

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

(Code of Iowa, § 727.1)

41.02 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur. Likewise, giving a false report to any public safety entity, making a false emergency 911 call, or providing false information to a law enforcement officer who enters the information on a citation, is a simple misdemeanor.

(Code of Iowa, § 718.6)

41.03 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically. Violation of this section is punishable in accordance with state law, Iowa Code § 719.1.

(Code of Iowa, § 719.1)

41.04 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer by assistance in making or attempting to make an arrest, or to prevent the

commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render the assistance when so required.

(Code of Iowa, § 719.2)

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

(Code of Iowa, § 718.4)

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

(Code of Iowa, § 727.3)

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

(Code of Iowa, § 364.12[2])

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

41.09 DISCHARGING WEAPONS. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns, airguns or other firearms of any kind within the City limits except by prior written consent of the Council. State licensed or permitted hunting is permitted upon areas zoned as "unclassified" as long as no hunting occurs within 300 yards of any building inhabited or utilized by people or domestic livestock, unless the owner or tenant of the building has given specific consent to the hunter to do so.

41.10 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into the street, alley, highway, sidewalk, public way, public ground or public building, without prior written consent of the Council.

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

41.12 FIREWORKS PERMIT.

A. It is unlawful for any person to use or explode display fireworks as defined in Iowa Code Section 727.2(1)(b); provided the Council may, upon application in writing, and payment of a fee set by Council resolution, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by the Council when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

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| 1. Personal Injury: | - \$250,000.00 per person |
| 2. Property Damage: | - \$50,000.00 |
| 3. Total Exposure: | - \$1,000,000.00 |

B. Consumer Fireworks and Novelties Sales. Consumer fireworks and novelties as defined by Iowa Code Sections 727.2(a) and (c) are permitted to be sold if the licensed seller complies with the licensing, registration and storage requirements of Iowa Code Sections 100.19 and 100.19A. In addition, the licensed seller must comply with Grimes Code of Ordinance Chapters 122, 154, and 156, as well as the provisions of National Fire Protection Standard (NFPA) 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition), where applicable to the licensed seller's consumer firework business activities.

C. Consumer Fireworks and Novelties Use. Consumer fireworks and novelties may be discharged with the following restrictions:

- a. Consumer fireworks will only be used or exploded by an adult on that adult's real property or on the property of an adult who has consented to the use or explosion of consumer fireworks on that property.
- b. Consumer fireworks will not be used or exploded by a person who is less than eighteen years old, unless that person is under the direct supervision of a parent or a custodial adult. "Direct supervision" means to provide constant guidance and control of an under eighteen year old person who is using or exploding consumer fireworks by maintaining visual and verbal contact with

that person at all times. Guidance and control means that the parent or guardian must be within 30 feet of the child, and must have them in sight and be able to communicate verbally with the child.

- c. Consumer fireworks will not be used discharged at any time other than the following permitted times:
 - i. July 1 to July 8 from 9 a.m. to 10 p.m., except for July 4 when the allowed time is from 9 a.m. to 11 p.m.
 - ii. December 29 to January 3 from 9 a.m. to 10 p.m., except that on December 31 the time is extended to 12:30 a.m. on January 1.
- d. Novelties are not subject to the provisions of subsections (a) through (c) above.
- D. Discharge of fireworks is prohibited if a burning ban proclamation has been issued by the Mayor.
- E. Violation. A violation of Grimes Code of Ordinances Section 41.12 is a municipal infraction pursuant to the provisions of the Grimes Code of Ordinances Chapter 4 punishable by the issuing of a citation requiring payment of monetary penalties as follows:
 1. \$100 for a first time offense, \$750 for a second offense, and \$1000 for a third or subsequent offense.
 2. An offense of discharging a firework between the hours of 10:30 p.m. and 6 a.m. on any date other than the evenings of July 4 or December 31 as provided under Grimes Code of Ordinances Section 41.12(C)(3) is specifically punishable as a municipal infraction pursuant to the provisions of Grimes Code of Ordinances Chapter 4 by the issuing of a citation requiring payment of a \$750 penalty for a first offense and \$1000 for a second and subsequent offense.

41.13 PORTABLE CHEMICAL TOILETS. The use of a portable chemical toilet in any area zoned as R-1, R-2, R-3, R-4 or R-5 under Chapter 165 of the Code of Ordinances is prohibited unless such toilet is required by Federal or State statute, administrative rule or regulation or unless such portable chemical toilet is placed behind the residential unit away from the street, has a permit obtained from the City Administrator and meets rules established by the Council. For the purpose of this section, "portable chemical toilet" means any movable free-standing toilet device equipped with bacterial chemicals to store and neutralize waste until such waste can be discharged into a sewage treatment facility.

41.14 RESIDENCY RESTRICTIONS FOR SEX OFFENDERS.

1. Definitions. As used in this Section 41.14, and unless the context otherwise requires:

- A. "Aggravated offense" means a conviction for any of the following offenses against a minor:
- (1) Sexual abuse in the first degree in violation of Iowa Code § 709.2.
 - (2) Sexual abuse in the second degree in violation of Iowa Code § 709.3.
 - (3) Sexual abuse in the third degree in violation of Iowa Code § 709.4(1).
 - (4) Lascivious acts with a child in violation of Iowa Code § 709.8(1).
 - (5) Assault with intent to commit sexual abuse in violation of Iowa Code § 709.11.
 - (6) Burglary in the first degree in violation of Iowa Code § 713.3(1)(d).
 - (7) Kidnapping, if sexual abuse as defined by Iowa Code § 709.1 is committed during the offense.
 - (8) Murder, if sexual abuse as defined by Iowa Code § 709.1 is committed during the offense.
- B. "Child care facility" means any child care center, preschool or Registered child care homes.
- C. "Criminal offense against a minor" means any of the following criminal offenses or conduct:
- (1) Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by the parent.
 - (2) False imprisonment of a minor, except if committed by a parent.
 - (3) Any indictable offense involving sexual conduct directed toward a minor.
 - (4) Solicitation of a minor to engage in an illegal sex act.

- (5) Use of a minor in a sexual performance.
 - (6) Solicitation of a minor to practice prostitution.
 - (7) Any indictable offense against a minor involving sexual conduct with a minor
 - (8) An attempt to commit an offense enumerated in this subsection.
 - (9) Incest committed against a minor.
 - (10) Dissemination and exhibition of obscene material to minors in violation of Iowa Code § 728.2.
 - (11) Admitting minors to premises where obscene material is exhibited in violation of Iowa Code § 728.3.
 - (12) Stalking in violation of Iowa Code § 708.11 (3)(b)(3), if the fact-finder determines by clear and convincing evidence that the offense was sexually motivated.
 - (13) Sexual exploitation of a minor in violation of Iowa Code § 728.12.
 - (14) Enticing a minor in violation of Iowa Code § 710.10(1).
 - (15) An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs 1-14 of this subsection.
- D. "Other relevant offense" means any of the following offenses against a minor:
- (1) Telephone dissemination of obscene materials in violation of Iowa Code § 728.15.
 - (2) Rental or sale of hard-core pornography in violation of Iowa Code § 728.4.
 - (3) Indecent exposure in violation of Iowa Code § 709.9.
 - (4) A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs 1-3

of this subsection, if committed in this state.

- E. "Park" means any public or non-public park, including a park, forest preserve, or conservation area under the jurisdiction of the state, a unit of local government, or a private homeowner's association, and any facilities thereon, as well as any playground, which for the purposes of this Ordinance shall mean a piece of land owned or controlled by the state, a unit of local government or a private entity, that has been designated by said entity for the use solely or primarily for children's recreation. (i.e. youth league baseball, youth softball, youth soccer).
 - F. "Person" means a person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor.
 - G. "Residence" means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.
 - H. "Sexually violent offense" means any of the following indictable offenses:
 - (1) Sexual abuse as defined under Iowa Code § 709.1.
 - (2) Assault with intent to commit sexual abuse in violation of Iowa Code § 709.11.
 - (3) Sexual misconduct with offenders in violation of Iowa Code § 709.16.
 - (4) Any of the following offenses, if the offense involves sexual abuse or intended sexual abuse: murder, attempted murder, kidnapping, burglary or manslaughter.
 - (5) A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs 1-4 if committed in this state.
2. Residency Restriction. A person shall not reside within two thousand feet of the real property comprising of any of the following child-oriented facilities:
- A. a public or non-public elementary or secondary school;

- B. a public or non-public park or playground;
- C. a public swimming pool;
- D. a public library;
- E. a multi-use recreational trail; or
- F. a child care facility

The distance of two thousand feet shall be measured from the closest boundary line of the residence to the closest boundary line of the child-oriented facility as identified above.

3. Residency Exception. A person residing within two thousand feet of the real property comprising a child-oriented facility identified in Section 2 does not commit a violation of this article if any of the following apply:
 - A. The person has established a residence prior to the effective date of this ordinance;
 - B. A child-oriented facility as identified in Section 2 is newly located on or after the effective date of this ordinance and the person has established a residence prior to the date of the start of construction operation or acquisition of such newly located child-oriented facility; or
 - C. The person is a minor or a ward under guardianship.
4. Violations. Any person who resides within two thousand feet of a child-oriented facility as identified in Section 2 in violation of this Section 41.14 shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by the Grimes Code of Ordinances and the Code of Iowa or shall be guilty of a municipal infraction punishable by civil penalty as provided by the Grimes Code of Ordinances.