

Title 9PUBLIC PEACE, MORALS AND WELFAREChapters:

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Chapter 9.02OFFENSES GENERALLYSections:

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9.02.010 Violation--Generally. Commission of any of the acts named in this chapter by any person will constitute a violation of this chapter. (Ord. 78-14 §1, 1978).

9.02.020 Offenses against the public peace. The following acts are unlawful:

A. Assault and Battery. To apply, or to threaten or attempt to apply, an unlawful and unpermitted physical force to the person of another, in a rude and insolent manner, or with the intent to do physical harm, with the apparent ability to execute any attempt or threat;

B. Affray. For two or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in any angry or quarrelsome manner, in any public place, to the disturbance of others;

C. Disturbance of Peace. To make or excite any disturbance in a tavern, store or grocery, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled;

D. Disturbing Congregations or Other Assemblies. Wilfully to disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or

so near as to disturb the order and solemnity of the assembly, or wilfully to disturb or interrupt any school, school meeting, literary society or other lawful assembly of persons;

E. Unlawful Assembly and Riot. For three or more persons in a violent or tumultuous manner to assemble together to do or attempt to do an unlawful act or, when together, to commit or attempt to commit an act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner to the disturbance of others;

F. Noise. To disturb the peace by excessive, loud or unusual noise, by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking devices or noisemakers;

G. Disorderly Conduct.

1. Any person who commits any of the following acts in the city of North Liberty is guilty of disorderly conduct:

a. Makes unreasonable noise in public tending to cause a breach of the peace;

b. Makes unreasonable noise in the vicinity of any residence which causes distress to the occupants thereof;

c. Acts in a threatening or violent manner towards another whereby:

i. Any person is placed in fear of safety for his/her life, limb, or health,

ii. The property of any person is placed in danger of being destroyed or damaged, or

iii. The lawful pursuits of another are substantially curtailed;

d. Uses inflammatory language in public which he/she knows or reasonably should know is likely to provoke an imminent violent reaction by another;

e. Commits a trespass upon public or private property with a malicious intent;

f. Wilfully and knowingly acts in such a way as to disrupt any lawful assemblage or gathering of people.

2. This subsection shall not apply to any peace officer acting within the scope of his/her duties who reasonably believes a public offense has been committed or is imminently threatened.

H. Indecent Behavior. If any person, within the corporate limits of this city, appears in any public place, or exposes himself to public view, in a state of nudity, or in an indecent or lewd dress, or if any person makes any indecent exposure of his or her person, or is guilty of any other lewd or indecent act or conduct, he shall be guilty of indecent behavior;

I. Squealing Tires. To operate a motor vehicle, or for an owner to permit to be operated a motor vehicle in such a manner or methods to cause the tires on said motor vehicle to make any loud, raucous, squealing, screeching

noise or other sounds caused by excessive acceleration or deceleration, except as provided in subsequent sections of this chapter. (Ord. 85-20 §2, 1985; Ord. 78-14 §2, 1978).

9.02.030 Offenses against public morals. The following acts are unlawful:

A. Prostitution. To resort to, use, occupy or inhabit, for the purpose of prostitution or lewdness, any house of ill fame or place kept for such purpose, or to be found at any hotel, boardinghouse, or other place, leading a life of prostitution or lewdness;

B. Soliciting. To ask, request or solicit another to have carnal knowledge with any male or female for a consideration or otherwise;

C. Immoral Plays, Exhibitions and Entertainments. To act as owner, manager, director or agent, or in any other

capacity to prepare, advertise, give, present or participate in any obscene, indecent, immoral or impure drama, play, exhibition, show or entertainment which would tend to the corruption of the morals of youth or others, or to aid or abet such act or, as lessee or manager of any garden, building, room, place or structure, to lease or let the same or permit the same to be used for the purposes of any such drama, play, exhibition, show or entertainment, or to assent to the use of the same for any such purpose. This section shall not apply to a motion picture machine operator or any other employee of a licensed motion picture theater with the exception of the manager if such person has no financial interest in the entertainment presented or in the theater or place where he is employed other than wages or salary;

D. Keeping Gambling Houses. To keep a house, shop or place resorted to for the purpose of gambling, or knowingly to permit or suffer any person in any house, shop or other place under the permittor's control or care to play at cards, dice, faro, roulette, equality, punchboard, slot machine or other game for money or other things of value;

E. Blasphemous or Obscene Language. The use blasphemous or obscene language publically, to the disturbance of the public peace and quiet;

F. Illegal Keeping of Intoxicants. To operate or conduct, or allow to be operated, a place where intoxicating liquor is illegally kept, sold or given away;

G. Consumption in Public Places--Intoxication. To use or consume any alcoholic liquors upon the public streets or highways, or in any public place, except premises covered by a liquor control license, or to be intoxicated or simulate intoxication in a public place. (Ord. 78-14 §3, 1978).

9.02.040 Supplying liquor to minors. It is unlawful to sell, give or otherwise supply liquor to any person under nineteen years of age, or knowingly to permit any person under that age to consume alcoholic liquors except in the case of alcoholic liquor given or dispensed to a person under nineteen years of age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by a physician or dentist for medicinal purposes. (Ord. 78-14 §4, 1978).

9.02.050 Animal offenses. The following acts are unlawful:

A. Cruelty to Animals. To torture, torment, mutilate, cruelly beat or cruelly kill any animal, or unnecessarily fail to provide to same with proper food, shelter or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon 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 or animals, whether the acts or omissions herein contemplated be committed either maliciously, wilfully or negligently;

B. Animals Running at Large. To allow cattle, horses, swine, sheep or other similar animals or fowl to run at large within the limits of the municipal corporation. (Ord. 78-14 §5, 1978).

9.02.060 Offenses against streets. The following acts are unlawful:

A. Removal of Safeguards or Danger Signals. To wilfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof;

B. Obstructing or Defacing Streets. To obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the mayor;

C. Allowing Water, Snow, Ice and Accumulations on Sidewalk. For an abutting property owner to allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or to fail to remove snow, ice and accumulations from the sidewalks promptly;

D. Removal of Hydrant Caps, Sewer Caps or Manhole Covers. To remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

E. Depositing Snow or Ice Upon Streets, Sidewalks or Municipal Parking Lots. It is unlawful for any person to deposit any accumulations of snow or ice upon the traveled portion of any street or highway, or upon any public sidewalk, or upon any municipally-owned parking lot anywhere within the city. (Ord. 04-05 §1, 2004; Ord. 78-14 §6, 1978).

9.02.070 Offenses against public health and safety. The following acts are unlawful:

A. Expectorating. To expectorate within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern;

B. Putting Glass, etc., on Streets and Sidewalks. To throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle;

C. Carrying Concealed Weapons. To go armed with or to carry, except as hereinafter provided, a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket billy, sandbag, skull craker, slug shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him; or to carry a pistol or revolver concealed on or about the person or whether concealed or otherwise in any vehicle operated by him, except in his dwelling, house or place of business or on other land possessed by him, without a permit from the sheriff of the county. However, it shall be lawful to carry one or more unloaded pistols or revolvers for the purpose of or in connection with lawful target practice, lawful exhibit or showing, or other lawful use, if such unloaded weapon or weapons are carried either: (1) in the trunk compartment of a vehicle, or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required therefor;

D. False Alarms. To give or cause to be given any false alarm of a fire, to set fire to any combustible material, or to cry or sound an alarm or by any other means without cause;

E. Stench Bombs. 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, on 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;

F. Fireworks. For any person, firm, copartnership, or corporation 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. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks, provided the same are to be shipped out of state, or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or a show or theater, or for signal purposes, or by a recognized military organization; and provided further, that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes. This section applies to "fireworks" as defined in Section 732.17 of the Code of Iowa;

G. Abandoned Refrigerators. To place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, or dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under his or their control without first removing the door, lid, snap lock, or other locking device from said ice box, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, ice box or similar container and to the owner or occupant of the premises where the hazard is permitted to remain;

H. Falsely Assuming to be Officer. To falsely assume to be a judge, magistrate, sheriff, deputy sheriff,

peace officer, special agent of the Iowa Department of Public Safety or conservation officer, and take upon himself to act as such, or require anyone to aid or assist him in any manner;

I. Resisting Execution of Process. To knowingly or wilfully resist or oppose any officer of this state, or any person authorized by law in serving or attempting to execute any legal writ, rule, order or process whatsoever, or to knowingly and wilfully resist any such officer in the discharge of his duties without such writ, rule, order or process;

J. Refusing to Assist an Officer. When lawfully required by any sheriff, deputy sheriff, constable or other officer, to wilfully neglect or refuse to assist him in the execution of the duties of his office in any criminal case or in any case to escape or rescue;

K. Resisting Arrest. To attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest;

L. Throwing and Shooting. To throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place;

M. Interference with City Officers. To interfere with or hinder any policeman, fireman, officer of city official in the discharge of his duty;

N. Discharging Firearms. To discharge rifles, shotguns, revolvers, pistols, guns, bow and arrow or firearms of any kind within the city limits except under the specific conditions as listed in this section. The hunting with bow and arrow of antlerless deer and the hunting with shotgun of geese is permitted during those periods designated annually by the Iowa Department of Natural Resources for such hunting by persons issued licenses by the Iowa Department of Natural Resources and issued permits by the city of North Liberty. (Ord. 03-44 §1, 2002; Ord. 78-14 §7, 1978).

9.02.080 Offenses against public property. The following acts are unlawful:

A. Defacing Public Grounds. To cut, break or deface any tree or shrub in a public park or on any avenue thereto by wilfully defacing, cutting, breaking or injuring, except by the authority of the park commission or mayor;

B. Injuring New Pavement. Wilfully to injure new pavement in any street, alley or sidewalk by wilfully driving, walking or making marks on such pavement before it is ready for use;

C. Destroying Park Equipment. To destroy or injure any property or equipment in public swimming pools, playgrounds or parks by wilfully defacing, breaking, damaging, mutilating or cutting;

D. Defacing or Destroying Proclamations or Notices. To intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this state, or any proclamation, advertisement, or notification, set up at any place within the city by authority of law or by order of any court, during the time for which the same is to remain set up;

E. Injury to Fire Apparatus. To wilfully destroy or injure any engine, hose, hose carriage, hook and ladder carriage, or other thing used and kept for extinguishment of fires;

F. Obstructing or Defacing Roads. To obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof;

G. Injury to Roads, Railways, and Other Utilities. To maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed any obstruction on any electric railway, or on any such bridge, rail or plank road; or wilfully burn or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system, or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or to wilfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or to aid or abet any other person in so doing. (Ord. 78-14 §8, 1978).

9.02.090 Violation--Penalty. Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to imprisonment not exceeding thirty days or a fine not exceeding one hundred dollars. (Ord. 78-14 §9, 1978).

## **INTRODUCTORY STATEMENT:**

In August 2003, Tim Thompson of the IDNR discussed with City Council the numbers of deer and geese in and around North Liberty. The numbers of deer along the southern City Limits of North Liberty as reported by Mr. Thompson were higher than what is considered a managed level for the area. As the number of deer increase, the number of vehicles that run into a deer will increase. The North Liberty City Council discussed whether inaction would lead to a situation where a more drastic solution would be needed in the future.

Mr. Thompson also discussed the growing goose population in North Liberty. Geese can cause health related problems as well cleanup problems when the droppings of the geese become concentrated in a given area. With goose feeding areas available within the City Limits, plus smaller ponds and detention basins within the City, geese and there young will continue to come back to North Liberty for the spring, summer and fall. Again, City Council worried that inaction on this type of problem would cause a bigger problem in the future that would require a more drastic solution.

The North Liberty City Council agrees that the goose and deer problems at the current time are not what one might consider a problem, but inaction at this point may cause a future problem that will be much worse. The North Liberty City Council has changed the City Code to allow hunting of deer and geese within City Limits with the following program and permit procedures.

## **PROGRAM GOALS:**

The North Liberty City Council has established the following goals for the deer and geese hunt program:

1. Ask the IDNR, Tim Thompson, to include the North Liberty area in his aerial survey.
2. Provide public education to the citizens of North Liberty on the deer and geese populations and related problems by utilizing information from the IDNR.
3. The City of North Liberty will follow the established guidelines for populations of waterfowl as established by IDNR guidelines.
4. The number of antlerless Zone 13 Archery Tags and the Johnson County Antlerless Tags will be available only at Fin and Feather in Iowa City. The number of tags available for hunters will be set by IDNR.

## **PROGRAM RULES:**

Each hunter must possess a State of Iowa hunting license and a City of North Liberty deer-hunting or goose-hunting permit, which will consist of the following:

1. Each deer hunter must show proof of having taken and passing the International Bow Hunting Education Program, Iowa Department of Natural Resources Bow Hunter Education Program or the Iowa Hunter Education Course or other hunter safety programs.
2. Each goose hunter will show proof of taking a hunter safety course.
3. Each archery deer hunter must pass a shooting proficiency test which consists of three out of five shots to a nine-inch (9") target, twenty (20) yards away. The test will be taken at Fin & Feather in Iowa City.
4. Archery deer hunters agree to maintain distance of two hundred (200) feet from any property line or occupied building, unless permission granted from the property owner, and seventy-five (75) feet from any unoccupied building, street or trail, and six-hundred (600) feet from any school building.
5. Waterfowl hunters will follow the IDNR 200 yard rule as established in the general hunting information for hunters. Changes in those rules may be granted only by the property owner and only if there is no compromise to safety for the area.
6. Hunters are encouraged to take shots at the least of amount of distance to the game in order to maximize safety.
7. Hunters agree to report or call to the North Liberty Police Department or the North Liberty City Hall, the following information: date, time and place of the deer or geese harvested, number of arrows or shells shot, and any complaints received from citizens or landowners, within 72 hours of being harvested.
8. Hunters agree to obtain permission from private property owners before hunting on private property, and have the landowner sign the back of the City of North Liberty Permit.
9. Hunters on private property must abide by the rules of the property owner, in addition to the Iowa Department of Natural Resources rules, and program rules for the City of North Liberty.
10. Hunters are required to use proper field dressing techniques. Do not leave entrails in a conspicuous location.

11. Deer and geese must be covered or enclosed when transporting. Any problems with locating a deer should be reported.
12. No baiting, driving, or staking of deer or geese is allowed.
13. Any violation may result in the revocation of the permit or criminal charges as appropriate.

**PERMIT APPLICATION PROCEDURE:**

To hunt within the City of North Liberty, the hunter must obtain a City of North Liberty deer and/or goose hunting permit and an Iowa hunting license.

**Private Lands:** Permission must be obtained from the private property owners. The owners or person in control of the property must sign the back of the City of North Liberty deer or goose hunting permit before hunting on the property.

**City Property:** There is no City owned property for hunting at this time.

The Hunter is responsible for knowing where he/she is hunting and obtaining the necessary permission from the landowner.

**REPORTING:**

All hunters with permits from the City of North Liberty must report the number of deer or geese harvested within the city limits of North Liberty.

**COST:**

The cost for the permit from the City of North Liberty will be \$5.00 for the first deer or goose permit. These permits will only be available in person at City Hall during regular business hours. Land owners will also need to obtain a permit from the City to hunt there property. A goose permit may allow up to four hunters to use the same permit. The person signing the permit will be present as one of the hunters for every hunt where the tag is being used.

**TAGS:**

To January 10, 2004, archery antlerless deer tags for zone 13(special Johnson County Zone) or the bonus archery antlerless Johnson County tag may be used in North Liberty.

Hunters can contact the North Liberty City Administrator or North Liberty Police Chief if there are questions or comments, or problems.