

## 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, Sec. 727.1)*

**41.02 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.** No person shall do any of the following:

*(Code of Iowa, Sec. 718.6)*

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

**41.03 REFUSING TO ASSIST OFFICER.** Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer 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 assistance when so requested.

*(Code of Iowa, Sec. 719.2)*

**41.04 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, Sec. 718.4)*

**41.05 INTERFERENCE WITH OFFICIAL ACTS.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or firefighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider or firefighter, 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.

*(Code of Iowa, Sec. 719.1)*

**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, Sec. 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, Sec. 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 written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

**41.09 DISCHARGING WEAPONS.**

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.
2. Any person seeking to operate a target practice range or gun club in the City shall notify the Clerk annually of the intent to operate such a business or club. Zoning for such an operation shall be A-1 and shall be considered as a recreational area within that zone. The operator of such an establishment shall abide by all other Federal, State and City laws and regulations regulating the use of firearms.
3. No person shall intentionally discharge a firearm in a reckless manner.

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

*(Code of Iowa, Sec. 364.12[2])*

**41.11 HUNTING.** Hunting is allowed in areas zoned A-1 (Agricultural) upon application by the landowner to allow hunting on the property. Permission shall be granted unless such activity would be expected to violate any Federal or State law or regulation governing the use of firearms or hunting, including (but not limited to) the provisions of Section 481A.123 of the *Code of Iowa*. The landowner shall clearly mark those areas upon which hunting is requested.

**41.12 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 but not limited to the wall, floor, hallway, steps, stairway, doorway, or window thereof, or onto any public or private land.

**41.13 FIREWORKS.** The sale, use and exploding of fireworks within the City are subject to the following:

1. Definition. The term "fireworks" includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect

by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

*(Code of Iowa, Sec. 727.2)*

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, 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 City authorities 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:

- A. Personal Injury: \$250,000 per person.
- B. Property Damage: \$50,000
- C. Total Exposure: \$1,000,000

*(Code of Iowa, Sec. 727.2)*

3. Exceptions.

- A. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization..
- B. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
- C. Sale of consumer fireworks
  - 1. It shall be unlawful for a person to offer for sale, expose for sale, or sell at a retail consumer fireworks, unless a person is a retailer or community group as defined in Iowa Code Chapter 100 and possesses and complies with all requirements of a consumer fireworks seller license issued by the state fire marshal. Consumer fireworks may only be sold during the dates and times as allowed under Iowa Code Chapter 100 and in zoning districts permitted by the Tiffin Zoning Ordinance.
  - 2. It shall be unlawful for a person to sell consumer fireworks to a person less than 18 years of age and it shall be unlawful for a person who is less than 18 years of age to purchase consumer fireworks.
  - 3. The following information must be stated in an easily readable type size and prominently posted at the place of payment at each location selling consumer fireworks:
    - a. The restriction on use of consumer fireworks described in Section 41.13 (3) of the Tiffin Code of Ordinances; and
    - b. A statement that a violation of Section 41.13 (3) of the Tiffin Code of Ordinances constitutes a simple misdemeanor, punishable by a fine of \$625.00.

D. Restrictions on use of consumer fireworks.

A person may use or explode consumer fireworks only from 9 a.m. until 10:00 p.m.

on July 3 and from 9 a.m. until 11:00 p.m. on July 4, and from 9 a.m. on December 31 until 12:30 a.m. on the immediately following day, January 1, and from 9 a.m. until 10:00 p.m. on January 1, and subject to the following:

1. Consumer fireworks may only be used or exploded on private property which is owned by the person using the consumer fireworks or with the consent of the owner of such private property.
2. Persons using or exploding the consumer fireworks must be 18 years of age or older.
3. Persons using or exploding consumer fireworks are prohibited from being under the influence of alcohol or other drug or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in such person's body.
4. Any use or explosion of consumer fireworks must be more than 200 yards from a hospital, hospice, assisted living residential facility, nursing home, or retirement home.
5. No use or explosion of consumer fireworks is allowed in parks, cemeteries, and right of way, including sidewalks and streets.

E. Violations

1. Any person who fails to perform an act required by the provisions of Section 41.13 (3) (C) or (D), or who commits an act prohibited by the provisions of Section 41.13 (3) (C) or (D), shall be guilty of a simple misdemeanor, or shall be guilty of a municipal infraction, subject to the simple misdemeanor minimum fines below in subsections 2 and 3.
  2. A person who sells consumer fireworks to a person who is less than 18 years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00. A person who is less than 18 years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
  3. A person who uses or explodes consumer fireworks in violation of Section 41.13 (3) (D) commits a simple misdemeanor, punishable by a fine of \$625.00.
- F. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization.
- G. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

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1. Consumer fireworks may only be used or exploded on private property which is owned by the person using the consumer fireworks or with the consent of the owner of such private property.
2. Persons using or exploding the consumer fireworks must be 18 years of age or older.
3. Persons using or exploding consumer fireworks are prohibited from being under the influence of alcohol or other drug or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in such person's body.
4. Any use or explosion of consumer fireworks must be more than 200 yards from a hospital, hospice, assisted living residential facility, nursing home, or retirement home.
5. No use or explosion of consumer fireworks is allowed in parks, cemeteries, and right of way, including sidewalks and streets.

J. Violations

1. Any person who fails to perform an act required by the provisions of Section 41.13 (3) (C) or (D), or who commits an act prohibited by the provisions of Section 41.13 (3) (C) or (D), shall be guilty of a simple misdemeanor, or shall be guilty of a municipal infraction, subject to the simple misdemeanor minimum fines below in subsections 2 and 3.
2. A person who sells consumer fireworks to a person who is less than 18 years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00. A person who is less than 18 years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
3. A person who uses or explodes consumer fireworks in violation of Section 41.13 (3) (D) commits a simple misdemeanor, punishable by a fine of \$625.00  
*(Code of Iowa, Sec. 727.2)*

#### **41.14 DRUG PARAPHERNALIA.**

*(Code of Iowa, Sec. 124.414)*

1. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- C. Test the strength, effectiveness, or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

#### **41.15 PONDS AND DETENTION/RETENTION BASINS.**

1. No person shall enter the water for any purpose, including but not limited to wading, swimming, boating, fishing, use of flotation devices, or any other activity, in any City-owned pond, detention/retention area, or other body of water.
2. No person shall enter upon the frozen surface on any City-owned pond, detention/retention area, or other body of water for skating, sledding, or the operation of any vehicles, including but not limited to cars, trucks, snowmobiles, and ATVs, except as specifically permitted by the City Council.
3. Ice fishing is permitted on City-owned ponds, detention/retention areas or other bodies of water, subject to the following conditions:
  - a. Any person who walks or ice fishes on such frozen surfaces does so at his or her own risk and is solely responsible for his or her safety
  - b. Any person who ice fishes on such frozen surfaces shall be in full compliance with applicable state law and DNR regulations and, further, shall be familiar with applicable DNR guidelines.
  - c. No ice fishing structures or other appurtenances shall remain on the ice for more than twelve (12) hours during any day.