

CHAPTER 40
PUBLIC PEACE

40.01 Assault
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40.01 ASSAULT. No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act that is intended to cause pain or injury to another or that is intended to result in physical contact that will be insulting or offensive to another, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1[1])

2. Threat of Pain or Injury. Any act that 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.

(Code of Iowa, Sec. 708.1[2])

An act described in subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the 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; (ii) if the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function, regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7)

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

(Code of Iowa, Sec. 708.7)

C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7)

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

40.03 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage 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 that is reasonably related to that sport.

(Code of Iowa, Sec. 723.4[1])

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

(Code of Iowa, Sec. 723.4[2])

3. Abusive Language. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

(Code of Iowa, Sec. 723.4[3])

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4[4])

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4[5])

6. Disrespect of Flag. Knowingly and publicly use 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 trespass or assault. As used in this subsection:

(Code of Iowa, Sec. 723.4[6])

A. "Deface" means to intentionally mar the external appearance.

B. "Defile" means to intentionally make physically unclean.

C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.

D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.

E. “Show disrespect” means to deface, defile, mutilate, or trample.

F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Sec. 723.4[7])

8. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

(Code of Iowa, Sec. 723.5)

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three or more persons to assemble 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. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

40.05 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

40.06 KEEPING DISORDERLY HOUSE.

1. Simple Misdemeanor. No person shall permit or suffer to continue, without taking legal steps to prevent the same, any quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person’s possession. For the purposes of this section, “to the disturbance of the general public” includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers. Any violation of this subsection shall be a simple misdemeanor.

2. Authority to Restore Order and Disperse, Failure to Disperse. Upon issuance of a criminal complaint for a violation of this section, any peace officer shall have authority to restore order upon the subject premises, up to and including ordering the dispersal of person(s) from the subject premises. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section. Any violation of this subsection shall be a simple misdemeanor.

3. Civil Sanction. Quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person's possession is prohibited. For the purposes of this section, "to the disturbance of the general public" includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers. Any violation of this subsection by a property owner or tenant is a municipal infraction punishable by a civil penalty of \$250.00 for first offense and \$500.00 for second and subsequent offenses.

40.07 NOISE CONTROL.

1. Definitions. As used in this chapter, the following definitions shall apply:
 - A. Amplified Sound. To increase sound in intensity and duration by electrical, electronic, mechanical or other nonhuman means, including an electronic device.
 - B. Noise Disturbance. Any loud and raucous noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.
 - C. Person. Any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assignee of any of the foregoing, or any other legal entity.
 - D. Plainly Audible. Any sound for which the information content of the sound is transferred to the listener such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or lowered or comprehension of musical rhythms.
 - E. Public Place. Any street, avenue, boulevard, highway, sidewalk or alley or similar place owned or controlled by the City, including any structure or park.
 - F. Real Property Line. An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.
 - G. Sound Production Device. Radio, tape player, disc player, loudspeaker, digital audio player, portable media player or other electric, electronic or mechanical device that produces or reproduces sound.
2. Specific Activities Prohibited.

- A. No person shall play or operate, or permit the playing or operating of, a sound production device within a motorized vehicle that is plainly audible by any person: i) either across a real property line or at a distance of 50' or more from the vehicle; and ii) for more than 30 continuous seconds.
 - B. No person shall cause or create, or permit the causing or creating of, a noise disturbance that is plainly audible by any person: i) either across a real property line or at a distance of 50'; and ii) for more than 30 continuous seconds.
 - C. No person shall use amplified sound in violation of section 40.06 of this code.
 - D. No person shall operate construction equipment before 7:00 A.M. and after 10:00 P.M.
3. Exceptions To Provisions. The Provisions herein shall not apply to:
- A. The emission of sound for the purpose of alerting persons to the time of day, the existence of an emergency or the approved testing thereof.
 - B. The emission of sound in the performance of emergency work, including but not limited to snow removal and maintenance of trees and underground utilities.
 - C. Emergency vehicles, such as firetrucks and ambulances.
 - D. Essential services, such as electrical substations and safety devices.
 - E. Construction and maintenance activities between 7:00 A.M. and 10:00 P.M. "Maintenance activities" shall be nonroutine operations, temporary in nature and conducted infrequently.
 - F. Cement sawing of freshly poured concrete street, alley, sidewalk or road surface.
 - G. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events.
 - H. Events conducted by, sponsored or funded, in whole or in part, by the City.
 - I. Equipment used for political advertisements.
 - J. Equipment used for public health and safety purposes.
 - K. Church or clock carillons, bells or chimes or other reasonable sounding of devices from houses of worship.
 - L. Parades, processions or other public events for which approval has been granted by the City Council in advance, provided the conditions of the Council approval are complied with.
 - M. Car or truck horns or similar devices when used to denote danger or a warning or possible danger.

4. Violation. Violation of this chapter shall be considered a municipal infraction punishable by a penalty as provided for in Section 3.03 of this code or a simple misdemeanor punishable by a fine of \$100.00.