

CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances

41.02 False Reports to or Communications with Public Safety Entities

41.03 Refusing to Assist Officer

41.04 Harassment of Public Officers and Employees

41.05 Interference with Official Acts

41.06 Abandoned or Unattended Refrigerators

41.07 Antenna and Radio Wires

41.08 Barbed Wire and Electric Fences

41.09 Discharging Weapons

41.10 Throwing and Shooting

41.11 Urinating and Defecating

41.12 Fireworks

41.13 Drug Paraphernalia

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. 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 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.

41.12 FIREWORKS

1. Definitions. “Fireworks” or “Consumer fireworks” as used in this Section, shall mean those items listed or referred to under the definition of “First-class Consumer fireworks” and “Second-Class Consumer fireworks” as set forth Under Iowa Code Chapter 100.
2. Dates and Hours of Use. A person shall not use or explode consumer fireworks on days other than July 1 through July 8 and December 29 through January 3 of each year. Except as otherwise provided herein, during the days in which fireworks are permitted to be used or exploded said use is limited to the hours of 9:00 a.m. to 10:00 p.m.
 - a. A person may use or explode consumer fireworks on July 4 between 9:00 a.m. and 11:00 p.m.
 - b. A person may use or explode consumer fireworks on December 31 between 9:00 a.m. and 12:30 a.m. on January 1.
 - c. A person shall not use, explode or discharge Consumer fireworks on real property other than that person’s real property or on the real property of a person who has consented to the use of consumer fireworks on that property. A person shall not use explode or discharge Consumer fireworks on publicly owned property except as specifically authorized by a permit issued pursuant to the Williamsburg City Code.
3. Fireworks Permit for Public Display. The City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair association, amusement park and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. The Council may impose by resolution a fee to be submitted with an application for a permit. 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: \$500,000 per person
 - b. Property Damage: \$500,000
 - c. Total Exposure: \$1,000,000
4. Sale of Fireworks. No person, retailer, consumer group or otherwise shall sell or display for sale any fireworks without possessing a permit from the State Fire Marshall and complying with all State, Federal and local laws.

- a. Temporary Sale or display for sale of fireworks is allowed through the use of temporary sale structures.
 - i. Temporary Sale Structures shall only be allowed and erected during the permitted dates for sales according to Iowa's State law.
 - ii. Temporary sale structure locations shall have hard surface paved parking and limited in size and location as approved by the State Fire Marshal.
 - iii. The Permit fee for Temporary Sale Structure for the sale of fireworks shall be set by resolution of the Williamsburg City Council.
 - iv. All fireworks shall be stored in a secured and locked location during non-sale times pursuant to Iowa's State law.
 - v. Temporary sale structure owners, if not the current property owner, shall have written consent by the current property owner at the location where the structure is located.
5. Responsibilities of Fireworks Users. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic. Any person discharging a Consumer firework or Consumer firework device shall only discharge said Consumer firework consistent with the manufacturers instructions and shall assume all responsibility for its operation and the consequences thereof. No person shall discharge a Consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
6. Penalty. A person, firm, partnership, corporation or company who violates this chapter commits a simple misdemeanor punishable by a fine of not less than \$250.00 and not more than \$1,000 per violation. In the event that a violation is committed for more than one day, each day of the violation shall be considered a separate offense.
7. Emergency Order. The discharge of fireworks is prohibited if a burning ban proclamation is issued by the Mayor of Williamsburg, Iowa. The discharge of fireworks are also prohibited if the Williamsburg Chief of Police issues an order prohibiting the discharge of fireworks on the basis of an immediate public need.

41.13 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.

- 2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

o o o o o o o o o o