-08)

**9.20.144 Persons under twenty-one years—Age misrepresentation prohibited when.**

It shall be unlawful for any person under the age of twenty-one years to misrepresent himself or herself as being twenty-one years of age for the purpose of purchasing or attempting to purchase alcoholic beverage or beer or entering, attempting to enter, remaining or attempting to remain upon the premises of a Class "B" or Class "C" liquor control license holder and/or Class "B" beer permit holder as described in Section 9.20.142 hereof.

(Ord. 1576 § 2 (part), 1981; Ord. 1399 § 4, 1974).

(Ord. No. 2100, § I, 12-22-08)

**9.20.145 Intoxicating beverages—License and/or permit holder—Not liable for certain actions.**

If any person under the age of twenty-one years is misrepresenting himself or herself and the liquor control license holder or beer permit holder or his agent establishes that he made reasonable inquiry to determine whether such person was twenty-one years of age, such licensee is not guilty of selling alcoholic beverage or beer to minors or allowing minors to remain on his premises.

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(Ord. 1576 § 2 (part), 1981; Ord. 1399 § 5, 1974).

(Ord. No. 2100, § I, 12-22-08)

### **9.20.146 Minors' activities permit.**

- (a) Any Class "B" or Class "C" liquor control license permit holder and/or Class "B" beer permit license holder who is not the holder of an exemption may apply to the city council for a special Sunday minors' activities permit.
- (b) Said permits may be granted at the discretion of the city council.
- (c) Said permits shall be granted on an annual basis for Sunday activities between the hours of seven p.m. and eleven p.m.
- (d) No liquor or beer shall be made available, consumed or in the possession of any minor on said premises during said permit hours.
- (e) Upon conviction of the permit holder for any violation of this section, or the liquor control laws of the state of Iowa, said permit may be revoked by the city council at its discretion.

(Ord. 1474 § 3, 1978).

(Ord. No. 2106(Amd.), § IIA., 1-12-09)

### **9.20.147 Possession of beer as a minor.**

No person under the age of twenty-one years shall individually have in their possession or control beer or liquor or other alcohol except to the extent provided by Section 321J2a of the Code of Iowa.

(Ord. No. 2099, § I, 10-13-08)

### **9.20.148 Entertainment permit.**

- (a) A nonexempt license holder who obtains an "Entertainment Permit" may additionally be exempt from the restrictions of Ordinance 1399 as amended pursuant to the rules set out below.
- (b) The "Entertainment Permit" may be applied for with the city clerk:
  - (1) For every year with the initial cost being one thousand dollars. The cost of renewing this permit would be seven hundred fifty dollars per year provided the establishment does not have violations of the guidelines.
  - (2) For a special event or periodic permit at a cost of seventy-five dollars per day.
- (c) The following guidelines must be met to qualify for the "Entertainment Permit".
  - (1) No one that works for the establishment being charged with serving underage persons in the past twelve months.
  - (2) No more than five underage patrons being charged with possession in the last six months.
  - (3) The establishment must pass a fire and health inspection.
  - (4) The establishment must provide law enforcement with copies of all security videos for everyday the establishment is open. The videos will be turned in by Wednesday of the following week.
  - (5) Drink specials will be prohibited.
    - a. No happy hours or daily specials.
    - b. No shots.

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- (6) All persons over the age of twenty-one who enter the establishment will wear a wristband around each wrist so that employees and law enforcement can easily detect underage persons attempting to drink in the establishment.
  - (7) The establishment shall not sell beer by the pitcher. The establishment shall limit its patrons to a one drink purchase limit at any one time.
  - (8) Law enforcement calls to the establishment including the area outside the establishment for fights or disturbances associated with the activities within the establishment can be no more than twenty-five for the last twelve months.
  - (9) Must ID every patron entering the establishment.
- (d) Any violations of the guidelines listed above will result in the establishment, its owner and/or manager losing the "Entertainment Permit" as follows:
- (1) First offense, the "Entertainment Permit" will be suspended for a period of six months without the refund of the application fee.
  - (2) Second offense, the "Entertainment Permit" will be suspended for a period of one year without the refund of the application fee.
  - (3) Third offense, the "Entertainment Permit" will be revoked. The establishment, the owner, and the manager will not be granted a new "Entertainment Permit".
  - (4) After serving the suspension under numbers (1) and (2), the establishment's owner must reapply for the "Entertainment Permit". A renewal fee of one thousand dollars will apply to this application.
  - (5) Any permittee aggrieved by a suspension or revocation may appeal same to the city council within twenty days of the notification of said action.
- (e) This section shall terminate without further council action three months from its final passage and approval.

(Ord. No. 2106(Amd.), §§ IIB., C., 1-12-09)

**9.20.150 Inhuman treatment of animals.**

No person shall inhumanly beat, injure or abuse any dumb animal, nor allow the same to be upon the public streets or places of the city without food and drink for the space of four consecutive hours, or fail to provide such animal with protection from the weather, or abandon the same, or cause any animal to be carried on any vehicle or otherwise in an unnecessarily cruel and inhuman manner.

(Ord. 510 § 5).

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FOOTNOTE(S):

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--- (5) ---

For the statutory provisions regarding the same or similar offenses, see I.C.A. Chapter 726, Gambling; Chapter 724, Prostitution; I.C.A. 125.11, Intoxication; I.C.A. Chapter 717, Injuries to Animals; for provisions regarding the power of cities to restrain and prohibit gambling and disorderly houses, see I.C.A. 368.7. ([Back](#))

## **Chapter 9.24 PYROTECHNICS** <sup>[6]</sup>

### **Sections:**

[9.24.010 Pyrotechnics defined.](#)

[9.24.020 Storing, using or transporting prohibited—Exceptions.](#)

[9.24.030 Further regulations and restrictions.](#)

### **9.24.010 Pyrotechnics defined.**

"Pyrotechnics," whenever used in this chapter, means sparklers, squibs, rockets, torpedoes, firecrackers, salutes, Roman candles, fire balloons, signal lights, railroad track torpedoes, flash light compositions and all other compositions used to obtain visible or audible display.

(Ord. 780; Ord. 763).

### **9.24.020 Storing, using or transporting prohibited—Exceptions.**

No person, firm or corporation shall have, keep, store, use, manufacture, hold or transport any pyrotechnics except under the following conditions:

- (1) That nothing in this chapter shall be held to apply to the possession or the use of signaling devices for current daily consumption by railroad, or others requiring them;
- (2) That nothing in this chapter shall be held to apply to the possession, sale, or use of a normal stock of flashlight compositions for photographers, or dealers in photographic supplies;
- (3) That the city council may upon application issue a written permit to a properly qualified person for giving a pyrotechnic exhibition of fire works within the city. Such permit shall impose such restrictions as in the opinion of the chief of the fire department may be necessary to properly safeguard lives and property in each case;
- (4) Permission for the transportation of pyrotechnics, by legitimate wholesalers, jobbers or manufacturers, to be delivered only to properly authorized permit holders within the city limits, may be granted by the city council upon application, and under such reasonable rules and regulations as the department of accounts, finances and public safety may from time to time prescribe;
- (5) Permit for retail sale and sales display of pyrotechnics, as defined by this chapter, by a properly qualified person, firm, or corporation may be issued by the city council upon such information as the city council may prescribe, and the applicant for permit shall pay to the city clerk a fee of three dollars upon the granting of such permit, providing the application for such permit be made fifteen days in advance of date of such sale or sales display shall begin, subject to the following conditions: No person under sixteen years of age shall be engaged in the sale of such pyrotechnics; no pyrotechnics shall be sold other than on July 4, or on any other day which may be celebrated as Independence Day, and on the three days immediately preceding such day of celebration; provided that retail sale of pyrotechnics to nonresidents on other than the four days specified may be permitted under such regulation as the chief of the fire department may deem necessary and advisable; no pyrotechnics are to be sold on Sunday. When Sunday falls on one of the specified days of sale, the period of sale shall be extended by beginning one day earlier. Pyrotechnics shall be sold only from tables, counters or cases within the regular business establishment. Window displays shall be dummies. No live pyrotechnic shall be permitted in show windows at any time. No pyrotechnic shall be publicly displayed more than two days prior to the date that sale is permitted. All unsold pyrotechnics shall be properly stored before noon of

July sixth, packed to conform to the Inter-State Commerce Commission's rules and regulations and approved by the chief of the fire department.

(Ord. 780; Ord. 763).

#### **9.24.030 Further regulations and restrictions.**

The chief of the fire department may issue and enforce such additional regulations and restrictions as in the opinion of the chief of the fire department may be reasonably necessary for the protection of lives and property in the city.

(Ord. 780; Ord. 763).

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#### FOOTNOTE(S):

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--- (6) ---

For the statutory provisions relating to fireworks, see I.C.A. 695-27—695.28 and 732.17—732.19.  
[\(Back\)](#)

### **Chapter 9.28 EXPLOSIVES** [\[v\]](#)

#### **Sections:**

[9.28.010 Keeping gun powder within city limits.](#)

[9.28.020 Storage of gun powder.](#)

[9.28.030 Sale of gun powder.](#)

[9.28.040 Manufacture of inflammable substances.](#)

[9.28.050 Storing of inflammable substances.](#)

[9.28.060 Inflammable substance—Exceeding permitted amount—Consent of council required.](#)

[9.28.070 Use of inflammable substances in cleaning establishment restricted.](#)

#### **9.28.010 Keeping gun powder within city limits.**

No person, firm or corporation, shall keep or store within the limits of this city in any store shop house or other place gun or blasting powder in quantity, at any one time, exceeding twenty-five pounds.

(Ord. 493 § 1).

#### **9.28.020 Storage of gun powder.**

All such powder kept or held for sale, within the amount named, shall be kept in the manufacturer's original packages, in tin canisters, and such packages in all cases shall be labeled "powder," and shall be kept remote from fires, lighted lamps, candles, gas and other flames

(Ord. 493 § 2).

**9.28.030 Sale of gun powder.**

No person shall sell or dispose of any gun or blasting powder between the time of lighting lamps or gas in the evening and daylight the following morning, except in covered tin canisters labeled as aforesaid, and kept as provided in this chapter.

(Ord. 493 § 3).

**9.28.040 Manufacture of inflammable substances.**

No person, firm or corporation shall manufacture within the fire limits of the city, or in any manner refine or generate coal or earth oils, petroleum, kerosene, camphor, carbon, benzine, naphtha, burning fluids, or other inflammable substances without first obtaining permission from the city council.

(Ord. 494 § 1).

**9.28.050 Storing of inflammable substances.**

No person, firm or corporation shall keep in store in any building or place within the limits aforesaid, a greater amount of the above named material, or other combustible substances, than sixty gallons at any one time, except where it is kept for sale, and then by special permit from the department of accounts, finances and public safety.

(Ord. 494 § 2).

**9.28.060 Inflammable substance—Exceeding permitted amount—Consent of council required.**

No person shall keep in store in any one place or building, within the corporate limits of the city outside of the fire limits a greater amount of the above mentioned substances than that specified in this chapter without first obtaining the consent of the city council.

(Ord. 494 § 3).

**9.28.070 Use of inflammable substances in cleaning establishment restricted.**

No person shall establish or operate any dye works, panatorium, or cleaning works, in which gasoline, benzine, naphtha, or other explosives or dangerous fluids, are used for the purpose of cleaning, or renovating wearing apparel or other fabrics in any building, any part of which is used as a residence or lodging house.

(Ord. 494 § 4).

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FOOTNOTE(S):

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--- (7) ---

For the statutory provisions regarding the power of cities to regulate the storage, handling, use, and transportation of all inflammables, combustibles and explosives, see ICA 368.11125. ([Back](#))

## **Chapter 9.32 NUISANCES IN GENERAL <sup>181</sup>**

### **Sections:**

[9.32.010 Definitions.](#)

[9.32.020 Summary abatement.](#)

[9.32.030 Abatement in other cases—Notice, etc.](#)

[9.32.040 Abatement by owner.](#)

[9.32.050 Appeal procedures—Hearing.](#)

[9.32.060 Abatement by city.](#)

[9.32.070 Notice of assessment—Appeal of charges.](#)

[9.32.080 Personal liability of owner.](#)

[9.32.090 Cost of abatement—Low income, elderly persons.](#)

[9.32.100 Overhead charge, civil penalties.](#)

### **9.32.010 Definitions.**

As used in this chapter, the following words are defined in this section:

- (a) "Abatement" means the removal, stoppage, prostration, or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, or effacing it.
- (b) "Owner" means the owner of record based on the county's records or any person with legal, financial or equitable interest in the property on which the alleged public nuisance exists at the time of the violation.
- (c) "Property" means any real property, premises, structure or location on which a public nuisance is alleged to exist.
- (d) "Public nuisance" means any fences, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit basement, cellar, sidewalk subspace, dock, wharf or landing dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:
  - (1) By reason of being a menace, threat and/or hazard to the general health and safety of the community;
  - (2) By reason of being fire hazard;
  - (3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property;
  - (4) By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate

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vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

- (e) "Summary abatement" means abatement of the nuisance by the city, or a contractor employed by the city, by removal, repair, or other acts with twenty-four hour notice to the owner, agent, or occupant of the property on order of the city council (board of health).

(Ord. 1911 § 2, 1997).

### **9.32.020 Summary abatement.**

- (a) Whenever a complaint is made to the department of inspections of the existence of a public nuisance, as defined in Section 9.32.010, the department of inspections shall promptly cause to be inspected the property on which it is alleged that such public nuisance exists. Should the department of inspections find that a public nuisance exists, and that the public health, safety or welfare may be in immediate danger, then summary abatement procedures shall be implemented and the department of inspections may cause the nuisance to be removed or abated.
- (b) When summary abatement is authorized, twenty-four hour notice to the owner, agent or occupant of the property is required. Following summary abatement, the department of inspections shall cause to be posted on the property liable for the abatement a notice describing the action taken to abate the nuisance.

(Ord. 1911 § 3, 1997).

### **9.32.030 Abatement in other cases—Notice, etc.**

- (a) If, after inspecting the property on which the nuisance is reported, the department of inspections declares the existence of a public nuisance, but the nature thereof is not such as to require the summary abatement of such nuisance, the regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and filed with the department of inspections.
- (b) The department of inspections shall determine the individual, firm or corporation who, from the records in the recorder's office, appears to be the Titled owner of the aforesaid property and immediately cause a written notice to be served on such individual, firm or corporation by personal service or by leaving a copy of the notice at the usual place of residence or business of such owner, or address of such owner shown in the recorder's records, or by copy mailed to such owner at such place or address by United States certified mail return receipt. If service of such written notice is unable to be perfected by any of the methods described above, the department of inspections shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the city, once a week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the department of inspections shall cause a copy of the notice to be posted at such structure, location or premises. The department of inspections shall also determine from the recorder's office who the lienholder of the property, if any, as documented therein, is and cause a written notice to be served on such lienholder by United States mail return receipt.
- (c) The aforesaid notice to the owner, and lienholder, if any, of the property shall state clearly and concisely the findings of the department of inspections with respect to the existence of a public nuisance. The notice shall further state that unless the owner thereof shall cause the abatement of the public nuisance, pursuant to the orders contained in the department of inspections' notice, the public nuisance shall be abated by the city at the expense of the owner.
- (d) Any person who is the record owner of the premises, location or structure at the time an order pursuant to this chapter is issued and served upon him, shall be responsible for complying with that

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order, and liable for any costs incurred by the city therewith, notwithstanding the fact the he conveys his interests in the property to another after such order was issued and served.

- (e) It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.

(Ord. 1911 § 4, 1997).

### **9.32.040 Abatement by owner.**

- (a) Within thirty days after the posting and mailing of a notice to abate a nuisance, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing a written statement that no nuisance exists. The statement shall be filed with the department of inspections.
- (b) The department of inspections, upon written application by the owner within served, may grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period.

(Ord. 1911 § 5, 1997).

### **9.32.050 Appeal procedures—Hearing.**

- (a) The owner or occupant of the property who has been served with a notice pursuant to this chapter that a public nuisance exists and that it must be abated within thirty days, may, within seven calendar days after receipt of such notice, make a written demand to the department of inspections for a hearing on the question of whether a public nuisance in fact exists. The hearing shall be held within seven calendar days following receipt by the department of inspections of the written demand and at least two days' notice of the hearing shall be given to the individual who made the written demand for the hearing.
- (b) The hearing shall be conducted by the city council and may amend or modify the notice and/or order, or extend the time for compliance with the department of inspections' order by the owner by such date as the majority of the council may determine.
- (c) The owner, agent of the owner, occupant and lienholder, if any, of the subject property shall be given the opportunity to present evidence to the council in the course of the hearing.
- (d) In those instances where the nuisance has been abated by the city, the council shall have discretion to waive the cost of abating a nuisance, in whole or in part, if, in the course of the hearing reviewing the decision, the council finds that any of the following did not conform to the provisions of this chapter:
  - (1) The notice to remove the nuisance;
  - (2) The work performed in abating the nuisance; or
  - (3) The computation of charges.

(Ord. 1911 § 6, 1997).

### **9.32.060 Abatement by city.**

- (a) Should any public nuisance not be abated at the expiration of time stated in the notice/order or within such additional time as the department of inspections or council may grant, the department of inspections shall have the authority to enter upon the property and abate the public nuisance found thereon. In abating such nuisance, the department of inspections may go to whatever extent may be necessary to complete the abatement of the public nuisance and should it be practicable to salvage

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any material derived in the aforesaid abatement, the city may sell the salvaged material at private or public sale at the best price obtainable and shall keep an accounting of the proceeds thereof.

- (b) The proceeds, if any, obtained from the sale of any material salvaged as a result of an abatement of a public nuisance by the department of inspections shall be deposited to the general fund of the city and any deficit between the amount so received and the cost of the abatement may be levied as an assessment against the property in question by the city council and collected as any other assessment by the city; however, any other alternative collection method may be utilized by the city to recoup the deficit. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the owner of the property from which the public nuisance was abated when a proper claim to the excess is established.
- (c) In abating a public nuisance, the department of inspections may call upon any of the city departments or divisions for whatever assistance shall be deemed necessary or may private contract cause the abatement of the public nuisance.
- (d) The department of inspections shall, after completing the removal and abatement, file a statement of costs with the city clerk.

(Ord. 1911 § 7, 1997).

### **9.32.070 Notice of assessment—Appeal of charges.**

- (a) Upon receipt of the statement of costs, the clerk shall mail to the owner of the property upon which the public nuisance has been abated notice of the amount set forth in the statement plus an additional amount sufficient to defray the costs of the notice and stating that the city proposes to assess against the property the amount set forth in the notice and that objections to the proposed assessment must be made in writing and received by the clerk within twenty days from the date of mailing such notice. Upon the expiration of the twenty day period, if no objections have been received by the clerk, the clerk shall enter that amount in the city liens docket which shall therefore constitute a lien against the property.
- (b) If objections of either the property owner or their representative are received by the clerk prior to the expiration of the twenty day period, the Clerk shall refer the matter to the department of inspections for administrative review.
- (c) Upon conclusion of administrative review, the department of inspections shall make a written determination that the amount of the charges shall be canceled, reduced, or remain the same. A copy of this determination shall be furnished to the person making the objections together with a notice of such person's right to appeal to the city council.
- (d) If no appeal of a determination by the department of inspections is filed within the time period allowed, a copy of the determination will be furnished to the clerk who shall then enter a lien in the amount determined by the department of inspections in the city liens docket as provided in subsection (a) of this section.
- (e) If a timely appeal is received by the city council, a hearing shall be scheduled and held on the matter. If, after the hearing, the council determines that the proposed assessment does not comply with subsection (g) of this section, the council shall so certify to the clerk and the proposed assessment shall be canceled. If, after the hearing, it is determined that the proposed assessment or any part of it is proper and authorized, the council shall so certify to the clerk who shall enter a lien in such amount as determined appropriate by the council, in the lien docket as provided in subsection (a) of this section.
- (f) The determination of the council is a final administrative decision.
- (g) (1) The department of inspections in administrative review, or the council, on appeal, may reduce or cancel a proposed assessment if it is determined that:
  - (i) Any of the following did not conform to the provisions of this chapter:

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- (A) The notice to remove the nuisance; or
  - (B) The work performed in abating the nuisance; or
  - (C) The computation of charges; or
- (ii) The owner of the property was eligible for a waiver of costs under Section 9.32.070
- (2) The department of inspections, in administrative review, or the Council, on appeal, may reduce a proposed assessment by eliminating the civil penalty portion of the invoice if it is determined that:
    - (i) The current owner was not in possession of the property at the time the notice required in Section 9.32.030 was posted; or
    - (ii) The owner did not receive the notice to remove the nuisance, did not have knowledge of the nuisance and could not, with the exercise of reasonable diligence, have had such knowledge.
- (h) If, after a lien has been entered in the docket of city liens, there is a written request of an owner who alleges that the owner did not receive notice of the proposed assessment, the clerk shall refer the matter for review pursuant to subsection (b) of this section.
  - (i) The lien may be canceled or reduced by the department of inspections, in administrative review, or the council, on appeal, if it is determined that the owner did not receive notice of the proposed assessment, did not previously have knowledge of the lien or of the nuisance abatement work constituting the basis of the lien, could not, in the exercise of reasonable care or diligence, have had such knowledge, and in addition, that the circumstances are such that a reduction or cancellation of the charges would have been appropriate had the matter been reviewed pursuant to this section prior to assessment. Upon receipt of a certification from the council, pursuant to subsection (e) of this section, the clerk shall cancel or reduce the lien if required by the determination of the department of inspections and by the council.

(Ord. 1911 § 8, 1997).

**9.32.080 Personal liability of owner.**

The person who is the owner of the property at the time at which the notice required under Section 9.32.030 is posted shall be personally liable for the amount of the assessment including all interest, civil penalties, and other charges.

(Ord. 1911 § 9, 1997).

**9.32.090 Cost of abatement—Low income, elderly persons.**

- (a) Notwithstanding the other provisions of this chapter, the cost of abating a nuisance shall be waived for low income and elderly persons, if upon application it appears to the department of inspections that the conditions set forth in subsection (b) of this section are met.
- (b) To be eligible for waiver of nuisance abatement costs a person must be classified as "low income," as defined by the department of inspections, or
- (c) Be more than sixty-five years of age and:
  - (1) A person living alone, whose total income for the preceding calendar year did not exceed one and one-half times the maximum amount a Social Security recipient at age sixty-five may have earned in that year without having any benefits withheld; or
  - (2) The head of a household which household received a total income for the preceding calendar year that did not exceed two and one-quarter times the maximum amount a Social Security recipient at age sixty-five may have earned in that year without having any benefits withheld.

- (d) Additionally, all persons wishing to qualify for waiver of nuisance abatement costs must:
- (1) Furnish proof of the age and/or income requirements as set forth above in the manner and form designated by the department of inspections;
  - (2) Must own, or be in the process of purchasing the property from which the nuisance is abated; and
  - (3) Be living on the property from which the nuisance is abated.
- (e) The removal of the nuisance in question must have been required by the department of inspections and the person requesting the waiver of costs must have been officially notified by the department of inspections to remove the nuisance.
- (f) Applications for waiver of nuisance abatement costs shall be filed with the department of inspections, on forms supplied by the city, within ten days after receipt of a notice to remove a nuisance or a work order notice unless the department of inspections extends the time for good cause shown. All information required to be given on such form shall be supplied and verified by the applicant.
- (g) The maximum amount that may be waived under this section for any one parcel of real property or any one person shall be five hundred dollars per calendar year.
- (h) No overhead charge or civil penalty shall be imposed for any real property for which a waiver, pursuant to this section, shall have been approved.

(Ord. 1911 § 10, 1997).

### **9.32.100 Overhead charge, civil penalties.**

Whenever a nuisance is abated by the city, the department of inspections shall keep an accurate account of all expenses incurred, including an overhead charge of twenty-five percent for administration.

(Ord. 1911 § 11, 1997).

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#### FOOTNOTE(S):

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--- (8) ---

For the statutory provisions regarding the power of cities to abate, restrain, or prohibit nuisances, see ICA 364.12. [\(Back\)](#)

## **Chapter 9.36 AIR POLLUTION—EMISSION OF DENSE SMOKE**

### **Sections:**

[9.36.010 Definitions.](#)

[9.36.020 Emission of dense smoke deemed nuisance.](#)

[9.36.030 Who guilty of violation.](#)

**9.36.010 Definitions.**

- (a) "Dense smoke" as used in this chapter shall be considered to be a degree of density of no. 3 or greater as shown on the Ringleman smoke chart and also held to include smoke containing such noxious or harmful gases such as result from improper combustion and in such volume as to be reasonably objectionable to the public unreasonably harmful to property within the vicinity or of such density as to reasonably obscure the view of objects of which it is in line of view.
- (b) "Person" as used in this chapter signifies and includes individuals, firms, corporations, companies, officers of court or any other legal entity.
- (c) For the purpose of defining the phrase "Ringleman smoke chart" as used in this chapter, the following formula is herein set forth: The chart is one consisting of six squares. The first, No. 0 is white; the next four are cross-ruled with progressively heavier black lines to reduce the white space. No. 1 card is twenty percent black and eighty percent white. No. 3 is sixty percent black and forty percent white. No. 4 is eighty percent black and twenty percent white. No. 5 is totally black. The chart is placed vertically in line with the stack and at fifty feet from the observer. The position of the observer is at a right angle to the direction of the smoke at not less than one hundred feet nor more than one-fourth mile from it and with only the sky as a background to the chart. Comparison is then made of its density with the shade of the chart that most nearly corresponds to it.

(Ord. 1004 §§ 4, 6, 7).

**9.36.020 Emission of dense smoke deemed nuisance.**

The emission of dense smoke from the smoke stack of any locomotive or engine or from the smoke stack of any stationary boiler or from the smoke stack, chimney or fireplace of any building or plant anywhere within the city, shall be deemed, and is hereby declared to be a public nuisance, harmful to health and destructive to property, and is hereby prohibited.

(Ord. 1004 § 1).

**9.36.030 Who guilty of violation.**

- (a) The owner, lessee or occupant of any building or plant, and the fireman, engineer or any other person having charge or control of any furnace, fireplace, or stationary boiler who shall cause, permit, or allow dense smoke to issue or to be emitted from the smoke stack, fireplace or chimney or any such building or plant, or from the smoke stack, fireplace or chimney connected with any such plant, furnace or stationary boiler within the city, shall be held guilty of violating the provisions of this chapter.
- (b) The owner or owners of any locomotive engine and the general manager, superintendent or other responsible person of any railroad company, having charge or control of the operation of any locomotive engine, who shall cause, permit or allow dense smoke to issue or be emitted from the smoke stack of any such locomotive engine within the city, shall be held guilty of violating the provisions of this chapter.
- (c) All persons participating in any violation of this chapter either as owners, proprietors, lessees, agents, tenants, managers, superintendents, engineers, firemen, janitors, or otherwise, shall be jointly and severally responsible therefore.

(Ord. 1004 §§ 2, 3, 5).

**Chapter 9.40 POLLUTION OF DES MOINES RIVER [91](#)**

**Sections:**

[9.40.010 Throwing debris or garbage in water.](#)

[9.40.020 Obstruction of water flow to river.](#)

[9.40.030 Obstructions in river.](#)

[9.40.040 Permission to construct improvements.](#)

**9.40.010 Throwing debris or garbage in water.**

No person shall throw or put into the Des Moines River or any of its tributaries at any point within five miles above the place where the city takes water from the river to supply its works, any dead carcasses, manure, offal, putrid matter of any kind, or any other substance or fluid which will tend to pollute or render impure the water in the stream; or shall any person deposit, place, or discharge or permit to be deposited, placed or discharged any such substance in, on or near the bank of the river within such five miles so that the same will wash or flow into the river; nor shall any person bathe or swim in the water or river, or drive, lead or swim any horse, sheep, dog or any other animal into or in the water of the river, or wash or clean any vehicle or thing in the water within the corporate limits of the city, above the point or within one hundred feet below where the city draws water for its works.

(Ord. 100 § 1).

**9.40.020 Obstruction of water flow to river.**

It is unlawful for any person, firm or corporation to build or construct any dam, wharf, ferry, or other obstruction to the free flow of the water in the Des Moines River at any point in the city above the waterworks plant of the city or to in any manner interfere with the free flow of the water to the waterworks plant, to pollute the water of the Des Moines River above the waterworks plant in the city.

(Ord. 456 § 1).

**9.40.030 Obstructions in river.**

It is unlawful for any person, firm or corporation to construct a dam, wharf, ferry or other obstruction in the Des Moines River or to in any manner interfere with the free flow of the water in the river at any point within five miles above the point from which the city water is taken, and it is unlawful for any person, firm, or corporation to in any manner pollute the water of the river or interfere with the natural flow and water supply for the distance of five miles about the point from which city water is taken in the river; that is above the waterworks plant in the city.

(Ord. 456 § 2).

**9.40.040 Permission to construct improvements.**

Upon application to the city council, permission may be granted, under proper regulations for the protection of the waterworks plant from injury and the protection of the water of such waterworks from pollution, to construct a dam, wharf, ferry or other improvement in the Des Moines River within the city and at any point within five miles above the source of the city supply. Such rules and regulations to be adopted and provided by the city council exercising its jurisdiction as a city council for the protection of the waterworks and water supply of the city from interference and pollution.

(Ord. 456 § 3).

FOOTNOTE(S):

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For the statutory provisions granting jurisdiction to cities to protect their water and watersheds from pollution, see ICA 397.26. ([Back](#))

## **Chapter 9.44 CITY PARK REGULATIONS** [101](#)

### **Sections:**

[9.44.010 Classification.](#)

[9.44.020 Rules and regulations.](#)

[9.44.030 Violation—Penalty.](#)

### **9.44.010 Classification.**

The park, memorial, playground and recreation areas and facilities of the city shall be classified as follows:

- (1) Parks. Loomis Park, Oleson Park, Crawford-Snell Park, Phinney Park, Armstrong-Izaak Walton Park, McCarville Park, Lizard View Park, Hydro-Electric Park, Haskell Park and Exposition Park.
- (2) Memorial Areas. Veterans' Memorial, Reynolds Memorial Park, R.D. Mitchell Memorial Park, Karl King Memorial, City Square, Des Moines River Green Belt and Mason Memorial Drive.
- (3) Playground Facilities. Knollcrest Park, Southwest Mini Park, Linwood Hanson Park, Leif Erickson Park, East Lawn Acres Park, Kennedy Brown Playground Area, Hawley-Lions Park and Riverside Park.
- (4) Facilities.
  - (A) Softball-Baseball. Harlan Rogers Park and Sertoma Youth Ballfields.
  - (B) Golf. Sunkissed Meadows, Lakeside Municipal Golf Course.
  - (C) Tennis Courts. Dodger Tennis Courts, Senior High Tennis Courts, Hydro-Electric Tennis Court and Butler Complex-Bob Anderson Tennis Courts.
  - (D) Swimming Pools. Exposition Swimming Pool, Oleson Park Swimming Pool.
  - (E) Trails. Fort Dodge Nature Trail and Phinney Trail.
  - (F) Cemeteries. Oakland.

(Ord. 1922 § 2, 1998; Ord. 1823, 1992; Ord. 1568 § 2, 1981).

### **9.44.020 Rules and regulations.**

All persons using or frequenting any of the city's parks, areas or facilities or any part thereof shall observe the following rules and regulations:

Title 9 PUBLIC PEACE, MORALS AND SAFETY

- (1) No person shall ride, drive or park in any city park, area or facility except upon the established roadways and parking areas, and shall not exceed the speed limit of twenty miles per hour therein.
- (2) No person shall in any manner deface, injury or remove any tree, shrub, plant standing or growing in any city park, nor climb any tree, nor pick any or destroy any flowers growing therein, nor pick any berries or fruit of any kind without the express written permission of the director of parks, recreation and forestry.
- (3) No person shall set any fire in any city park, area or facility except in places where provisions have been made therefor.
- (4) No person shall violate any laws of the state of Iowa or ordinances of the city of Fort Dodge while using or frequenting any city park, area or facility.
- (5) No person shall throw or place any foreign or waste substance in any pond, stream, wading pool or swimming pool in any park, area or facility; nor shall any person fish or seine for minnows in any lake or stream contained therein.
- (6) No person shall damage, deface, disturb or interfere with any building or improvement of any kind in or about any park, area or facility, or disturb or interfere with any birds or animals kept or found therein.
- (7) No person shall enter upon or use any portion of any city park, area or facility in violation of any usage rules posted therein, nor distribute any handbills or conduct any commercial enterprise therein without the express written permission of the director of parks, recreation and forestry.
- (8) No person shall operate any vehicle in excess of three tons in any park, area or facility without the express written permission of the director of parks, recreation and forestry except when making deliveries therein.
- (9) No person shall remain in any city park after the hour of ten thirty p.m. nor any area or facility after the hour of closing posted therein without the express written permission of the director of parks, recreation and forestry.
- (10) No person shall use any of the cabins located in the parks without the express written permission of the director of parks, recreation and forestry.
- (11) No person shall have in his or her possession or consume any alcoholic liquor, wine or beer in any city park, area or facility except that beer may be possessed and consumed in containers of sixteen ounces or less in parks, Harlan Rogers Ballpark, Sunkissed Meadows Golf Course and Lakeside Municipal Golf Course.

(Ord. 1568 § 3 (part), 1981; Ord. No. 2181, § III, 9-9-13; Ord. No. 2186, § III, 9-23-13)

**9.44.030 Violation—Penalty.**

Anyone violating any of the provisions of this chapter shall upon conviction be subject to imprisonment not to exceed thirty days or a fine not exceeding one hundred dollars.

(Ord. 1568 § 3 (part), 1981).

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FOOTNOTE(S):

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For the statutory provisions authorizing the board of park commissioners to prescribe rules and regulations for the government of parks, see ICA 370.22. ([Back](#))

## **Chapter 9.50 FAILURE TO APPEAR**

### **Sections:**

[9.50.010 Failure to appear.](#)

### **9.50.010 Failure to appear.**

It shall be unlawful for any person to wilfully not appear in Court when said person is given a summons, ticket, or order to appear in Court by any peace officer or any metermaid.

(Ord. 1339 § 9).

## **Chapter 9.54 CURFEW**

### **Sections:**

[9.54.010 Purpose.](#)

[9.54.020 Minors on streets.](#)

[9.54.030 Exceptions.](#)

[9.54.040 Definitions.](#)

[9.54.050 Responsibility of parents.](#)

[9.54.060 Penalty.](#)

### **9.54.010 Purpose.**

The purpose of this chapter is to establish a curfew for minors that shall be enforced as follows.

(Ord. 2080 § 1, 2007).

### **9.54.020 Minors on streets.**

- (a) **Minors Under Age Twelve Generally.** It is unlawful for any minor under the age of twelve years to be or remain in or upon any streets, alleys, public places, vacant lots or other unsupervised places in the city between the hours of nine p.m. to five a.m. without reasonable cause, unless such minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor at the direction of the parents or the guardian.
- (b) **Minors Under Age Fifteen Generally.** It is unlawful for any minor under the age of fifteen years to be or remain in or upon any streets, alleys, public places, vacant lots or other unsupervised places in the city between the hours of ten p.m. to five a.m. without reasonable cause, unless such minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor at the direction of the parents or the guardian.

- (c) Minors Under Age Eighteen Generally. It is unlawful for any minor under the age of eighteen years to be or remain in or upon any streets, alleys, public places, vacant lots or other unsupervised places in the city between the hours of twelve-thirty a.m. to five a.m. without reasonable cause, unless such minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor at the direction of the parents or the guardian.

(Ord. 2080 § 2, 2007).

#### **9.54.030 Exceptions.**

No minor shall be considered in violation of the curfew of the city if satisfying one or more of the following:

- (1) The minor is accompanied by a parent.
- (2) The minor is traveling to or returning from employment or a school activity, religious, political, economic or cultural assembly, and is journeying directly to such an activity or home, and not otherwise. This exception requires prior parental approval concerning such activity.
- (3) The minor is accompanied by a supervising adult who has been previously approved, for the purpose involved, by a parent.
- (4) The minor is an emancipated minor.
- (5) The minor is traveling interstate for a lawful purpose and with the consent of a parent.

(Ord. 2080 § 3, 2007).

#### **9.54.040 Definitions.**

The following words, terms and phrases, when used in this subsection, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

"Emancipated minor" means a minor who no longer lives with a parent and is self-supporting.

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

"Parent" means biological parents, a guardian or custodian appointed by the courts, or an adult who has accepted the role of a parent at the request of a biological parent, guardian, or custodian.

(Ord. 2080 § 4, 2007).

#### **9.54.050 Responsibility of parents.**

- (a) It is unlawful for any parent, guardian or other person having the care and custody of a minor under the age of eighteen years to permit such minor to violate the provisions of Section 9.54.020
- (b) It shall not constitute a defense to this section that such parent, guardian or other person having the care and custody of a minor did not have knowledge of the presence of such minor in or upon any streets, alleys, public places, vacant lots or other unsupervised places in violation of Section 9.54.020

(Ord. 2080 § 5, 2007).

#### **9.54.060 Penalty.**

A person who violates this chapter shall be subject to a fine in accordance with Section 1.20.020(2) of the Fort Dodge Municipal Code.

(Ord. 2080 § 6, 2007).