

TITLE 5
POLICE REGULATIONS

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CHAPTER 1
POLICE PROTECTION

SECTION:

5-1-1: Contract With County

5-1-1: **CONTRACT WITH COUNTY:** The Osceola County sheriff's department shall provide police protection for the city, pursuant to contract agreement. (1992 Code)



CHAPTER 2

MISCELLANEOUS OFFENSES

SECTION:

- 5-2-1: Criminal Code; Adopted
- 5-2-2: Throwing Missiles; Shooting
- 5-2-3: Noxious Substance Discharges
- 5-2-4: Overhanging Antenna And Radio Wires
- 5-2-5: Barbed Wire Fences
- 5-2-6: Public Urination And Defecation

5-2-1: **CRIMINAL CODE; ADOPTED:** There is hereby adopted that certain code identified as the Iowa criminal code, more particularly volume 55, sections 701 through 728, and as the same may hereafter be revised by the state legislature, or amended by the governing body, and the same is hereby adopted and incorporated as an ordinance of the city as fully as though set forth at length herein.

Three (3) copies of the said state law, together with any revisions or amendments, duly certified by the city clerk, shall be kept on file in the clerk's office for use and examination of and by the public. (1992 Code)

5-2-2: **THROWING MISSILES; SHOOTING:** The following shall be unlawful for persons to:

- A. Throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.
- B. Discharge rifles, shotguns, revolvers, pistols, guns or other firearms of any kind, including air rifles and paintball guns, within the city limits except by written authorization of the city council. (Ord. 580-02, 8-12-2002)

5-2-3: **NOXIOUS SUBSTANCE DISCHARGES:** It shall be unlawful to throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property or that is nauseous, sickening, irritating or offensive to any of the senses in, upon or about any theater, restaurant, car, structure, place of business or amusement or any place of public assemblage or to attempt to do any of these acts or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials or peace officers in the discharge of their duties or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup nor to any bank or other messenger carrying funds or other valuables. (1976 Code §2.1-1.0403)

5-2-4: **OVERHANGING ANTENNA AND RADIO WIRES:** It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property. (1976 Code §2.1-1.0410)

5-2-5: **BARBED WIRE FENCES:** It shall be unlawful for a person to use barbed wire to enclose land within the city limits from and after September 1, 1975, without the consent of the council, unless such land consists of five (5) acres or more and is used as agricultural land. (1976 Code §2.1-1.0414)

5-2-6: **PUBLIC URINATION AND DEFECATION:**

A. It shall be unlawful for any person to urinate or defecate in or upon any street, alley, public place or in any place open to public view, provided this subsection shall not apply to restrooms or public facilities designated for such purpose. (Ord. 638-12, 9-24-2012)

CHAPTER 3
MINORS

SECTION:

5-3-1: Curfew

5-3-1: **CURFEW:** The council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the city and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

A. Definitions: For use in this section, the following terms are defined:

**EMERGENCY
ERRAND:** Means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.

KNOWINGLY: Knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. This is an objective standard. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

MINOR: Any unemancipated person under the age of eighteen (18) years.

**NONSECURED
CUSTODY:** Custody in an unlocated multi-purpose area, such as a lobby, office or interrogation room

which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adults or for other administrative purposes, but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six (6) hours beyond the initial six (6) hour period.

PUBLIC PLACE: Includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use, and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

RESPONSIBLE ADULT: A parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

UNEMANCIPATED: Unmarried and/or still under the custody or control of a responsible adult.

B. Curfew Established: A curfew applicable to minors is established and shall be enforced as follows:

1. Unless accompanied by a responsible adult, no minor seventeen (17) years of age or younger shall be in any public place during the following times:

Sunday through Thursday - eleven o'clock (11:00) P.M. to five o'clock (5:00) A.M.

Friday and Saturday - twelve o'clock (12:00) midnight to five o'clock (5:00) A.M.

C. Exceptions: The following are exceptions to the curfew:

1. The minor is accompanied by a responsible adult.
2. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
3. The minor is present at or is traveling between home and one of the following:
 - a. Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end of work;
 - b. Minor's place of religious activity or, if traveling, within one hour after the end of the religious activity;
 - c. Governmental or political activity or, if traveling, within one hour after the end of the activity;
 - d. School activity or, if traveling, within one hour after the end of the activity.
 - e. Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the first amendment of the U.S. constitution, guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end of the activity.
4. The minor is on an emergency errand for a responsible adult.

5. The minor is engaged in interstate travel through the city beginning, ending or passing through the city when such travel is by direct route.

6. The minor's business, trade or occupation, in which the minor is permitted by law to be engaged, requires the presence of the minor in the public place.

D. Responsibility Of Adults: It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the city within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

E. Enforcement Procedures:

1. Determination Of Age: In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a peace officer on the street shall, in the first instance, use his or her best judgment in determining age.

2. Grounds For Arrest; Conditions Of Custody: Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating this section; refuses to provide proper identification or to identify himself or herself, or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

3. Notification Of Responsible Adult: After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

4. Minor Without Adult Supervision: If a peace officer determines that minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the peace officer shall attempt to place the minor with an adult relative

of the minor, an adult person who cares for the child or another adult person who is known to the child.

F. Penalties:

1. Responsible Adult's First Violation: In the case of a first violation by a minor, the Osceola County sheriff's department shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

2. Responsible Adult's Second Violation: Any "responsible adult" as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a simple misdemeanor.

3. Minor's First Violation: In the case of a first violation by a minor, the peace officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.

4. Minor's Second Violation: For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a simple misdemeanor.

G. Notice: Notice of the ordinance codified in this section and its contents may be posted in or about such public or quasi-public places as may be designated by the council or the Osceola County sheriff's department in order that the public may be constantly informed of the existence of such ordinance and its regulations. (Ord. 565-00, 4-24-2000)



CHAPTER 4

ANIMALS AND ANIMAL CONTROL

SECTION:

- 5-4-1: Definitions
- 5-4-2: Prohibited Acts And Conditions
- 5-4-3: Impoundment And Redemption Procedures; Costs
- 5-4-4: Vicious Animals
- 5-4-5: Livestock

5-4-1: **DEFINITIONS:**

- ANIMAL:** All living creatures not human.
- AT LARGE:** Any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle or housed in a veterinary hospital or kennel.
- LIVESTOCK:** An animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in section 481A.1 of the code of Iowa; ostriches, rhea, emus or poultry.
- OWNER:** Any person owning, keeping, sheltering or harboring an animal.
- VICIOUS ANIMAL:** Any animal that, without provocation, bites or attacks humans or any other animals, or in a vicious or terrifying manner approaches any person or other animal in an apparent attack posture, whether or not the attack is consummated; or any animal with a propensity to bite and/or attack human beings or domesticated animals and where such propensity is known or ought reasonably to be known to the

owner; or any dog that has been trained for dog/animal fights, or a dog that is kept for the purpose of dog/animal fighting, or any dog that has been trained as an attack or fighting dog, or any dog that is kept as a guard or attack dog except as otherwise provided by state or local law; or any animal that has been deemed vicious by the court, county board of health, city council, or any other governing body. Any wild animal indigenous to the state of Iowa as defined in chapter 481A, code of Iowa as amended.

The following animals shall be deemed to be vicious per se: cats, including lions, tigers, jaguars, leopards, cougars, lynx, bobcats and ocelots, except those species of cat falling within the categories of ordinarily domesticated house cats; wolves, coyotes and foxes; gorillas, orangutans, baboons, monkeys and chimpanzees; bats; alligators and crocodiles; venomous spiders, scorpions; all snakes and reptiles that are venomous, constrictors, or any non-venomous snake over ten feet (10') in length; Gila monsters, raccoons, black bears, polar bears, grizzly bears, skunks. (Ord. 619-09, 8-24-2009)

5-4-2: **PROHIBITED ACTS AND CONDITIONS:** It shall be unlawful for:

- A. Cruelty To Animals: A person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat or cruelly kill any animal or unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather for a period of twenty four (24) hours or drive or work the same when unfit for labor or cruelly abandon the same or carry the same or cause the same to be cruelly carried on any vehicle or otherwise or to commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either maliciously, wilfully or negligently.

- B. **Animals Running At Large:** An owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city.
- C. **Bothersome, Annoying Animals:**
1. A person to keep within the city such bothersome animals as bees, cattle, horses, swine and sheep which tend to disrupt the peace and good order of the community.
 2. The owner of a dog or cat to allow or permit such dog or cat to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking or otherwise or by running after or chasing persons, bicycles, automobiles or other vehicles.
- D. **Damage To Or Interference With Property:** For the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to or interference with the premises.
- E. **Animal Fights:** A person to keep or use or in any way be connected with or be interested in the management of or receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cat, cock or other creature or to engage in, aid, abet, encourage or assist in any bull, bear, dog, cat or cock fight or a fight between any other creatures. (Ord. 619-09, 8-24-2009)

**5-4-3: IMPOUNDMENT AND REDEMPTION PROCEDURES;
COSTS:**

- A. **Impoundment:** Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
- B. **Redemption And Disposition:**
1. Animals which have been impounded will be kept for three (3) days from impoundment. If such animals are not claimed within three (3) days after impoundment, they shall be disposed of in a humane manner as directed by the council. Impounded animals may be recovered by the owner, upon proper identification and payment of

impounding costs, at which time the animal will be returned to the owner.

- C. Impounding Costs: Animals impounded by the city may be claimed by their owner within three (3) days, upon payment of an impoundment fee of twenty five dollars (\$25.00) per day. The city may contract with another entity to provide impoundment services and if such a contract is entered into, all charges and fees assessed by said entity for said service, including necessary immunizations, shall be paid by the owner of such impounded animal. (Ord. 619-09, 8-24-2009)

5-4-4: **VICIOUS ANIMALS:** It shall be unlawful for any person to harbor or keep vicious animals within the city. Any vicious animal which is found in the city may be seized by the sheriff or any deputy and upon establishment to the satisfaction of the magistrate court in and for Osceola County of the vicious character of said animal, it may be killed by the officer or a licensed veterinarian. (Ord. 619-09, 8-24-2009)

5-4-5: **LIVESTOCK:** It is unlawful for a person to keep livestock within the city except by written consent of the city council or except in compliance with the city's zoning regulations. (Ord. 619-09, 8-24-2009)