

TABLE OF CONTENTS

Title B	Public Order	Page
Chapter One	Traffic	1
	1.00 Adoption of State Traffic Provisions	1
	2.00 Traffic Signs and Signals	13
	3.00 Directing Traffic	18
	4.00 City Traffic Regulations	19
	5.00 Speed Restrictions	20
	6.00 Snow Emergency Procedures	21
	7.00 School Crossing Guard	22
	8.00 Motorized Vehicles	23
Two	Adoption of State Criminal Code	24
	1.00 Iowa Criminal Code Provisions Adopted	24
	2.00 Adoption of State Alcohol Beverage Control Act	25
Three	Bicycles	26
	1.00 Effect of Regulations	26
	2.00 License Required	26
	3.00 License Application	26
	4.00 Issuance of License	26
	5.00 Attachment of License Decal	26
	6.00 Inspection of Bicycles	27
	7.00 Transfer of Ownership	27
	8.00 Rental Agencies	27
	9.00 Traffic Ordinances Apply to Bicycles	27
	10.00 Riding on Bicycles	27
	11.00 Penalties	27
Four	Massage Establishments	28
	1.00 Definitions	28
	2.00 Licenses	29
	3.00 Exemptions	29
	4.00 Filing Application	29
	5.00 Filing and Fee Provisions	30
	6.00 Masseur or Masseuse License	31
	7.00 Operator of Massage Establishments: Exception	31
	8.00 Application Form for Masseur or Masseuse	31
	9.00 Verification of Application	31
	10.00 Facilities Necessary	32
	11.00 Referral of Application to Other Departments	34
	12.00 Issuance of License for Massage Establishment	34
	13.00 Issuance of Masseur or Masseuse License	34
	14.00 Health Certificate	35
	15.00 Operator to Maintain Register	36
	16.00 Identification Name Plate	36
	17.00 Revocation or Suspension of License	36
	18.00 Revocation of Masseur or Masseuse License	36
	19.00 Employment of Persons Under 18 Prohibited	36
	20.00 Unlawful Acts	37
	21.00 Sale or Transfer	37
	22.00 Name and Place of Business - Change of Location	37
	23.00 Renewals	37
	24.00 Display of License	37
	25.00 Employment of Masseurs and Masseuses	38
	26.00 Violation and Penalty	38

TABLE OF CONTENTS

Five	Criminal Trespass	39
	1.00 Definitions	39
	2.00 Penalty	39
	3.00 Damage or Injury	39
Six	Misdemeanors	40
	1.00 Violations of Code	40
	2.00 Public Peace	40
	3.00 Public Safety and Health	42
	4.00 Animals	45
	5.00 Public Property	45
	6.00 Streets	46
	7.00 Public Morals	47
	8.00 Parties to Crime	49
	9.00 Harassment	50
	10.00 Theft	50
	11.00 Fraudulent Practice	51
	12.00 Penalty	52
	13.00 Use, Sale and Possession of Dangerous Weapons	53
	14.00 Voyeurism	53
	15.00 Curfew Ordinance	53
	16.00 Penalty	54
Seven	Park Rules	55
	1.00 Park Rules	55
	2.00 Intoxicants in Park	56
	3.00 Beer Sales and Possession for Sale	56
	4.00 Beer Consumption and Possession for Consumption	57
Eight	Nuisances	58
	1.00 Definitions	58
	2.00 Nuisances Prohibited	59
	3.00 Notice to Abate Nuisance	59
	4.00 Contents of Notice to Abate	59
	5.00 Method of Service	60
	6.00 Request for Hearing and Appeal	60
	7.00 Abatement by Municipality	60
	8.00 Collection of the Cost of Abatement	60
	9.00 Abatement in Emergency	60
Nine	Weeds	61
	1.00 When an Nuisance	61
	2.00 Opportunity to Abate	61
	3.00 Request for Hearing	61
	4.00 Abatement	61
	5.00 Fees	61
Ten	Animals	62
	1.01 Definitions	62
	1.02 License Required	64
	1.03 Display of License	68
	1.04 Rabies Vaccination and Reporting	68
	1.05 Report of Bites Required	68
	1.06 Livestock and Poultry Prohibited	69
	1.07 Animals Running at Large	70
	1.08 Mistreatment of Animals	71
	1.09 Removal of Excrement	72
	1.10 Number of Animals Regulated	73
	1.11 Wild, Exotic or Dangerous Animals Prohibited	74
	1.12 Vicious Dogs	76
	1.13 Working Service Dogs	77

TABLE OF CONTENTS

	1.13a	Damage to Property	79
	1.14	Barking Dogs Regulations	79
	1.15	Impoundment	80
	1.16	Enforcing Provisions	81
	1.17	Notice of Violation, Confiscation, Revocation	82
	1.18	Nuisances	83
	1.19	Animal Hearing Commission	88
	1.20	Penalties	85
Eleven		Alarm Systems	86
	1.00	Purpose	86
	2.00	Definitions	86
	3.00	Audible Alarm Requirements	87
	4.00	Police Alarms	88
	5.00	False Alarms	88
	6.00	Responsibility for Alarm Response	88
	7.00	Violations	88
Twelve		Multi-Hazard Emergency Plan	89
	1.00	Disaster Service Organizations	89
	2.00	Definitions	89
	3.00	Authority	89
	4.00	Liability	89
	5.00	Penalty	89
	6.00	Basic Plan	90
		Fire Department Truck Assignments	98
		City Organization Chart	99
Thirteen		Drug Paraphernalia	100
	1.00	Violations	100
	2.00	Definitions	100
	3.00	Criteria for Determining Drug Paraphernalia	101
	4.00	Possession Prohibited	102
	5.00	Manufacture or Delivery Prohibited	102
	6.00	Advertisement Prohibited	102

Chapter One
TRAFFIC

ADOPTION OF STATE TRAFFIC PROVISIONS

1.0 The City of Eldridge, Iowa hereby adopts the following provisions relating to motor vehicles and the law of the road as provided for in the CODE OF IOWA, 2001 (all numbers are inclusive):

DEFINITIONS

- 1.1 321.1 Definitions of words and phrases
1.1a 321.1a Presumption of residency

DEPARTMENT OF TRANSPORTATION

- 1.2 321.2 Department
1.3 321.3 Powers and duties of director
1.4 321.4 Rules
1.5 321.5 Duty to obey
1.6 321.6 Reciprocal enforcement-patrol beats
1.7 321.7 Seal of Department
1.8 321.8 Director of prescribe forms
1.9 321.9 Authority to administer oath
1.10 321.10 Certified copies of records
1.11 321.11 Records of department
1.12 321.12 Obsolete records destroyed
1.13 321.13 Authority to grant or refuse applications
1.14 321.14 Seizure of documents and plates
1.15 321.15 Publication of law
1.16 321.16 Giving of notices

ORIGINAL AND RENEWAL OF REGISTRATION AND CERTIFICATE OF TITLE

- 1.17 321.17 Misdemeanor to violate registration provisions
1.18 321.18 Vehicles subject to registration-exception
1.18a 321.18a Records of implements of husbandry
1.19 321.19 Exceptions-distinguishing plates-definitions or urban transit company and regional transit system
1.20 321.20 Application for registration and certificate of title
1.20B 321.20B Failure to prove security against liability
1.21 321.21 Special mobile equipment plates
1.22 321.22 Urban and regional transit equipment certificate and plates
1.23 321.23 Titles to specially constructed and foreign vehicles
1.24 321.24 Issuance of registration and certificate of title
1.25 321.25 Application for registration and title-cards attached
1.26 321.26 Multiple registration periods and adjustments
1.27 321.27 Implementation of twelve-month registration period
1.28 321.28 Failure to register
1.29 321.29 Renewal not permitted
1.30 321.30 Grounds for refusing registration or title
1.31 321.31 Records system
1.32 321.32 Registration card carried and exhibited
1.33 321.33 Exception
1.34 321.34 Plates or validation sticker furnished-retained by owner-special plates

1.35 321.35 Plates-reflective material
 1.37 321.37 Display of plates
 1.38 321.38 Plates, method of attaching-imitations prohibited
 1.39 321.39 Expiration of registration
 1.40 321.40 Application for renewal-notification-reasons for refusal
 1.41 321.41 Change of address or name or fuel type
 1.42 321.42 Lost or damaged certificates, cards, and plates
 1.43 321.43 New identifying numbers
 1.44 321.44 Rules governing change of engines, drive trains assemblies
 and related parts

TRANSFERS OF TITLES OR INTEREST

1.45 321.45 Title must be transferred with vehicle
 1.46 321.46 New title and registration upon transfer of ownership-credit
 1.46a 321.46a Change from proportional registration-credit
 1.47 321.47 Transfers by operational of law
 1.48 321.48 Vehicles acquired for resale
 1.49 321.49 Time limit-penalty-power of attorney
 1.50 321.50 Security interest provisions
 1.52 321.52 Out-of-State sales-junked, dismantled, wrecked, or salvage
 vehicles
 1.52a 321.52a Certificate of title surcharge

PERMITS TO NONRESIDENT OWNERS

1.53 321.53 Nonresident owners of passenger vehicles and trucks
 1.54 321.54 Registration required of certain nonresident carriers
 1.55 321.55 Registration required for certain vehicles owned or
 operated by nonresidents

SPECIAL PLATES TO MANUFACTURES, TRANSPORTERS, AND DEALERS

1.57 321.57 Operation under special plates
 1.58 321.58 Application
 1.59 321.59 Issuance of certificate
 1.60 321.60 Issuance of special plates
 1.61 321.61 Expiration of special plates
 1.62 321.62 Records required
 1.63 321.63 Different places of businesses
 1.65 321.65 Garage record
 1.66 321.66 Duty to hold vehicles

USED MOTOR VEHICLES

1.67 321.67 Certificate of title must be executed
 1.68 321.68 Sale in bulk
 1.70 321.70 Dealer vehicles
 1.71 321.71 Odometer requirements

SPECIAL ANTITHEFT LAW

1.72 321.72 Report of stolen and recovered motor vehicles
 1.73 321.73 Reports by owners
 1.74 321.74 Action by department
 1.78 321.78 Injuring or tampering with vehicle

1.79 321.79 Intent to injure

1.81	321.81	Presumptive evidence
1.84	321.84	Seizure of vehicles
1.85	321.85	Stolen vehicles or component parts
1.86	321.86	Notice by director
1.87	321.87	Delivery to owner
1.88	321.88	Failure of owner to claim
1.89	321.89	Abandoned vehicles
1.90	321.90	Disposal of abandoned motor vehicles
1.91	321.91	Limitation on liability-penalty for abandonment
1.92	321.92	Altering or changing numbers
1.93	321.93	Defense
1.94	321.94	Test to determine true number
1.95	321.95	Right of inspection
1.96	321.96	Prohibited plates-certificates

OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION

1.97	321.97	Fraudulent application
1.98	321.98	Operation without registration
1.99	321.99	Fraudulent use of registration
1.100	321.100	False evidences of registration
1.101	321.101	Suspension or revocation of registration or certificate of title
1.102	321.102	Suspending or revoking special registration
1.103	321.103	Owner to return evidence of registration and title
1.104	321.104	Penal offenses against title law

REGISTRATION FEES

1.105	321.105	Annual fee required
1.106	321.106	Registration for fractional part of year
1.109	321.109	Motor vehicle fee-transit fee
1.110	321.110	Rejecting fractional dollars
1.111	321.111	Conversion of car-effect
1.112	321.112	Minimum motor vehicle fee
1.113	321.113	Automatic reduction
1.115	321.115	Antique vehicles-model year plates permitted
1.116	321.116	Electric automobiles
1.117	321.117	Motorcycle, Ambulance, and hearse fees
1.119	321.119	Church buses
1.120	321.120	Trucks with solid rubber tires
1.121	321.121	Special trucks for farm use
1.122	321.122	Trucks, truck tractors, road tractors, and semi trailers -fees
1.123	321.123	Trailers
1.124	321.124	Motor homes
1.125	321.125	Effect of exemption
1.126	321.126	Refunds of fees
1.127	321.127	Payment of refund
1.128	321.128	Payment authorized
1.130	321.130	Fees in lieu of taxes
1.131	321.131	Lien on fee
1.132	321.132	When lien attaches

PENALTIES, COSTS, AND COLLECTION

1.323A	321.323A	Unsafe Approach to Certain Stationary Vehicles
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1.133 321.133 Methods of collection
 1.134 321.134 Monthly penalty
 1.135 321.135 When fees delinquent

FUNDS

1.145 321.145 Disposition of moneys and fees
 1.148 321.146 Monthly estimate
 1.149 321.149 Blanks
 1.150 321.150 Time limit
 1.151 321.151 Duty and liability of treasurer
 1.152 321.152 Fee for county
 1.153 321.153 Treasurer's report to department
 1.154 321.154 Reports by department
 1.155 321.155 Duty of treasurer of state
 1.156 321.156 Audit by department

VALUE AND WEIGHT OF VEHICLES

1.157 321.157 Schedule of prices and weights
 1.158 321.158 Registration dependent on schedule
 1.159 321.159 Exceptional cases
 1.160 321.160 Department to prepare statement
 1.161 321.161 Department to fix values and weight
 1.162 321.162 Method of fixing value and weight

PLATES AND SUPPLIES

1.165 321.165 Manufacture by state
 1.166 321.166 Vehicle plate specifications
 1.167 321.167 Delivery of plates, stickers and emblems
 1.168 321.168 Additional deliveries
 1.169 321.169 Account of plates
 1.170 321.170 Plates for exempt vehicles
 1.171 321.171 Title of plates
 1.173 321.173 When fees returnable

MOTOR VEHICLE LICENSES

1.174 321.174 Operators licenses-operation of commercial motor vehicles
 1.174a321.174a Operation of a motor vehicle with expired license
 1.176 321.176 Persons exempt from motor vehicle licensing requirements
 1.176a321.176a Persons exempt from commercial drivers license requirements
 1.176b321.176b Persons exempt by rule from commercial drivers license requirements
 1.177 321.177 Persons not to be licensed
 1.178 321.178 Driver education-restricted license-reciprocity
 1.180 321.180 Violation of instruction permits
 1.180b321.180b Violation of graduated drivers license
 1.181 321.181 Temporary permit
 1.182 321.182 Application for license or permit
 1.184 321.184 Application of unmarried minors
 1.185 321.185 Death of person signing application
 1.186 321.186 Examination of new or incompetent operators
 1.187 321.187 Examiners
 1.188 321.188 Commercial driver's license requirements
 1.189 321.189 Driver' license-content-motorcycle rider education fund
 1.190 321.190 Issuance of non-operator's identification cards-fee
 1.191 321.191 Fees for motor vehicle licenses

1.193 321.193 Violation of restrictions on licenses
 1.194 321.194 Violation of special minors' licenses
 1.195 321.195 Duplicate motor vehicle licenses and nonoperators
 identification cards
 1.196 321.196 Expiration of license-renewal-vision test or report
 mandatory
 1.197 321.197 Expiration of chauffeur's license-replacement by commercial
 driver's license
 1.198 321.198 Military service exception
 1.199 321.199 Motor vehicle license records

CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES

1.200 321.200 Conviction and accident file
 1.201 321.201 Cancellation and return of license-prohibition from issuance
 of commercial driver's license for false information
 1.203 321.203 Suspending privileges of nonresidents
 1.204 321.204 Certification of conviction-notification of commercial
 driver's license disqualification
 1.205 321.205 Conviction or administrative decision in another state
 1.206 321.206 Surrender of license-duty of court
 1.208 321.208 Commercial driver's license disqualification-replacement
 driver's license-temporary license
 1.209 321.209 Mandatory revocation
 1.210 321.210 Suspension
 1.210a321.210a Suspension for failure to pay fine, penalty, surcharge,
 or court costs
 1.211 321.211 Notice and hearing-appropriation
 1.212 321.212 Period of suspension or revocation-surrender of license
 1.213 321.213 License suspensions or revocations due to violations by
 juvenile drivers
 1.215 321.215 Temporary restricted license-temporary restricted permit

VIOLATION OF LICENSE PROVISIONS

1.216 321.216 Unlawful use of license-penalty
 1.216a321.216a Falsifying motor vehicle licenses and forms and
 nonoperator's identification cards
 1.216b321.216b Misuse of license/ID card to acquire alcohol
 1.216c321.216c Misuse of license/ID card to acquire tobacco
 1.217 321.217 Perjury
 1.218 321.218 Operating without motor vehicle license or when
 disqualified-penalties
 1.219 321.219 Permitting unauthorized minor to drive
 1.220 321.220 Permitting unauthorized person to drive
 1.221 321.221 Employing unlicensed chauffeur
 1.222 321.222 Renting motor vehicle to another
 1.223 321.223 Motor vehicle license inspection for motor vehicle rental
 1.224 321.224 Record kept

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

1.228 321.288 Provisions refer to highways-exceptions
 1.229 321.229 Obedience to peace officers
 1.230 321.230 Public officers not exempt
 1.231 321.231 Authorized emergency vehicles
 1.232 321.232 Radar jamming devices-penalty
 1.233 321.233 Road workers exempted
 1.234 321.234 Bicycles, animals, or animal-drawn vehicles
 1.234a 321.234a All-terrain vehicles-bicycle safety flag required
 1.235 321.235 Provisions uniform

POWER OF LOCAL AUTHORITIES

1.236 321.236 Powers of local authorities
 1.237 321.237 Signs-requirements-notice
 1.239 321.239 Counties may restrict parking of vehicles
 1.240 321.240 Altering center of gravity of vehicles
 1.247 321.247 Golf cart operation on city street
 1.248 321.248 Parks and cemeteries
 1.249 321.249 School zones
 1.250 321.250 Discriminations
 1.251 321.251 Right of owners of real property-mobile home parks

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

1.252 321.252 Department to adopt sign manual
 1.253 321.253 Department to erect signs
 1.253a321.253a Directional signs relating to historic sites on land owned or managed by state agencies
 1.254 321.254 Local authorities restricted
 1.255 321.255 Local traffic-control devices
 1.256 321.256 Obedience to official traffic-control devices
 1.257 321.257 Official traffic control signal
 1.258 321.258 Arrangement of lights on official traffic control signals
 1.259 321.259 Unauthorized signs, signals, or markings
 1.260 321.260 Interference with devices, signs, signals-unlawful possession

ACCIDENTS

1.261 321.261 Death or personal injuries
 1.262 321.262 Damage to vehicle
 1.263 321.263 Information and aid-leaving scene of accident
 1.264 321.264 Striking unattended vehicle
 1.265 321.265 Striking fixtures upon a highway
 1.266 321.266 Reporting accidents
 1.267 321.267 Supplemental reports
 1.268 321.268 Driver unable to report
 1.269 321.269 Accident report forms
 1.271 321.271 Reports confidential-without prejudice-exceptions
 1.272 321.272 Tabulation of reports
 1.273 321.273 City may require reports
 1.274 321.274 Accidents in cities over 15,000

OPERATION OF MOTORCYCLES AND MOTORIZED BICYCLES

1.275 321.275 Operation of motorcycles and motorized bicycles

CRIMINAL OFFENSES

1.277 321.277 Reckless driving
 1.277a321.277a Careless driving
 1.278 321.278 Drag racing prohibited
 1.279 321.279 Eluding or attempting to elude pursuing law enforcement vehicle

1.280 321.280 Assaults and homicide
1.284 321.284 Open container alcohol driver (scheduled fine)
1.284a321.284a Open container alcohol passenger

SPEED RESTRICTIONS

1.285 321.285 Speed restrictions
1.286 321.286 Truck speed limits
1.287 321.287 Bus speed limits
1.288 321.288 Control of vehicle-reduced speed
1.289 321.289 Speed signs-duty to install
1.290 321.290 Special restrictions
1.291 321.291 Information or notice
1.292 321.292 Civil action unaffected
1.293 321.293 Local authorities may alter limits
1.294 321.294 Minimum speed regulation
1.295 321.295 Limitation on bridge or elevated structures

DRIVING ON RIGHT SIDE OF ROADWAY-OVERTAKING AND PASSING

1.297 321.297 Driving on right-hand side of roadway-exceptions
1.298 321.298 Meeting and turning to right
1.299 321.299 Overtaking a vehicle
1.300 321.300 Failure to recognize signal
1.301 321.301 Burden of proof
1.302 321.302 Overtaking on the right
1.303 321.303 Limitations on overtaking on the left
1.304 321.304 Prohibited passing
1.305 321.305 One-way roadways and rotary traffic islands
1.306 321.306 Roadways laned for traffic
1.307 321.307 Following too closely
1.308 321.308 Motor trucks and towed vehicles-distance requirements
1.309 321.309 Towing-convoys-drawbars
1.310 321.310 Towing four-wheeled trailers

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

1.311 321.311 Turning at intersections
1.312 321.312 Turning on curve or crest of grade
1.313 321.313 Starting parked vehicle
1.314 321.314 When signal required
1.315 321.315 Signal continuous
1.316 321.316 Stopping
1.317 321.317 Signals by hand and arm or signal device
1.318 321.318 Method of giving hand and arm signal

RIGHT-OF-WAY

1.319 321.319 Entering intersections from different highways
1.320 321.320 Left turns-yielding
1.321 321.321 Entering through highways
1.322 321.322 Vehicles entering stop or yield intersection

1.323 321.323 Moving vehicle backward on highway
1.324 321.324 Operation on approach of emergency vehicles

PEDESTRIAN RIGHTS AND DUTIES

1.325 321.325 Pedestrians subject to signals

1.326 321.326 Pedestrians on left
 1.327 321.327 Pedestrians' right of way
 1.328 321.328 Crossing at other than crosswalk
 1.329 321.329 Duty of driver-pedestrians crossing or working on highways
 1.330 321.330 Use of crosswalks
 1.331 321.331 Pedestrians soliciting rides
 1.332 321.332 White canes restricted to blind persons
 1.333 321.333 Duty of drivers
 1.334 321.334 Penalties
 1.340 321.340 Driving through safety zone

SPECIAL STOPS REQUIRED

1.341 321.341 Obedience to signal of train
 1.342 321.342 Stop at certain railroad crossings-posting warning
 1.343 321.343 Certain vehicles must stop
 1.344 321.344 Heavy equipment at crossing
 1.344b321.344b Creating an immediate threat at RR crossing
 1.345 321.345 Stop or yield at highway
 1.346 321.346 Cost of signs
 1.347 321.347 Exceptions
 1.348 321.348 Limitations on cities
 1.349 321.349 Exceptions
 1.350 321.350 Primary roads as through highways
 1.352 321.352 Additional signs-cost
 1.353 321.353 Stop before crossing sidewalk-right of way

STOPPING, STANDING AND PARKING

1.354 321.354 Stopping on traveled way
 1.355 321.355 Disabled vehicle
 1.356 321.356 Officers authorized to remove
 1.357 321.357 Removed from bridge
 1.358 321.358 Stopping, standing or parking
 1.359 321.359 Moving other vehicle
 1.360 321.360 Theaters, hotels and auditoriums
 1.361 321.361 Additional parking regulations

MISCELLANEOUS RULES

1.362 321.362 Unattended motor vehicle
 1.363 321.363 Obstruction to driver's view
 1.364 321.364 Preventing contamination of food by hazardous material
 1.365 321.365 Coasting prohibited
 1.366 321.366 Acts prohibited on fully controlled-access facilities
 1.367 321.367 Following fire apparatus
 1.368 321.368 Crossing fire hose
 1.369 321.369 Putting debris on roadway
 1.370 321.370 Removing injurious material
 1.371 321.371 Clearing up wrecks

SCHOOL BUSES

1.372 321.372 Discharging pupils-regulations
 1.372a321.372a Prompt investigation or reported violation of failing to obey school bus warning devices
 1.373 321.373 Required construction-rules adopted
 1.374 321.374 Inspection-seal of approval
 1.375 321.375 School bus drivers-qualifications-grounds for suspension
 1.376 321.376 License-permit-instruction requirement
 1.377 321.377 Speed of school bus

1.378 321.378 Applicability
1.379 321.379 Violations
1.380 321.380 Enforcement

SAFETY STANDARDS

1.381 321.381 Movement of unsafe or improperly equipped vehicles
1.381a321.381a Improper operation of low-speed vehicle
1.382 321.382 Upgrade pulls
1.383 321.383 Exceptions-slow vehicles identified

LIGHTING EQUIPMENT

1.384 321.384 When lighted lamps required
1.385 321.385 Head lamps on motor vehicles
1.386 321.386 Head lamps on motorcycles and motorized bicycles
1.387 321.387 Rear lamps
1.388 321.388 Illuminating plates
1.389 321.389 Reflectors additional
1.390 321.390 Reflector requirements
1.391 321.391 Approval or reflectors
1.392 321.392 Clearance and identification lights
1.393 321.393 Color and mounting
1.394 321.394 Lamp or flag on projecting load
1.395 321.395 Lamps on park vehicles
1.396 321.396 Exception
1.397 321.397 Lamps on bicycles
1.398 321.398 Lamps on other vehicles and equipment
1.402 321.402 Spot lamps
1.403 321.403 Auxiliary driving lamps
1.404 321.404 Signal lamps and signal devices
1.404a321.404a Prohibited use of light-restricting devices
1.405 321.405 Self-illumination
1.406 321.406 Cowl lamps
1.408 321.408 Back-up lamps
1.409 321.409 Mandatory lighting equipment
1.415 321.415 Required usage of lighting devices
1.417 321.417 Single-beam road-lighting equipment
1.418 321.418 Alternate road-lighting equipment
1.419 321.419 Number of driving lamps required or permitted
1.420 321.420 Number of lamps lighted
1.421 321.421 Special restrictions on lamps
1.422 321.422 Red light in front
1.423 321.423 Flashing lights
1.424 321.424 Sale of lights-approval
1.428 321.428 Approval by director
1.429 321.429 Revocation of certificate

BRAKES, HITCHES, AND SWAY CONTROL

1.430 321.430 Brake, hitch and control requirements
1.431 321.431 Performance ability

MISCELLANEOUS EQUIPMENT

1.432 321.432 Horns and warning devices
1.433 321.433 Sirens and bell prohibited
1.434 321.434 Bicycle sirens or whistles

1.436	321.436	Mufflers, prevention of noise
1.437	321.437	Mirrors
1.438	321.438	Windshields and windows
1.439	321.439	Windshield wipers
1.440	321.440	Restrictions as to tire equipment
1.441	321.441	Metal tires prohibited
1.442	321.442	Projections on wheels
1.443	321.443	Exceptions
1.444	321.444	Safety glass
1.445	321.445	Safety belts and safety harnesses, use required
1.446	321.446	Child restraint devices
1.449	321.449	Motor carrier safety regulations
1.450	321.450	Hazardous materials transportation regulations
1.451	321.451	Emergency vehicles-certificates of designation

SIZE, WEIGHT, AND LOAD

1.452	321.452	Scope and effect
1.453	321.453	Exceptions
1.454	321.454	Width of vehicles
1.455	321.455	Projecting loads on passenger vehicles
1.456	321.456	Height of vehicles-permit
1.457	321.457	Maximum length
1.458	321.458	Loading beyond front
1.459	321.459	Dual axle requirements
1.460	321.460	Spilling loads on highways
1.461	321.461	Trailers and towed vehicles
1.462	321.462	Drawbars and safety chains
1.463	321.463	Maximum gross weight
1.464	321.464	Investigation as to safety
1.465	321.465	Weighing vehicle and removal of excess
1.466	321.466	Increased loading capacity-registration
1.471	321.471	Local authorities may restrict
1.472	321.472	Signs posted
1.473	321.473	Limiting trucks-rubbish vehicles
1.474	321.474	Department may restrict
1.475	321.475	Liability for damage-rules
1.476	321.476	Weighing vehicles by department
1.477	321.477	Employees as peace officers
1.478	321.478	Bond
1.479	321.479	Badge of authority
1.480	321.480	Limitation on expense
1.481	321.481	No impairment of other authority

CRIMINAL RESPONSIBILITY

1.482 321.482 Violations-simple misdemeanors unless otherwise provided
1.483 321.483 Penalty for class "D" felony
1.484 321.484 Offenses by owners
1.485 321.485 Notice to appear-promise to appear
1.486 321.486 Authorized bond form
1.487 321.487 Violation of promise to appear
1.488 321.488 Procedure not exclusive
1.489 321.489 Record inadmissible in a civil action
1.490 321.490 Conviction not to affect credibility
1.491 321.491 Convictions and recommendations for suspension to be reported

1.492 321.492 Peace officers' authority
1.492a321.492a Quotas on citations prohibited

CIVIL LIABILITY

1.493 321.493 Liability for damages

ACTIONS AGAINST NON-RESIDENTS

1.498 321.498 Legal affect of use and operation
1.499 321.499 "Person" defined
1.500 321.500 Original notice-form
1.501 321.501 Manner of service
1.502 321.502 Notification to nonresident-form
1.504 321.504 Optional notification
1.505 321.505 Proof of service
1.506 321.506 Actual service within this state
1.507 321.507 Venue of actions
1.508 321.508 Continuances
1.509 321.509 Duty of director
1.510 321.510 Expenses and attorney fees
1.511 321.511 Dismissal-effect
1.512 321.512 Action against insurance
1.513 321.513 Nonresident traffic violator compact

HABITUAL OFFENDERS

1.555 321.555 Habitual offender defined
1.556 321.556 Abstracts of conviction
1.557 321.557 Admission in evidence
1.558 321.558 Order to appeal
1.559 321.559 Finding of court
1.560 321.560 Barred for six years
1.561 321.561 Punishment for violation
1.562 321.562 Rule of construction

SNOWMOBILES AND ALL-TERRAIN VEHICLES

1G.1	321G.1	Definitions
1G.2	321G.2	Rules
1G.3	321G.3	Registration and numbering required
1G.4	321G.4	Registration with county recorder - fee
1G.5	321G.5	Display of identification numbers
1G.6	321G.6	Registration - renewal - transfer
1G.7	321G.7	Fees remitted to commission - appropriation
1G.8	321G.8	Exempt vehicles
1G.9	321G.9	Operation on roadways and highways
1G.10	321G.10	Accident reports
1G.11	321G.11	Mufflers required
1G.12	321G.12	Head lamp - tail lamp - brakes
1G.13	321G.13	Unlawful operation
1G.14	321G.14	Penalty
1G.15	321G.15	Operation pending registration
1G.16	321G.16	Special events
1G.17	321G.17	Violation of stop signal
1G.18	321G.18	Negligence
1G.19	321G.19	Rented snowmobiles and all-terrain vehicles
1G.20	321G.20	Minors under twelve
1G.21	321G.21	Manufacturer, distributor or dealer - special registration
1G.22	321G.22	Limitation of liability by public bodies and adjoining owners
1G.23	321G.23	Course of instruction
1G.24	321G.24	Safety certificate - fee
1G.25	321G.25	Stopping and inspecting - warnings
1G.26	321G.26	Termination of use
1G.27	321G.27	Writing fees
1G.28	321G.28	Consistent local laws - special local rules

HANDICAPPED PARKING

1L.1	321L.1	Definitions
1L.2	321L.2	Handicapped identification devices-application and issuance
1L.3	321L.3	Handicapped identification devices-return of hanging devices
1L.4	321L.4	Handicapped parking-display and use of device
1L.5	321L.5	Handicapped parking spaces-location and requirements
1L.6	321L.6	Handicapped parking sign
1L.7	321L.7	Penalty for failing to provide handicapped parking and signs
1L.8	321L.8	Handicapped identification devices and parking-rules
1L.9	321L.9	Reciprocity
1L.10	321L.10	Reissuance of hanging devices

2.00 TRAFFIC SIGNS AND SIGNALS

2.01 NEW REGULATORY SIGNS. New regulatory signs, those which give notice of traffic laws or regulations such as speed limits and parking restrictions--may be installed by the Director of Public Works or the Chief of Police. Signs so placed shall be submitted to the City Council for its approval at the next scheduled regular meeting. The Chief of Police and the Director of Public Works each shall keep a log of all new regulatory signs installed after the passage of this code. The list shall include the location, type and date installed of all new regulatory signs; and such log shall be produced on demand by the City Council.

2.02 WARNING SIGNS. Warning signs which call attention to hazardous conditions on streets or highways, or guide signs which give notice of distances, destinations, route designations or other such general information may be installed by the Director of Public Works or the Chief of Police until such time as the City Council expresses disapproval.

2.03 SIGNS FOR EMERGENCY. Signs or signals which are installed to regulate traffic on an emergency basis or which facilitate a parade, long distance foot race or other public festivity that directly involves the use of public streets or highways may be installed and kept in place by the Chief of Police or Director of Public Works for as long as the emergency or festivity lasts. It shall be unlawful to violate any signs posted for such occasions.

2.04 STANDARDS FOR SIGNS. All traffic signs and signals shall conform substantially in size, shape, wording, color and placement to the standards set forth in the current Iowa Manual on Uniform Traffic Control Devices for Street and Highways.

2.05 YIELD SIGNS. Whenever a "yield" sign is erected at the entrance to any intersection, the driver of a vehicle directly approaching the sign shall yield the right-of-way to any vehicle not so obliged to yield, which is within the intersection, or approaching so closely as to constitute a hazard. Where no stop sign or yield sign is erected at an intersection, the right-of-way as described in section 321.319 CODE OF IOWA shall apply.

2.06 OBSERVANCE OF STOP SIGNS. Whenever a "stop sign" is erected at the entrance to any intersection, the driver of a vehicle shall bring his vehicle to a complete stop before the nearest crosswalk, or a clearly marked stop sign, and shall proceed cautiously, yielding to vehicles not so obliged to stop which may be within the intersection or approaching so as to constitute a hazard, but then may proceed.

2.07 DUTY WHEN FACING STEADY RED SIGNAL ALONE. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until and indication to proceed is shown.

2.08 AVOIDANCE OF TRAFFIC SIGNALS. Maneuvers by motor vehicles for the purpose of or having the effect of avoiding stop signs or other lawfully erected traffic control devices are prohibited.

2.09 HIGHWAYS. Streets or portions of streets described below are hereby declared to be highways.

- A. Highway 61
- B. Scott Park Road from the south to north corporate limits.
- C. Blackhawk Trail from the eastern corporate limits to First Street.
- D. Lincoln Road from the east to west corporate limits.
- E. LeClaire Road from the east to west corporate limits.
- F. First Street from the south to north corporate limits.
- G. Buttermilk Road from Lincoln Road to the south corporate limits.

2.10 DESIGNATING LANES FOR TRAFFIC, CENTER LINES AND SAFETY ZONES. The Chief of Police and Director of Public Works are hereby authorized to establish center lines, lane lines and all traverse marking; shoulder markings, word or symbol markings, stop lines and crosswalk lines in accordance with the standard set forth in the Iowa Manual on Uniform Traffic Control Devices for Street and Highways.

2.11 STOP INTERSECTIONS. The following intersections are hereby designated to be stop intersections and all vehicles, other than emergency vehicles, are required to stop at the designated intersections before proceeding:

South bound traffic on Wisconsin Avenue at the intersection of Slopertown Road
 South bound traffic on Hillendale Road at the intersection of Slopertown Road
 North bound traffic on Hillendale Road at the intersection of Slopertown Road
 North bound traffic on Buttermilk Road at the intersection of LeClaire Road
 North bound traffic on Buttermilk Road at the intersection of Lincoln Road
 South bound traffic on Buttermilk Road at the intersection of LeClaire Road
 South bound traffic on Buttermilk Road at the intersection of Lincoln Road
 North bound traffic on Davenport Court at the intersection of Dammann Drive
 North bound traffic on S. 8th Street at the intersection of LeClaire Road
 North bound traffic on S. 6th Street at the intersection of LeClaire Road
 North bound traffic on S. 5th Street at the intersection of LeClaire Road
 South bound traffic on N. 9th Street at the intersection of LeClaire Road
 South bound traffic on N. 8th Street at the intersection of LeClaire Road
 North bound traffic on N. 8th Street at the intersection of Scott Street
 North bound traffic on N. 7th Street at the intersection of Scott Street
 South bound traffic on N. 7th Street at the intersection of LeClaire Road
 South bound traffic on N. 5th Place at the intersection of Donahue Street
 South bound traffic on N. 5th Street at the intersection of LeClaire Road
 North bound traffic on N. 5th Street at the intersection of Donahue Street
 North bound traffic on N. 5th Street at the intersection of Price Street
 North bound traffic on N. 4th Street at the intersection of Davenport Street
 North bound traffic on N. 4th Street at the intersection of Donahue Street
 North bound traffic on N. 4th Street at the intersection of Price Street
 South bound traffic on N. 4th Street at the intersection of Donahue Street
 South bound traffic on N. 4th Street at the intersection of Davenport Street
 South bound traffic on N. 4th Street at the intersection of LeClaire Road
 South bound traffic on N. 3rd Street at the intersection of Donahue Street
 South bound traffic on N. 3rd Street at the intersection of Davenport Street
 North bound traffic on N. 3rd Street at the intersection of Donahue Street
 North bound traffic on N. 3rd Street at the intersection of Price Street
 South bound traffic on Railroad Avenue at the intersection of Price Street
 North bound traffic on N. 2nd Place at the intersection of Davenport Street
 North bound traffic on N. 2nd Place at the intersection of Franklin Street
 South bound traffic on N. 2nd Place at the intersection of LeClaire Road

South bound traffic on N. 2nd Street at the intersection of LeClaire Road
North bound traffic on S. 3rd Avenue at the intersection of LeClaire Road
South bound traffic on N. 4th Avenue at the intersection of LeClaire Road
North bound traffic on N. 4th Avenue at the intersection of Franklin Street
South bound traffic on N. 6th Avenue at the intersection of LeClaire Road
North bound traffic on S. 6th Avenue at the intersection of LeClaire Road
North bound traffic on S. 9th Avenue at the intersection of LeClaire Road
South bound traffic on N. 9th Avenue at the intersection of LeClaire Road
North bound traffic on Fox Ridge Road at the intersection of Hickory Street
North bound traffic on Country Club Court at the intersection of Iowa Street
North bound traffic on S. 14th Avenue at the intersection of LeClaire Road
North bound traffic on S. 16th Avenue at the intersection of LeClaire Road
South bound traffic on N. 16th Avenue at the intersection of LeClaire Road
North bound traffic on S. 18th Avenue at the intersection of LeClaire Road
South bound traffic on Scott Park Road at the intersection of LeClaire Road
North bound traffic on Scott Park Road at the intersection of LeClaire Road
North bound traffic on S. 27th Avenue at the intersection of LeClaire Road
North bound traffic on S. 9th Avenue at the intersection of Lincoln Road
North bound traffic on S. 11th Avenue at the intersection of Lincoln Road
North bound traffic on S. 11th Avenue at the intersection of Blackhawk Trail
South bound traffic on S. 25th Avenue at the intersection of Blackhawk Trail
South bound traffic on S. 26th Avenue at the intersection of Blackhawk Trail
North bound traffic on N. Cody Road at the intersection of Scott Park Road
South bound traffic on N. Cody Road at the intersection of LeClaire Road
North bound traffic on S. Cody Road at the intersection of LeClaire Road
South bound traffic on S. Cody Road at the intersection of Blackhawk Trail
North bound traffic on S. 5th Street at the intersection of Pinehurst Drive
South bound traffic on S. 5th Street at the intersection of Pinehurst Drive
North bound traffic on S. 3rd Street at the intersection of Pinehurst Drive
South bound traffic on S. 3rd Street at the intersection of Pinehurst Drive
North bound traffic on S. 3rd Street at the intersection of Oak Street
South bound traffic on S. 3rd Street at the intersection of Oak Street
North bound traffic on Sawgrass Court at the intersection of Pinehurst Drive
South bound traffic on Iowa Street at the intersection of Sheridan Drive
North bound traffic on S. 11th Street at the intersection of Spring Street
North bound traffic on S. 9th Street Court at the intersection of Spring Street
North bound traffic on S. 10th Street at the intersection of Spring Street
South bound traffic on S. 10th Street at the intersection of Spring Street
North bound traffic on S. 8th Avenue at the intersection of Iowa Street
South bound traffic on S. 8th Avenue at the intersection Sheridan Drive
North bound traffic on Central Drive at the intersection of Davenport Street
South bound traffic on S. 3rd Avenue at the intersection of Iowa Street
North bound traffic on Tombergs Drive at the intersection of LeClaire Road
North bound traffic on Blanche Drive at the intersection of LeClaire Road
North bound traffic on 4th Avenue at the intersection of LeClaire Road
South bound traffic on Hunter Lane at the intersection of Blackhawk Trail
West bound traffic on Price Street at the intersection of N. 8th Street
East bound traffic on Price Street at the intersection of N. 8th Street
East bound traffic on Price Street at the intersection of N. 7th Street
East bound traffic on Price Street at the intersection of N. 5th Street
East bound traffic on Price Street at the intersection of N. 1st Street
West bound traffic on Price Street at the intersection of N. 7th street
West bound traffic on Price Street at the intersection of N. 5th Street
West bound traffic on Price Street at the intersection of N. 1st Street
East bound traffic on Davies Street at the intersection of Dammann Drive
East bound traffic on Davies Street at the intersection of N. 1st Street
West bound traffic on Davies Court at the intersection of Dammann Drive
East bound traffic on Donahue Street at the intersection of Dammann Drive
East bound traffic on Donahue Street at the intersection of N. 8th Street
East bound traffic on Donahue Street at the intersection of N. 7th Street

East bound traffic on Donahue Street at the intersection of N. 2nd Street
East bound traffic on Donahue Street at the intersection of N. 1st Street
West bound traffic on Donahue Street at the intersection of N. 2nd Street
West bound traffic on Donahue Street at the intersection of N. 7th Street
West bound traffic on Donahue Street at the intersection of N. 8th Street
West bound traffic on Donahue Street at the intersection of Buttermilk Road
East bound traffic on Franklin Street at the intersection of N. 3rd Street
East bound traffic on Franklin Street at the intersection of N. 2nd Street
East bound traffic on Franklin Street at the intersection of N. 1st Street
East bound traffic on Franklin Street at the intersection of N. 6th Avenue
West bound traffic on Franklin Street at the intersection of N. 1st Street
West bound traffic on Franklin Street at the intersection of N. 2nd Street
West bound traffic on Franklin Street at the intersection of N. 3rd Street
East bound traffic on Davenport Street at the intersection of N. 7th Street
East bound traffic on Davenport Street at the intersection of N. 5th Street
East bound traffic on Davenport Street at the intersection of N. 2nd Street
East bound traffic on Davenport Street at the intersection of N. 1st Street
West bound traffic on Davenport Street at the intersection of N. 2nd Street
West bound traffic on Davenport Street at the intersection of N. 5th Street
West bound traffic on Davenport Street at the intersection of N. 7th Street
East bound traffic on Davenport Street at the intersection of N. 8th Street
West bound traffic on Davenport Street at the intersection of N. 8th Street
East bound traffic on LeClaire Road at the intersection of Scott Park Road
West bound traffic on LeClaire Road at the intersection of Scott Park Road
West bound traffic on Prairie Vista Drive at the intersection of S. 8th Street
East bound traffic on Prairie Vista Drive at the intersection of S. 5th Street
West bound traffic on Valley Drive at the intersection of S. 8th Street
East bound traffic on Valley Drive at the intersection of S. 5th Street
East bound traffic on Sheridan Drive at the intersection of N. 1st Street
East bound traffic on Sheridan Drive at the intersection of N. 9th Avenue
West bound traffic on Sheridan Drive at the intersection of S. 5th Street
East bound traffic on Spring Street at the intersection of S. 1st Street
East bound traffic on Pine Street at the intersection of S. 8th Street
West bound traffic on Pine Street at the intersection of S. 9th Street Court
East bound traffic on Oak Street at the intersection of S. 5th Street
West bound traffic on Oak Street at the intersection of S. 5th Street
East bound traffic on Iowa Street at the intersection of S. 9th Avenue
West bound traffic on Iowa Street at the intersection of S. 9th Avenue
West bound traffic on Iowa Street at the intersection of S. 1st Street
East bound traffic on Daniels Court at the intersection of S. Cody Road
West bound traffic on Fairway Circle at the intersection of S. 9th Avenue
West bound traffic on Golfview Drive at the intersection of S. 9th Avenue
East bound traffic on Hickory Street at the intersection of S. 9th Avenue
East bound traffic on Lincoln Road at the intersection of Buttermilk Road
East bound traffic on Lincoln Road at the intersection of S. 1st Street
East bound traffic on Lincoln Road at the intersection of Scott Park Road
East bound traffic on Lincoln Road at the intersection of S. Cody Road
West bound traffic on Lincoln Road at the intersection of S. Cody Road
West bound traffic on Lincoln Road at the intersection of Scott Park Road
West bound traffic on Lincoln Road at the intersection of S. 1st Street
West bound traffic on Lincoln Road at the intersection of Buttermilk Road
West bound traffic on Fisher Court at the intersection of S. 1st Street
West bound traffic on Lomar Street at the intersection of Scott Park Road
West bound traffic on Blackhawk Trail at the intersection of Scott Park Road
West bound traffic on Blackhawk Trail at the intersection of S. 1st Street
East bound traffic on Blackhawk Trail at the intersection of Scott Park Road
West bound traffic on Trails Road at the intersection of S. 1st Street
East bound traffic on Slopertown Road at the intersection of Buttermilk Road
West bound traffic on Slopertown Road at the intersection of Buttermilk Road

East bound traffic on Slopertown Road at the intersection of S. 1st Street
West bound traffic on the frontage road at the intersection of N. 9th Avenue
West bound traffic on Maple Court at the intersection of Dammann Drive
West bound traffic on Maple Street at the intersection of Buttermilk Road
East bound traffic on Maple Street at the intersection of Dammann Drive
East bound traffic on Iowa Street at the intersection of 8th Street
West bound traffic on Iowa Street at the intersection of 8th Street
East bound traffic on Sheridan Drive at the intersection of 8th Street
West bound traffic on Sheridan Drive at the intersection of 8th Street
East bound traffic on Hickory Street at the intersection of 8th Street
West bound traffic on Hickory Street at the intersection of 8th Street
East bound traffic on Spring Street at the intersection of 8th Street
West bound traffic on Spring Street at the intersection of 8th Street
West bound traffic on Hickory Street at the intersection of 10th Street
West bound traffic on Spring Street at the intersection of Buttermilk Road
East bound traffic on Green Meadow Court at the intersection of 8th Avenue
East bound traffic on Lancer Court at the intersection of 16th Avenue
West bound traffic on Lancer Court at the intersection of 16th Avenue
East bound traffic on Heiler Court at the intersection of Tombergs Drive
East bound traffic on Wiese Court at the intersection of Tombergs Drive
East bound traffic on Doral Drive at the intersection of 3rd Street
West bound traffic on Doral Drive at the intersection of 5th Street
East bound traffic on Price Court at the intersection of Dammann Drive
West bound traffic on Price Street at the intersection of Dammann Drive
East bound traffic on Scott Court at the intersection of Dammann Drive
West bound traffic on Scott Street at the intersection of Dammann Drive
East bound traffic on Heather Glen Drive at the intersection of S. 3rd Street
West bound traffic on Heather Glen Drive at the intersection of S. 5th Street
West bound traffic on Broadmoor Drive at the intersection of S. 5th Street
North bound traffic on Stonebridge Circle at the intersection of Pinehurst Drive
East bound traffic on Stone Brook Lane at the intersection of Scott Park Road
West bound traffic on Stone Brook Lane at the intersection of Lomar Street
East bound traffic on Lomar Street at the intersection of Scott Park Road
North bound traffic on S. 22nd Avenue Court at the intersection of Lomar St.
North bound traffic on S. 20th Avenue Court at the intersection of Lomar St.
South bound traffic on S. 20th Avenue Court at the intersection of Lomar St.
South bound traffic on S. 16th Avenue at the intersection of Blackhawk Trail
West bound traffic on Rustic View Court at the intersection of Fox Ridge Road
North bound traffic on S. 10th Avenue at the intersection of Rustic View Court
North bound traffic on S. 11th Avenue at the intersection of Rustic View Court
South bound traffic on Fox Ridge Road at the intersection of E. Lincoln Road
West bound traffic on Robert Edgar Court at the intersection of N. Buttermilk Road
East bound traffic on Harvest Street at the intersection of N. 1st Street
East bound traffic on Scott Street at the intersection of N. 1st Street
West bound traffic on Scott Street at the intersection of Harvest Street
South bound traffic on S. 4th Avenue at the intersection of E. Iowa Street
North bound traffic on S. 4th Avenue at the intersection of E. Iowa Street
South bound traffic on S. 6th Avenue at the intersection of E. Iowa Street
South bound traffic on Stone Brook Lane at the intersection of E. Lomar Street
East bound traffic on East Lomar Street at the intersection of Stone Brook Lane
West bound traffic on East Lomar Street at the intersection of Stone Brook Lane
South bound traffic on Fifth Street at the intersection of Valley Drive
North bound traffic on Fifth Street at the intersection of Valley Drive
South bound traffic on Second Street at the intersection of Franklin Street
North bound traffic on Second Street at the intersection of Franklin Street

West bound traffic on Pinehurst Drive at the intersection of
Buttermilk Road
East bound traffic on Pinehurst Drive at the intersection of First
Street
South bound traffic on 8th Street at the intersection of Pinehurst
Drive
North bound traffic on 8th Street at the intersection of Pinehurst
Drive
South bound traffic on 10th Street at the intersection of Pinehurst
Drive
North bound on traffic 10th Street at the intersection of Pinehurst
Drive

2.12 YIELD INTERSECTIONS. The following intersections are hereby designated to be yield intersections and all vehicles, other than emergency vehicles, are to yield to oncoming traffic at each of the designated intersections:

West bound traffic on Franklin Street at the intersection of N. 9th Avenue
East bound traffic on Price Street at the intersection of N. 12th Avenue
West bound traffic on Pine Street at the intersection of S. 4th Street
East bound traffic on Pine Street at the intersection of S. 3rd Street
East bound traffic on Spring Street at the intersection of S. 2nd Street
West bound traffic on Spring Street at the intersection of S. 2nd Street
West bound traffic on Spring Street at the intersection of S. 4th Street
East bound traffic on Spring Street at the intersection of S. 7th Street
East bound traffic on Hickory Street at the intersection of S. 7th Street
East bound traffic on Sheridan Drive at the intersection of S. 7th Street
East bound traffic on Brookview Drive at the intersection of S. 6th Street
West bound traffic on Brookview Drive at the intersection of S. 8th Street
East bound traffic on Central Drive at the intersection of N. 2nd Place
East bound traffic on Davenport Street at the intersection of N. 9th Street
West bound traffic on Davenport Street at the intersection of N. 9th Street
West bound traffic on Davies Street at the intersection of N. 2nd Street
West bound traffic on Davies Street at the intersection of N. 3rd Street
West bound traffic on Davies Street at the intersection of N. 4th Street
East bound traffic on Davies Street at the intersection of N. 3rd Street
East bound traffic on Davies Street at the intersection of N. 2nd Street
West bound traffic on Franklin Street at the intersection of N. 4th Street
East bound traffic on Maple Street at the intersection of Railroad Avenue
North bound traffic on N. 9th Street at the intersection of Donahue Street
North bound traffic on N. 6th Court at the intersection of Davenport Street
North bound traffic on N. 6th Street at the intersection of Donahue Street
North bound traffic on N. 6th Street at the intersection of Price Street
South bound traffic on N. 6th Street at the intersection of Price Street
South bound traffic on N. 6th Street at the intersection of Donahue Street
South bound traffic on N. 6th Street at the intersection of Davenport Street
North bound traffic on N. 5th Place at the intersection of Price Street
South bound traffic on N. 5th Place at the intersection of Price Street
South bound traffic on N. 5th Street at the intersection of Donahue Street
North bound traffic on N. 5th Court at the intersection of Donahue Street
North bound traffic on N. 2nd Street at the intersection of Price Street
South bound traffic on alley between Davies and Price at the intersection of
Price Street
South bound traffic on S. 6th Street at the intersection of Prairie Vista Drive
South bound traffic on S. 6th Street at the intersection of Valley Drive
North bound traffic on S. 2nd Street at the intersection of Sheridan Drive
North bound traffic on S. 6th Street at the intersection of Prairie Vista Drive
South bound traffic on S. 4th Street at the intersection of Oak Street
North bound traffic on S. 4th Street at the intersection of Sheridan Drive

North bound traffic on S. 3rd Place at the intersection of Sheridan Drive
South bound traffic on S. 3rd Place at the intersection of Spring Street
South bound traffic on S. 3rd Street at the intersection of Spring Street
North bound traffic on S. 3rd Street at the intersection of Spring Street
North bound traffic on S. 3rd Street at the intersection of Sheridan Drive
North bound traffic on S. 2nd Place at the intersection of Sheridan Drive
South bound traffic on S. 2nd Place at the intersection of Spring Street
South bound traffic on S. 11th Avenue at the intersection of Trails Road
North bound traffic on S. 25th Avenue at the intersection of Lomar Street
North bound traffic on S. 26th Avenue at the intersection of Lomar Street
North bound traffic on N. 9th Avenue at the intersection of Price Street

3.00 DIRECTING TRAFFIC

3.01 DIRECTION BY CITY OFFICIAL. Any police officer, official of the Eldridge Department of Public Works or any Eldridge Fire Department official is hereby authorized to direct traffic in the event of a fire, other emergency or public festivity for as long as the emergency or festivity lasts.

3.02 DIRECTION BY WORK CREWS. When utility, street maintenance or repair, or construction operators are working on or adjacent to the traveled way, it shall be the responsibility of said work crews to adequately protect and control traffic. Adequate traffic protection is defined in the Iowa Manual on Uniform Traffic Control for Streets and Highways, or as a minimum shall be:

- A. Through street, with speeds of 45 mph or greater, lights and/or signs, cones and barricades. Flag men at either end of operations are also required when operations are on the traveled way.
- B. Through streets, with speeds of less than 45 mph, lights and/or signs. When operations are on the traveled way, barricades and/or flag men are also required.
- C. Residential and other streets, lights or signs. Flagging should be provided at periods of unusual traffic.

3.03 FAILURE TO COMPLY WITH ORDER. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police or any other authorized person who is directing traffic.

4.00 CITY TRAFFIC REGULATIONS

4.01 ONE-WAY STREETS AND ALLEYS. The following streets and alleys are hereby declared to permit vehicular traffic only in the direction indicated.

- A. The alley between Davenport Street and Franklin Street, and running parallel to and between Second Street and Third Street shall be restricted to one-way traffic in a northerly direction.

4.02 STORAGE OF VEHICLES ANYWHERE IN THE CITY. No person in charge or control of any property within the City whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than forty-eight (48) hours. No person shall leave any such vehicle on any property within the City for a longer time than seventy-two (72) hours; except that this section shall not apply with regard to a vehicle in an enclosed building or a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

4.03 STORAGE OF VEHICLES ON CITY STREETS. Parking for a period of more than forty-eight (48) hours on a public is prohibited. The penalty for a violation of this ordinance or of other parking violations shall be a fine of not more than five dollars (\$5) payable to the City Clerk according to 321.236 of the Code of Iowa or shall be a simple misdemeanor.

4.04 STANDING FOR LOADING. It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone. It shall be unlawful for the operator of vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery of pick up and loading of materials, in any place marked as a loading zone. In no case shall the stop for loading and for unloading of materials exceed thirty (30) minutes.

4.06 TRUCK PARKING. It shall be unlawful for any truck, truck trailer or vehicle having a licensed weight of six (6) tons or more to park on any residential street in the City for more than two (2) hours, except while such vehicle is in the actual process of loading or unloading.

4.07 STREET PARKING. All vehicles that are parked on a street must be facing the same direction as the flow of traffic on that street; and must be parked parallel to, and within eighteen (18) inches of the curb.

4.08 NO PARKING ZONES.

The north and south sides of East LeClaire Road running from the east line of First Street to the east city limits.

The east and west sides of Ninth Avenue from the south line of Franklin Street to the north line of Iowa Street.

The north side of LeClaire Road from the west city limits to N. 9th Street.

The south side of LeClaire Road from the west city limits to N. 8th Street.

The south side of Sheridan Drive from S. 1st Street to S. 5th Street

The south side of Iowa Street from the east right-of-way line of First Street to the west right-of-way line of Third Avenue Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m.

The east and west sides of First Street from the south city limits to a point 600 feet north of the north right-of-way line of Blackhawk Trail.

The north and south sides of Blackhawk Trail from the east right-of-way line of First Street to a point 800 feet east.

The north side of LeClaire Road from the west right-of-way line of First Street to a point 112 feet west.

The north side of Iowa Street from the east right-of-way line of First Street to the west right-of-way line of Third Avenue, Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m.

The south side of Iowa Street from the east right-of-way line of Third Avenue to the west right-of-way line of Ninth Avenue.

The north side of Iowa Street from the east right-of-way line of Third Avenue to a point 322 feet east of Sixth Avenue.

The west side of 16th Avenue from Blackhawk Trail to Lomar Street

The north side of Blackhawk Trail from the east edge of the pavement of the entrance ramp to north bound Highway 61 east to Scott Park Road and south sides of Blackhawk Trail from the east edge of the exit ramp for north bound Highway 61 exit east to Scott Park Road

The west side of 16th Avenue from Blackhawk Trail to Lomar Street
The north side of Blackhawk Trail from the east edge of the pavement of the entrance ramp to north bound Highway 61 east to Scott Park Road and south sides of Blackhawk Trail from the east edge of the exit ramp for north bound Highway 61 exit east to Scott Park Road

The north side of Price Street from First Street to a point 90-foot west

The south side of Price Street from First Street to a point 50-feet west

The east and west sides of First Street from LeClaire Road south to Sheridan Drive between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday

The east side of First Street 50 feet north and south of the intersection with Iowa Street

The north side of Pinehurst from the center line of the north leg of 5th Street to a point 107 feet east

The south side of Pinehurst Drive from the center line of the south leg of 5th Street to a point 68 feet west

4.10 BICYCLE PATHS. It shall be unlawful to operate a motorized vehicle, including but not limited to, cars, trucks, snowmobiles, all-terrain vehicles (atv's) and motorized scooters upon designated bicycle paths. This prohibition shall not apply to motorized wheelchairs, emergency response vehicles and city-owned maintenance vehicles.

5.00 SPEED RESTRICTIONS. Established speed zones in the City as follows unless otherwise marked on an emergency basis as defined in Section 2.03.

5.01 NORTH FIRST STREET. Forty-five (45) mph from the north city limits for 1,256 feet south; twenty-five (25) mph from 1,256 feet south of the north city limits to LeClaire Road.

5.02 SOUTH FIRST STREET. Twenty-five (25) mph from LeClaire Road to the north right-of-way line of Spring Street on school days when children are present, thirty-five (35) mph from LeClaire Road to a point 100 feet south of the center line of Pinehurst Drive. Forty-five (45) mph from a point 100 feet south of the center line of Pinehurst Drive to the south city limits.

5.03 EAST LECLAIRE ROAD. Forty-five (45) mph from the east city limits to the east line of Sixteenth Avenue; thirty-five (35) mph from the east line of Sixteenth Avenue to the east line of Third Avenue; and twenty-five (25) mph from the east line of Third Avenue to First Street.

5.04 WEST LECLAIRE ROAD. Twenty-five (25) mph from First Street to a point 200 feet west of the west right-of-way line of Ninth Street; and thirty five (35) mph from a point 200 feet west of the west right-of-way line of Ninth Street to the west city limits.

5.05 BLACKHAWK TRAIL. Forty-five from the east city limits to 300 feet east of South Twenty-sixth Avenue; Thirty-five (35) mph from 300 feet east of South Twenty-sixth Avenue to Scott Park Road; and forty-five (45) mph from Scott Park Road to South First Street.

5.06 NORTH SECOND STREET. Twenty (20) mph from LeClaire Road to Donahue Street.

5.07 GRAVEL ROADS. Forty-five (45) on all gravel roads or streets not already designated above.

5.08 ALLEYS. Fifteen (15) mph on all alleys.

5.09 REMAINING STREETS. Twenty-five (25) mph on all other streets and roads within the city.

5.11 CODY ROAD. Thirty-five (35) mph from the north city limits to LeClaire Road; twenty-five (25) mph from LeClaire Road to 700 feet south of Daniel's Court; forty-five (45) mph from 700 feet south of Daniel's Court to the south city limit.

5.12 Buttermilk Road. Thirty-five (35) mph from the north city limits to the south right-of-way line of Lincoln Road, fifty-five (55) mph from the south line of Lincoln Road to the south city limits.

5.15 SCOTT PARK ROAD. Fifty five (55) mph from the north city limit to a point 750 feet north Stonebrook Lane; forty-five (45) mph from 750 feet north of Stonebrook Lane to the south city limit.

5.16 EAST LINCOLN ROAD. Thirty-five (35) mph from the east right-of-way line of South First Street to the west right-of-way line of Scott Park Road.

6.00 SNOW EMERGENCY PROCEDURES

6.01 SNOW EMERGENCY DEFINED. A snow emergency exists whenever there is a snow fall of two (2) inches or more, or the equivalent amount of snow from drifting, or when so declared by the chief of police. The emergency shall cease after the snow stops and the streets have been cleared of snow, or twenty-four (24) hours after the cessation of falling snow.

6.02 PARKING PROHIBITED. Parking of motor vehicles is prohibited on all streets in the city during a snow emergency.

6.03 STREET PARKING. No vehicle on any street in Eldridge shall remain parked for more than twenty-four (24) hours in any one location when such parking limits or interferes with snow plowing or snow removal operations.

6.04 SNOW EMERGENCY PARKING. Snow emergency parking facilities shall be provided by the City and shall be identified as such. Vehicles may be parked in these areas upon a forecast of a two(2)inch or greater snow fall. All vehicles shall be removed within forty-eight (48) hours after the end of a snow emergency. If a forecast snow emergency does not occur, all vehicles shall be removed within forty-eight (48) hours of when they were first parked in the special area. The snow emergency parking facilities are located at:

1. N. Third Street and Franklin Street (Municipal Parking Lot)
2. N. Fifth Street and LeClaire Road (Faith Lutheran Church)
3. S. Second Street and Spring Street (United Methodist Church)
4. N. Sixth Street and Donahue Street at the Water Treatment Plant
5. North Scott Junior High School south side parking lot
6. 400 Block of N. Third Street (west side of Centennial Park)
7. 400 Block of N. Fourth Street (east side of Centennial Park)
8. Cornerstone Baptist Church parking lot (775 E. LeClaire Road).

6.05 DOWNTOWN SNOW REMOVAL. Parking is prohibited on all streets bounded by North First Street, Donahue Street, North Third Street and LeClaire Road during a snow emergency.

6.06 PENALTIES. The penalty for violation of the provisions of this ordinance shall be: 1) the removal of said motor vehicles and impounding of same by the City of Eldridge, and the payment before release by the owner of the vehicle of all costs for towing and impounding, and/or 2) the fining of the owner of said vehicle in any amount of not more than five dollars (\$5.00).

6.09 SIDEWALKS. It shall be the responsibility of the abutting property owner to promptly remove snow and/or ice from the sidewalk. In the event such snow and/or ice remain more than thirty-six (36) hours, then the city may remove them and assess the property. Charges for such removal shall be set forth by resolution of the council.

6.08 BICYCLE PATHS. It shall be the responsibility of the city to promptly remove snow and/or ice from designated bicycle paths around the city.

6.09 SNOW DISCHARGE. The discharge of snow and ice on to public streets is prohibited. It is the responsibility of the abutting property owner to store any snow and/or ice removed on their own property. Any violation of this ordinance shall be subject to a fine of not less than twenty-five (25) dollars. This prohibition shall not apply to commercial properties located in the boundaries of Section 6.05.

7.00 SCHOOL CROSSING GUARD

7.01 ESTABLISHMENT. In the interest of safety to those attending elementary schools in the city, a school crossing guard is hereby established.

7.02 QUALIFICATIONS. Each crossing guard shall not be less than eighteen (18) years of age, of good character and shall be sworn by the appointing officer to the faithful performance of his duty.

7.03 APPOINTMENT AND DISMISSAL. Appointment and dismissal of crossing guards shall be by the chief of police with the majority approval of the city council. Each crossing guard shall be responsible to the chief of police and he shall be the sole supervisor of the school crossing guard.

7.04 DUTIES. The duties of the crossing guard shall include assisting school children across streets designated by the chief of police, the direction of traffic when necessary to assist in street crossing and other relevant duties as the chief of police may direct. The chief of police shall have authority to assign each crossing guard to duty at such times and place as he may deem necessary for the protection of children proceeding to and from school.

7.05 NOT SUBJECT TO CIVIL SERVICE RULES. The crossing guards herein appointed shall not be connected with the city and shall not be subjected to the civil service rules of the State of Iowa, nor shall they acquire any rights under civil service.

7.06. COMPENSATION. The city council shall, by resolution, fix the amount of compensation to be paid members of the school crossing guards and the manner of payment.

7.07. EQUIPMENT. Each crossing guard shall, at the expense of the city, be provided with an adequate badge and other equipment as prescribed by the chief of police.

7.08. EXTENT OF POWERS. Such crossing guards shall have such limited police powers in the matter of traffic control as may be delegated to them by the chief of police which authority shall not be exercised by any crossing guard except when on authorized duty.

8.00 MOTORIZED VEHICLES. The operation or parking of motorized vehicles on city bike paths presents a threat to the safety of bicyclists and pedestrians using such bike paths. The operation of motorized vehicles places stress on the structure of the bike path.

8.01 DEFINITION. Motorized vehicle is any device for carrying person or objects equipped with a motor to produce motion. Motorized vehicles shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, and mopeds.

8.02 PROHIBITION OF MOTORIZED VEHICLES ON BIKE PATHS. The parking and/or operation of motorized vehicles shall not be allowed on city bike paths at any time. An exception will be allowed for snowmobiles to cross the bike path when traveling along designated snowmobile routes.

8.03 PENALTY. Anyone violating any of the provisions of this ordinance shall be guilty of a simple misdemeanor and upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding five hundred dollars (\$500). Each day that a violation continues to exist constitutes a separate offense.

Chapter Two
ADOPTION OF STATE CRIMINAL CODES

1.0 The City of Eldridge, Iowa hereby adopts the following provisions relating to the "Iowa Criminal Code" (701.1) as provided for in the CODE OF IOWA, 2001 (all numbers are inclusive):

ASSAULT

- 1.1 708.1 Assault defined (also Chapter 6, Section 2.01)
1.2 708.2 Penalties for assault

THEFT

- 1.3 714.1 Theft defined (also Chapter 6, Sections 10.01-06)
1.4 714.2(5) Degree of theft (under \$200.00)
1.5 714.3 Value
1.6 714.8 Fraudulent practices defined (also Chapter 6,
Sections 11.00-11)
1.7 714.13 Degree of fraudulent practice (under \$200.00)
1.8 714.14 Value for purpose of fraudulent practice

DAMAGE AND TRESPASS TO PROPERTY

- 1.9 716.1 Criminal mischief defined
1.10 716.2 Multiple acts
1.11 716.6 Degree of criminal mischief (under \$200.00)
1.12 716.7 Trespass defined (also Chapter 5)
1.13 716.8(1) Penalties (also Chapter 5)
1.13 716.8(2) Penalties (also Chapter 5)

INJURY TO ANIMALS

- 1.14 717B.2 Animal Abuse (also Chapter 6, Section 7.12)
1.15 717B.8 Abandonment of cats and dogs
1.16 717B.9 Injury or interference with a police service dog

OFFENSES AGAINST THE GOVERNMENT

- 1.18 718.4 Harassment of public officers and employees
1.19 718.6 False reports to law enforcement authorities

DESECRATION OF FLAG OR OTHER INSIGNIA

- 1.20 718a.1 Desecration of flag or insignia
1.21 718a.2 Actions for penalty
1.22 718a.3 Federal flag and insignia - definition
1.23 718a.4 State flag and insignia - definition
1.24 718a.5 Presumptive evidence of desecration
1.25 718a.6 Enforcement

OBSTRUCTING JUSTICE

- 1.26 719.1 Interference with official acts (also Chapter 6,

- Section 304)
- 1.27 719.2 Refusing to assist officer (also Chapter 6, Section 7.15)
- 1.28 723.2 Unlawful assembly (also Chapter 6, Sections 2.05 and 7.16)
- 1.29 723.3 Failure to disperse (also Chapter 6, Section 7.17)
- 1.30 723.4 Disorderly conduct (also Chapter 6, Section 2.03)

HEALTH, SAFETY AND WELFARE

- 1.31 727.1 Distributing dangerous substances
- 1.32 727.2 Fireworks (also Chapter 6, Section 3.04)
- 1.33 727.3 Abandoned or unattended refrigerators (also Chapter 6, Section 3.05)
- 1.34 727.4 Exposing persons to X-ray radiation
- 1.35 727.5 Obstruction of emergency communications
- 1.36 727.6 Falsely claiming emergency (also Chapter 6, Section 7.19)
- 1.37 727.9 Transacting business without a license
- 1.38 727.11 Disclosure of information concerning use of videotapes

2.0 ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL ACT. The City of Eldridge, Iowa hereby adopts the following provisions relating to the "Iowa Alcoholic Beverage Control Act"(123.1) as provided for in the CODE OF IOWA, 2001 (all numbers are inclusive):

- 2.1 123.3 Definitions
- 2.2 123.28 Restrictions on transportation of open or unsealed receptacles
- 2.3 123.46 Consumption in public places - intoxication - right to chemical test on arrest - exoneration
- 2.4 123.47 Persons under the age of eighteen
- 2.6 123.47b Parental notification - persons under eighteen years of age
- 2.7 123.49 Miscellaneous prohibitions
- 2.8 123.50 Criminal and civil penalties

Chapter Three
Bicycles

1.00 EFFECT OF REGULATIONS. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article or State Code 321.234.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

2.00 LICENSE REQUIRED. No person who resides within this City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license sticker is attached thereto as provided herein.

3.00 LICENSE APPLICATION. Application for a bicycle license shall be made upon a form provided by the City and shall be made to the chief of police. A license fee of \$3.00 shall be paid to the City before each license is granted.

4.00 ISSUANCE OF LICENSE.

A. The Chief of Police shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

B. The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him.

5.00 ATTACHMENT OF LICENSE DECAL.

A. The Chief of Police upon issuing a bicycle license shall also issue a license decal bearing the license number assigned to the bicycle, and the name of the City.

B. The Chief of Police shall cause such license decal to be firmly attached to the rear mudguard or the frame of the bicycle for which issued in such position as to be plainly visible from the rear.

C. No person shall remove a license decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this City.

6.00 INSPECTION OF BICYCLES. The Chief of Police, or any officer assigned such responsibility shall inspect each bicycle before licensing to ensure that each bicycle has its seat, brakes, tires and pedals in good condition, a reflector visible from the rear of the bicycle, has a chain guard and handle grips, and lights if ridden at night. The officer shall refuse a license for any bicycle which does not comply with the above criteria or which he determines is in any unsafe mechanical condition.

7.00 TRANSFER OF OWNERSHIP. Upon the sale or other transfer of a licensed bicycle, the licensee shall notify the Chief of Police of the sale or transfer and the license may be canceled or may be changed to the name of a new owner upon payment of a license fee.

8.00 RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a decal is attached thereto as provided herein.

9.00 TRAFFIC ORDINANCES APPLY TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a bicycle by this ordinance, except as to special regulations in this article and except as to those provisions of this ordinance which by their nature have no application.

10.00 RIDING ON BICYCLES. No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped except that an adult rider may carry a child securely attached to his person in a back pack or sling or in an approved child seat.

11.00 PENALTIES. Every person convicted of a violation of any provision of this article shall be punished by a fine of not more than two (\$2.00) dollars, payable to the City Clerk, or by impounding of such person's bicycle for a period not to exceed seven (7) days or by any combination thereof.

Chapter Four
MESSAGE ESTABLISHMENTS

1.00 DEFINITIONS. For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

A. MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the External soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

B. MESSAGE ESTABLISHMENTS. Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in Subsections A and D of this Chapter. Any establishment engaged in or carrying on, or permitting any combination of massage and bath house shall be deemed a massage establishment.

C. MASSEUR OR MASSEUSE. Any person, including a trainee, who, for any consideration whatsoever, engages in the practice of massage as herein defined.

D. PUBLIC BATH HOUSE. Any place, including a private club or organization, wherein any person, firm, association, corporation or partnership engages in, conducts or carries on or permits to be engaged in, conducted or carried on, the business of giving or furnishing Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna fomentation or electric baths or baths of any kind whatever, excluding ordinary tub baths where any attendant is not used or required.

E. PERSON. Any individual, co-partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form of character.

F. EMPLOYEE. Any and all persons, other than the masseurs or masseuses, who render any services to the permittee, who receive compensation directly from the permittee, and who have no physical contact with the customers or clients.

G. INSPECTOR. Scott County Health Inspector or his authorized representative, inspectors of city building department, the Chief of Police or his representative, the Fire Chief or his representative.

H. ACCREDITED SCHOOL. Any school which furnishes a certified statement of courses offered, including anatomy and physiology, and is accredited by a state, district or other unit of

educational accreditation, which provides for not less than 750 hours of instruction, which shall require at least one school year and shall furnish a certificate or diploma of successful completion of such course of study or learning.

I. LICENSEE. The operator of a massage establishment.

J. SEXUALLY ORIENTED ACTIVITIES. These activities include those encounter or rap groups, artist or photo modeling, Go-Go dancing or such activities characterized by the public display of sexual or genital parts.

K. SEXUAL OR GENITAL PARTS. These shall include the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

2.00 LICENSES. It shall be unlawful for any person:

A. to engage in, conduct, or carry on or permit to be engaged in, conducted or carried out, in or a part of any premises in the City of Eldridge, the operation of a massage establishment as herein defined, without first having obtained a license from the City Clerk so to do;

B. to engage in, conduct, or carry on in the City of Eldridge the practice of massage as herein defined without first having obtained a license from the City Clerk as a masseur or masseuse;

C. as an operator of a massage establishment, to permit any person to act as a masseur or masseuse unless such person is duly licensed as required in this Chapter.

3.00 EXEMPTIONS.

A. No license shall be required under this Chapter for establishment which is a hospital or health care facility licensed by the State of Iowa nor for a medical clinic or the office of a duly licensed chiropractor, osteopath, physician or medical doctor, or physical therapist. No license shall be required of a duly licensed barber or cosmetologist extending massage to the face, head or shoulders.

B. No license shall be required under this section by any person duly licensed by the State of Iowa under the provisions of the Code of Iowa.

C. No license shall be required under this section by trainers of any amateur, semiprofessional or professional athlete or athletic team or for facilities used for such purposes.

4.00 FILING APPLICATION.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application with the City Clerk upon a form provided by said City Clerk and pay a filing fee of one hundred dollars (\$100.00) which shall not be refundable.

5.00 FILING AND FEE PROVISIONS.

In addition to the foregoing, any applicant for a license shall furnish the following information:

- A. The two (2) previous addresses immediately prior to the present address of the applicant.
- B. Written proof that the applicant is at least eighteen (18) years of age.
- C. Applicant's height, weight, color of eyes and hair.
- D. Two (2) portrait photographs at least two inches by two inches (2" x 2").
- E. Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.
- F. The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
- G. All criminal convictions except minor traffic violations.
- H. Applicant must furnish a diploma or certificate of graduation from an accredited school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the applicant will have no physical contact with his customer or clients he need not possess such diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught.
- I. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the applications.
- J. Nothing contained herein shall be construed to deny to the City Clerk the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said City Clerk to confirm the height and weight of the applicant.
- K. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than ten percent (10%) of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply.

6.00 MASSEUR OR MASSEUSE LICENSE.

Any person who engages in the practice of massage as herein defined shall file an application with the City Clerk upon a form provided by said City Clerk and shall pay a filing fee of twenty-five (\$25.00) which shall not be refundable.

7.00 OPERATOR OF MESSAGE ESTABLISHMENTS-EXCEPTION:

A diploma from an accredited school as defined herein will not be required by the operator of a massage establishment or for any employee where such operator or employee does not give a massage as defined herein.

8.00 APPLICATION FORM FOR MASSEUR OR MASSEUSE.

The application for a masseur or masseuse license shall contain the following:

- A. Name and residence address.
- B. Social security number and driver's license number if any.
- C. Applicant's weight, height, color of hair and eyes.
- D. Written evidence that the applicant is at least eighteen (18) years of age.
- E. Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.
- F. Whether such person has ever been convicted of any crime, except misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained and the sentence imposed as a result of such conviction.
- G. The name and address of the accredited school attended, the date attended and a copy of the diploma or certificate of graduation awarded stating that the applicant has completed not less than seven hundred fifty (750) hours of instruction.
- H. The City Clerk shall have the right to direct the Chief of Police to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

9.00 VERIFICATION OF APPLICATION. Every application for a license under this Chapter shall be verified by the oath of the applicant.

10.00 FACILITIES NECESSARY. No license to conduct a massage establishment shall be issued unless an inspection by the Inspector first assures that the establishment complies with each of the following minimum requirements:

A. Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the Uniform Building Code. Plumbing fixtures shall be installed in accordance with established Eldridge Codes.

1. For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be water proof floor covering, which will be carried up all walls to an absorbent finish surface of Keene cement, tile, or similar material.
2. Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the Inspector.
3. Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains).
4. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

B. Toilet facilities shall be provided in convenient locations. When five (5) or more employees and Patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

C. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

D. All portions of massage establishments and baths shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than one-eighth (1/8) of the total floor area, or shall be provided with approved artificial light and a mechanical operating ventilating system. When windows or skylights are used for ventilation, at least one-half (½) of the total required window area shall be operable. To allow for adequate ventilation, cubicles, rooms, and areas provided for patrons use not served directly by a required window, skylight, or mechanical system of ventilation, shall be

constructed so that the height of partitions does not exceed seventy-five percent (75%) of the floor-to-ceiling height of the area in which they are located.

E. All electrical equipment shall be installed in accordance with the requirements of the Eldridge Electrical Code. All mechanical equipment shall be installed in accordance with the requirements of the Eldridge Mechanical Code.

F. No massage establishment granted a license under the provision of this Article shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that service is available other than those services as described in Section 1.00 of this Chapter, nor shall any massage establishment indicate in the text of such advertising that any service is available other than those services as described in Section 1.00 in this Chapter.

G. No service enumerated in Subsection 1.00A of this Chapter may be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked.

H. The premises shall have adequate equipment for disinfecting and sterilizing non-disposal instruments and materials used in administering massages. Such non-disposal instruments and materials shall be disinfected after use on each patron.

I. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

J. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

K. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

L. Eating in the massage work areas shall not be permitted.

M. Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.

N. No massage technician shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; provided that a physician duly licensed by the State of Iowa may certify that such person may be safely massaged prescribing the conditions thereof.

O. No massage technician shall administer a massage if such massage technician knows or should know that he or she is not free of any contagious or communicable disease.

P. Each massage technician shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.

Q. No massage establishment shall operate between the hours of 10:00 P.M. and 7:00 A.M.

11.00 REFERRAL OF APPLICATION TO OTHER DEPARTMENTS. The City Clerk upon receiving an application for a massage establishment license, shall refer the application to the Building Inspection Department, the Fire Department, and the Scott County Health Department, which departments shall inspect the premises proposed to be operated as massage establishment and shall make written recommendations to the City Clerk concerning compliance with the Codes that they administer. The Clerk shall also refer the application to the Police Department.

12.00 ISSUANCE OF LICENSE FOR A MASSAGE ESTABLISHMENT. The City Clerk may issue a license if all requirements for a massage establishment described in this Chapter are met and may issue a license to all persons who apply to perform massage services unless he finds:

A. That the operation as proposed by the applicant if permitted would not have complied with all applicable laws, including but not limited to, the Building, City Zoning, Housing and Fire Codes of the City of Eldridge or regulations adopted by the Scott County Department of Health.

B. That the applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of an offense outside of the State of Iowa that would have constituted any of the following offenses if committed within the State of Iowa:

1. An offense involving the use of force and violence upon the person of another that amounts to a felony;
2. An offense involving sexual misconduct with children;
3. An offense as defined in Chapters 698, 699, 704, 705 and 724 of the CODE OF IOWA.

The City Clerk may refuse to issue any permit if it shall appear that the character of the building is not a proper or suitable place in which to conduct or maintain such business or calling, or if the applicant requesting such license does not warrant the issuance thereof.

The City Clerk may issue a permit to any person convicted of any of the crimes prescribed above in this section if he finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this section.

13.00 ISSUANCE OF MASSEUR OR MASSEUSE LICENSE. The City Clerk may issue a masseur or masseuse license unless he finds:

- A. An offense involving the use of force and violence on the person of another that amounts to a felony;
- B. An offense involving sexual misconduct with children;
- C. An offense as defined under Chapters 698, 699, 704, 705 and 724 of the CODE OF IOWA; provided, however, that the City Clerk may issue a permit to any person convicted of any crimes described above in this section if he finds that such conviction occurred at least five (5) years prior to the date of application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this section;
- D. That the applicant has not obtained the health certificate required in this Chapter.

14.00 HEALTH CERTIFICATE. All persons who desire to perform the services of massage technician at a massage parlor shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhea, a chest X-ray which is to be made and interpreted by a trained radiologist, and such other laboratory tests, as may be necessitated by the above examination, and shall furnish a certificate based upon the above examination to the Clerk, which certificate shall be issued within thirty (30) days of such examination, signed by a physician duly licensed by the State of Iowa and stating that the person examined is either free from any contagious or communicable disease or incapable of communicating any of such diseases to others. Such persons shall undergo the physical examination referred to above and submit to the City Clerk the certificate required herein within five (5) days of the issuance of the license and at least once every six (6) months thereafter.

The Clerk or his duly authorized representative, when he has cause to believe that the massage technician is capable of communicating any contagious disease to others, may at any time require an immediate physical examination of any such person.

Upon presentation to and approval by the Clerk of the certificate required herein, the Clerk shall issue a health card to the applicant, containing among other items the name of the holder, the date of expiration and a statement that the holder has complied with the provision of this section. The Clerk shall refuse to issue such card if the applicant has either failed to furnish the certificate required herein or is not free from any contagious or communicable disease.

The employer of any such person shall require all such persons to undergo the examination and obtain the certificate provided by this section, shall register at the place of employment, the name and date of employment of each employee, and shall have the health cards and registration of all employees available for inspection at all reasonable times.

Any massage establishment, its equipment, records and methods of operation shall be open during working or business hours to inspection by representatives of the Police Department or the Scott County Health Department.

15.00 OPERATOR TO MAINTAIN REGISTER OF EMPLOYEES AND PATRONS. The operator of a massage establishment must maintain a register of all persons employed as masseurs or masseuses and their permit numbers. A register of patrons by name and address, and age, shall also be maintained and be available for examination on reasonable request by the Chief of Police, or by the City Clerk. Persons under the age of eighteen are prohibited upon the premises.

16.00 IDENTIFICATION NAME PLATE. The City Clerk shall provide each masseur and masseuse granted a license with an identification name plate which shall contain a photograph of the masseur or masseuse and the name and license number assigned to said masseur or masseuse, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to this Ordinance.

17.00 REVOCATION OR SUSPENSION OF LICENSE. Any license issued for a massage establishment may be revoked or suspended by the City Council after a hearing, for good cause, or in any case where any of the provisions of this Chapter are violated or where any employee of the licensee, including a masseur or masseuse, is engaged in any conduct which violates any of the State or local laws or ordinances at licensee's place of business and the licensee has actual or constructive knowledge of such violations or the licensee should have actual or constructive knowledge by due diligence, or in any case, where the licensee refuses to permit any duly authorized Police Officer or Inspector of the City of Eldridge or Scott County to inspect the premises or the operations therein. Such license may also be revoked or suspended by the City Council after hearing, upon the recommendations of the Health Inspector that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation and hygiene.

18.00 REVOCATION OF MASSEUR OR MASSEUSE LICENSE. A masseur or masseuse license issued by the City Clerk to any employee may be revoked or suspended after a public hearing on any of the following grounds:

- A. Violation of any of the provisions of this Chapter.
- B. Violation of any section of Chapters 698, 699, 704, 705 and 724 of the CODE OF IOWA.

19.00 EMPLOYMENT OF PERSONS UNDER THE AGE OF EIGHTEEN PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age.

20.00 MESSAGE PARLORS--UNLAWFUL ACTS.

A. It shall be unlawful for any person, in a massage parlor, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.

B. It shall be unlawful for any person, in a massage parlor, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, in a massage parlor, to expose the sexual or genital parts, or any portion thereof, of any other person.

C. It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

D. It shall be unlawful for any person owning, operating or managing a massage parlor, knowingly to cause, allow, or permit in or about such massage parlor, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in Subsection 20.00A , 20.00B or 20.00C of this section.

E. Any person violating the provisions of this section shall, upon conviction, be punished as provided in Section 26.00 of this Chapter.

F. Sexually oriented activities as defined in this Chapter are prohibited, whether as a part of the operation of a business regulated herein or as a part of any other business activity.

21.00 SALE OR TRANSFER. Upon sale, transfer, change of ownership, or relocation of a massage establishment, the permit and license therefor shall be null and void.

22.00 NAME AND PLACE OF BUSINESS--CHANGE OF LOCATION. No person granted a license pursuant to this Chapter shall operate under any name or conduct his business under any designation for any location not specified in his license.

23.00 RENEWALS. Each licensee or masseur or masseuse shall apply for a license annually by application as if for an original license. There shall be no automatic renewal. Such application shall be filed and the fee paid no less than thirty (30) days prior to the anniversary date of the issuance of the current license. Each license issued under this Chapter shall expire at the end of one year from its date of issuance.

24.00 DISPLAY OF LICENSE. Every person to whom or for whom a massage establishment license shall have been granted pursuant to the provisions of this Chapter shall display said license in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises.

25.00 EMPLOYMENT OF MASSEURS AND MASSEUSES. It shall be the responsibility of the licensee for the massage establishment or the employer of any persons purporting to act as masseurs and masseuses, to insure that each person employed as a masseur or masseuse shall first have obtained a valid license pursuant to this Chapter.

26.00 VIOLATION AND PENALTY. Every person, except those persons who are specifically exempted by this Chapter, whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives massages or conducts a massage establishment or who in conjunction with the massage establishment gives or administers, or practices the giving or administering of baths as defined herein or any of the services defined in Section 1.00 of this Chapter without first obtaining a license and paying a license fee so to do from the City of Eldridge or who shall violate any provisions of this Chapter shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500) or imprisonment in the County jail for a period not to exceed thirty (30) days.

Chapter Five
CRIMINAL TRESPASS

1.00 DEFINITIONS. (same as Chapter 2, Section 1.12 and Section 716.7, Code of Iowa)

A. The term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.

B. The term "trespass" shall mean one or more of the following acts:

1. Entering upon or in property without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

2. Entering or remaining upon or in property without legal justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

3. Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

4. Being upon or in property and using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

2.00 PENALTY. Any person who shall knowingly trespass upon the property of another is guilty of a public offense and upon conviction shall be punished by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the county jail for a term not to exceed thirty (30) days Same as 716.8(1), Code of Iowa).

3.00 DAMAGE OR INJURY. A person committing a trespass as defined in Section 1.00 hereof resulting in injury to any person or damage in an amount of more than one hundred (\$100.00) dollars to anything, animate or inanimate, located thereon or therein shall be punished by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the County Jail not to exceed thirty (30) days (same as 716.8(2), Code of Iowa).

Chapter Six
MISDEMEANORS

1.00 VIOLATIONS OF THIS CODE. Commission of any of the acts named in the following sections by any person will constitute a violation of this Code.

2.00 PUBLIC PEACE.

2.01 ASSAULT. A person commits an assault when, without justification the person does any of the following:

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

B. Any act which 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.

C. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another. (A person who commits an assault, as defined in this section with the intent to inflict serious injury upon another shall be guilty of an aggravated misdemeanor.) Provided, that where the person doing any of the above 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, the act shall not be an assault (see Chapter 2, Section 1.10 and Section 708.1, Code of Iowa).

2.02 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 an angry or quarrelsome manner, in any public place, to the disturbance of others.

2.03 DISORDERLY CONDUCT. A person commits a simple misdemeanor when the person does any of the following (see Chapter 2, Section 1.30 or Section 723.4, Code of Iowa):

A. Engages in fighting/violent behavior in any public place or in/near any lawful assembly of person, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

B. Makes loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof.

C. It shall be unlawful for any person to make or permit any disturbance, disturbance of peace, including any hollering, screaming, uses of profane language or fighting, loud music, in any house upon any premises owned, occupied or possessed by him, or of which he has control, as an agent or otherwise, in such a manner as to disturb the neighborhood, neighbors or person(s) passing in the streets. The proof of such acts shall form a rebuttable presumption that the same was done with the permission of the owner, occupant, or possessor.

D. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

E. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of person(s) by conduct intended to disrupt the meeting or assembly.

F. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

G. Knowingly and publicly uses the flag of the U.S. in such manner as to show disrespect for the flag as a symbol of the U.S., with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

H. Without authority or justification, the person obstructs any street, sidewalk, highway or other public way, with the intent to prevent or hinder its lawful use by others.

I. To use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.

J. Urinates or defecates in or upon any street, sidewalk, alley, public place or in any place open to public view; providing that this subsection shall not apply to restrooms or public facilities designated for such purposes.

2.04 DISTURBING CONGREGATIONS OR OTHER ASSEMBLIES. Willfully 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 willfully to disturb or interrupt any school, school meeting, literary society or other lawful assembly.

2.05 UNLAWFUL ASSEMBLY AND RIOT. For three or more persons, in violent or tumultuous manner, to assemble together to do or attempt to do an unlawful act, or when 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 (see Chapter 2, Section 1.28 or Section 723.2, Code of Iowa).

2.06 Sound amplification Systems. No driver of any motor vehicle shall operate or permit operation of any sound amplification system that can be heard outside the vehicle

from seventy-five (75) or more feet away when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This section does not apply to authorized emergency vehicles.

2.07 Disorderly Houses. It shall be unlawful for any person to allow or permit in any house or upon any premises owned, occupied or controlled by him, any fighting or any loud or raucous noise.

2.08 Inhaling Other Toxic Vapors and Chemicals.

- a. No person shall knowingly smell or inhale the fumes of toxic vapors, whether synthetic or organic, for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses of the nervous system. No person shall knowingly possess, buy or use any such substance for the purposes described in this subsection, nor shall any person knowingly aid any other person to use any such substance for the purposes described in this subsection. This subsection shall not apply to the inhalation of anesthesia or other substances for prescribed medical or dental purposes.
- b. No person shall use an aerosol spray product or other inhalant that is not used pursuant to the instruction or prescription of a licensed healthcare provider, or that is not used pursuant to the manufacturer's label instructions, for the purposes described in subsection (a) of this section.
- c. A person commits an offense if the person knowingly uses or possesses with intent to use inhalant paraphernalia to inhale, ingest or otherwise introduce a toxic vapor into the human body.

3.00 PUBLIC SAFETY AND HEALTH

3.01 PUTTING GLASS, ETC., ON STREETS AND SIDEWALKS. To throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, can, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

3.02 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 cracker, slug shot or other offensive or dangerous weapon, concealed either on or about the person; or to go armed within the City with a pistol or revolver. This Section shall not apply to the following:

- A. A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person.
- B. Any peace officer, when his duties require the person to carry such weapons.

C. Any member of the armed forces of the United States or of the National Guard or person in the service of the United States, when the weapons are carried in connection with his duties as such.

D. Any correctional officer, when his or her duties require, serving under the authority of the Division of Adult Corrections.

E. Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.

F. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

G. Any person while he is lawfully engaged in target practice or a range designed for that purpose or while engaged in lawful hunting for game in a lawful hunting area.

H. Any person who has been issued a valid, unexpired, permit to carry weapons, and whose conduct is within the limits of that permit.

3.03 MANNER OF CONVEYANCE OF WEAPONS. No person, except as permitted by law, shall have or carry any gun in or on any vehicle on any public highway, unless such gun is taken down or contained in a case, and the barrels and magazines thereof are unloaded.

3.04 FIREWORKS. For any person to discharge within the City limits any form of fireworks specified in Section 727.2 of the CODE OF IOWA, provided the City may grant a permit to display fireworks to city agencies, fair associations, amusement parks and other organizations or groups of individuals approved by city authorities when such a fireworks display will be handled by a competent operator (see Chapter 2, Section 1.32 or Section 727.2, Code of Iowa).

3.05 ABANDONED REFRIGERATORS. To place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with air-tight door or lid, snap lock, or other locking device which cannot be released from inside, in a location accessible to children, outside any building, 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 icebox, refrigerator or similar container. This section applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premise where the hazard is permitted to remain (see Chapter 2, Section 1.33 or Section 727.3, Code of Iowa).

3.06 FALSELY ASSUMING TO BE AN OFFICER. To falsely assume to be judge, magistrate, sheriff, deputy sheriff, peace officer, special agent to 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.

3.07 REFUSING TO ASSIST AN OFFICER. When lawfully required by a sheriff, police officer, constable or other officer to willfully neglect or refuse to assist him in the execution of the duties of his office in any criminal case or in any case of escape or rescue.

3.08 INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor (see Chapter 2, Section 1.26 or Section 719.1, Code of Iowa).

3.09 THROWING OR SHOOTING. To throw stones, snowballs, or missiles of any kind or shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.

3.10 INTERFERE WITH CITY OFFICERS. To interfere with or hinder any policeman, fireman, officer or city official in the discharge of his duty.

3.11 PLAYING IN STREETS. To coast, sled or play games on streets or highways except in areas blocked off by the Chief of Police for such purposes.

3.12 DISCHARGING FIREARMS. To discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the City limits except by authorization of the City Council.

3.13 VAGRANCY. To be at large, not in the care of some discreet person, in a state of vagrancy. For the purpose of this Chapter the following persons are vagrants:

- A. All common prostitutes and keepers of bawdy houses or house for the resort of common prostitutes.

B. All habitual drunkards, gamblers or other disorderly persons.

C. All persons wandering about and lodging in barns outbuildings, tents, wagons or other vehicles, and having no visible calling or business to maintain themselves.

D. All persons begging in public places, or from house to house, or persons inducing children or others to do so.

E. All persons representing themselves as collectors of alms for charitable institutions under a false or fraudulent pretenses.

F. All persons playing or betting in any street or public or open place at any game, or pretended game, or chance, or at or with any table or other instrument of gaming.

3.14 LOITERING. Any person found loitering or standing on any street, sidewalk, curb or in any public park or building shall move on when required to do so by a police officer of the City who must have a reasonable suspicion that such person has no lawful purpose and may be a threat to the public health, safety, welfare, morals or convenience. Any such person who fails to move on or who commences to loiter in another such place shall be deemed guilty of a simple misdemeanor.

4.00 ANIMALS.

4.01 CRUELTY TO ANIMALS. To torture, torment, mutilate, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the 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, willfully or negligently (see Chapter 1, Section 1.14 or Section 717B.2, Code of Iowa).

4.02 BULLFIGHTS AND OTHER CONTESTS. 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, cock or any other creature, or to engage in, aid, abet, encourage or assist in any fight between bull, bear, dog, cock or an other creatures.

4.03 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.

4.04 BOTHERSOME ANIMALS. To keep within the City such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep which tend to disrupt the peace and good order of the community.

5.00 PUBLIC PROPERTY.

5.01 DEFACING PUBLIC GROUNDS. To cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing,

cutting, breaking or injuring, except by the authority of the Park Commission or Mayor.

5.02 INJURING NEW PAVEMENT. Willfully to injure new pavement in a street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

5.03 INJURY TO PUBLIC LIBRARY BOOKS OR PROPERTY. To willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5.04 INJURY TO ROADS, RAILWAYS, AND OTHER UTILITIES. To maliciously injure, remove or destroy any electric railway or apparatus belonging thereof, or any bridge, rail or plank road; or place or cause to be placed, an obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, 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 willfully tap, cut, injure, break, disconnect, connect, make an conduits, meters or any 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; electric load management control device or to aid or abet any other person in so doing.

6.00 STREETS.

6.01 REMOVAL OF SAFEGUARDS OR DANGER SIGNALS. To willfully 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.

6.02 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 the permission from the City Council.

6.03 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.

6.04 DAMAGE TO TREES. For any person to maliciously or negligently, in any manner injure, deface, remove or destroy any ornamental or shade tree, or boxing placed around the same or any shrub, fence, railing, gate or sign upon any public grounds.

6.05 POSTING ADVERTISING. For any person to post, paste, or attach, or cause to be posted or attached, any bill placard, poster, announcement or advertisement on any house, window, building, sidewalk, wall, fence or tree, to any telephone, electric light or power pole, or water hydrant,

within the City, without the consent of the owner upon whose property such advertisement is to be attached.

7.00 PUBLIC MORALS.

7.01 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, boarding house, private residence or other place leading a life of prostitution or lewdness.

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

7.03 KEEPING HOUSE OF ILL FAME. To keep a house of ill fame which is resorted to for the purpose of prostitution or lewdness.

7.04 LEASING HOUSE FOR PROSTITUTION. To let any house, knowing that the lessee intends to use it as a place or resort for the purpose of prostitution and lewdness, or knowingly permit such lessee to use the same for such property.

7.05 INDECENT EXPOSURE. Any person who exposes his or her genitals or pubes to another not his or her spouse, or who commits a sex act in the presence of or view of a third person, commits a simple misdemeanor, if:

A. The person does so to arouse or satisfy the sexual desires of either party; and

B. The person knows or reasonably should know that the act is offensive to the viewer.

7.06 OBSCENE BOOKS OR PICTURES--PRINTING OR DISTRIBUTING. To import, print, publish, sell or distribute any book, pamphlet, ballad, or any printed or written paper containing obscene language or obscene prints, pictures or descriptions, manifestly tending to corrupt the morals of youth; or to introduce into any family, school or place of education, or buy, procure, receive or have in one's possession any such book, pamphlet, ballad, printed or written paper, picture or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school or place of education. This section does not apply to adult entertainment businesses that comply with Title D, Chapter 2, Section 43A of the Eldridge City Code.

7.07 KEEPING OF 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 permitter's control or care to play at cards, dice, faro, roulette, equality, punch board, slot machine or other game for money or other thing of value.

7.08 GAMING AND BETTING; POOL SELLING--PLACES USED FOR GAMING, BETTING, STAKING AND BOOKING. To play at any game for any sum of money or other property of any value, or to make any bet or wager for money or other property of value; or to record or register bets or wagers or sell pools on the result of any trial or contest of skill, speed or power of endurance. of man or beast, or on the result of any political nomination or election, or to keep a place for the purpose of doing any such thing,

or to own, lease or occupy any premises where the same is permitted, or any part thereof is used for any such purpose, or to receive as custodian or depository, for hire or reward, money, property or things of value staked, wagered or bet on any such result.

7.09 POSSESSION OF GAMBLING DEVICES. In any manner or for any purpose whatever except under proceeding to destroy the same to have, keep or hold in possession or control any roulette wheel, klondyke table, poker table, punch board, faro or keno layouts, or any other machines used for gambling, or any slot machine or device with an element of such operation.

7.10 BLASPHEMOUS OR OBSCENE LANGUAGE. To use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.

7.11 TRANSPORT OR CONVEY OF CONTROLLED SUBSTANCE. It shall be unlawful for any person to transport or convey any controlled substance as defined in Chapter 204 of the CODE OF IOWA by motor vehicle on any highway or street in the City.

7.12 CRUELTY TO ANIMALS. Any person who shall impound or confine or cause to be impounded or confined, in any place, any domestic animal, or fowl, or any dog or cat, and fail to supply such animal during confinement with sufficient quantity of food and water, or who shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat or kill any such animal by any means which shall cause unjustified pain, distress or suffering, whether intentionally or negligently (see Section 717B, Code of Iowa).

7.13 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. Any person who willfully prevents or attempts to prevent any public officer or employee from performing the officer's or employee's duty.

7.14 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. A person who reports or causes to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or who reports the alleged occurrence of a criminal act knowing the same did not occur, commits violation of this Code.

7.15 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. It is violation of this Code for a person who unreasonably and without lawful cause, refuses or neglects to render assistance when so requested (see Chapter 2, Section 1.27 or Section 719.2, Code of Iowa).

7.16 UNLAWFUL ASSEMBLY. An unlawful assembly is three or more person assembled 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. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a violation of this Code (see Chapter 2, Section 1.28 or Section 723.2, Code of Iowa).

7.17 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. Any person within hearing distance of such command who refuses to obey commits a violation of this Code (see Chapter 2, Section 1.29 or Section 723.3, Code of Iowa).

7.18 OBSTRUCTING EMERGENCY TELEPHONE CALLS. An emergency call is any call to a fire department or police department for aid, or a call for medical aid or ambulance service, when human life or property is in jeopardy and the prompt summoning of aid is essential. Any person who fails to relinquish any telephone or telephone line which the person is using when informed that such phone or line is needed for an emergency call commits a violation of this Code.

7.19 FALSELY CLAIMING EMERGENCY. Any person who secures the use of telephone or telephone line by falsely stating that such telephone or line is needed for an emergency call commits a violation of this Code (see Chapter 2, Section 1.36 or Section 727.6, Code of Iowa).

8.00 PARTIES TO CRIME.

8.01 AIDING AND ABETTING. All persons concerned in the commission of public offense, whether they directly commit the act constituting the offense or aid and abet its commission, shall be charged, tried and punished as principals. The guilt of a person who aids and abets the commission of crime must be determined upon the facts which show the part the person had in it, and does not depend upon the degree of another person's guilt.

8.02 JOINT CRIMINAL CONDUCT. When two or more persons, acting in concert, knowingly participate in a public offense, each is responsible for the acts of the other done in furtherance of the commission of the offense or escape therefrom, and each person's guilt will be the same as that of the person so acting, unless the act was one which the person could not reasonably expect to be done in the furtherance of the commission of the offense.

8.03 ACCESSORY AFTER THE FACT. Any person having knowledge that a public offense has been committed and that a certain person committed it, and is not the husband or wife of the person who committed the offense, who harbors, aids or conceals the person who committed the offense, with the intent to prevent the apprehension of the person who committed the offense, commits an aggravated misdemeanor if the public offense committed was a felony, or commits a simple misdemeanor or if the public offense was a misdemeanor.

8.04 RESPONSIBILITY OF EMPLOYERS. An employer or an employer's agent, officer, director, or employee who supervises or directs the work of other employees, is guilty of the same public offense committed by an employee acting under the employer's control, supervision, or direction in any of the following cases:

A. The person has directed the employee to commit, a public offense.

B. The person knowingly permits an employee to commit a public offense, under circumstances in which the employer expects to benefit from the illegal activity of the employee.

C. The person assigns the employee some duty or duties which the person knows cannot be accomplished, or are not likely to be accomplished, unless the employee commits a public offense, provided that the offense committed by the employee is one which the employer can reasonably anticipate will follow from this assignment.

9.00 HARASSMENT. It shall be the violation of this Code for any person to commit a harassment. Harassment is defined as:

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

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

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

9.04 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.

9.05 Reports or causes to be reported false information to the department of human services, alleging that a person has abused a child, knowing that the information is false, or who reports the alleged occurrence of child abuse knowing that the child abuse did not occur.

10.00 THEFT. It shall be the violation of this code for any person to commit theft of property not exceeding two hundred dollars (\$200.00) in value. Theft is defined as (see also Chapter 2, section 1.3 or Section 714.1, Code of Iowa):

10.01 Takes possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof (see Chapter 2, section 1.3 or Section 714.1, Code of Iowa).

10.02 Misappropriates property which the person has in trust, or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property, or appropriates such property to the person's own use, when the owner of such property is known to the person. Failure by a bailee or lessee of personal property to return the property within seventy-two (72) hours after a time specified in a written agreement of lease or bailment shall be evidence of misappropriation (see Chapter 2, section 1.3 or Section 714.1, Code of Iowa).

10.03 Obtains the labor or services of another, or a transfer of possession, control or ownership of the property of another, or the beneficial use of property of another, by deception. Where compensation for goods and services is ordinarily paid immediately upon the obtaining

of such goods or the rendering of such services, the refusal to pay or leaving the premises without payment or offer to pay or without having obtained from the owner or operator the right to pay subsequent to leaving the premises gives rise to an inference that the goods or services were obtained by deception (see Chapter 2, section 1.3 or Section 714.1, Code of Iowa).

10.04 Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer. The fact that the person is found in possession of property which has been stolen from two or more persons on separate occasions, or that the person is a dealer or other person familiar with the value of such property and has acquired it for a consideration which is far below its reasonable value, shall be evidence from which the court or jury may infer that the person knew or believed that the property had been stolen (see Chapter 2, section 1.3 or Section 714.1, Code of Iowa).

10.05 Takes, destroys, conceals or disposes of property in which someone else has a security interest, with intent to defraud the secured party (see Chapter 2, section 1.3 or Section 714.1, Code of Iowa).

10.06 Makes, utters, draws, delivers or gives any check, share draft, draft or written order of any bank, credit union, person or corporation, and obtains property or service in exchange therefor, if the person knows that such check, share draft, draft or written order will not be paid when presented. Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten (10) days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation (see Chapter 2, section 1.3 or Section 714.1, Code of Iowa).

11.00 FRAUDULENT PRACTICE. It shall be the violation of the Code for any person to commit fraudulent practice where the amount of money or value of property or services involved does not exceed two hundred dollars (\$200.00). Fraudulent practice is defined as (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa):

11.01 Makes, tenders or keeps for sale any warehouse receipt, bill of lading, or any other instrument purporting to represent any right to goods, with knowledge that the goods are presented by such instrument do not exist (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.02 Knowingly attaches or alters any label to any goods offered or kept for sale so as to materially misrepresent the quality or quantity of such goods, or the maker or source of such goods (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.03 Knowingly executes or tenders a certification under penalty of perjury, false affidavit, or certificate, which is required by law, or which is given in support of a claim for compensation, indemnification, restitution, or other payment (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.04 Makes any entry in or alteration of any public records, or any records of any corporation, partnership or other business enterprise or nonprofit enterprise knowing the same to be false.

11.05 Removes, alters or defaces any serial or other identification number, or any owners' identification mark, from any property not the person's own (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.06 For the purpose of soliciting assistance, contributions, or other things of value, falsely represents oneself to be a veteran of the armed forces of the United States, or a member of any fraternal, religious, charitable, or veterans organization, or any pretended organization of similar nature or to be acting on behalf of such person or organization (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.07 Manufactures, sells or keeps for sale any token or device suitable for the operation of a coin-operated device or vending machine, with the intent that such token or device may be so used; provided, that the owner or operator of any coin-operated device or vending machine may sell slugs or tokens for use in the person's own devices (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.08 Manufactures or possesses any false or counterfeit label, with the intent that it be placed on merchandise to falsely identify its origin or quality, or who sells any such false or counterfeit label with the representation that it may be so used (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.09 Alters or renders inoperative or inaccurate any meter or measuring device used in determining the value of or compensation for the purchase, use or enjoyment of property with the intent to defraud any person (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.10 Does any act expressly declared to be a fraudulent practice by any other section of the Code (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

11.11 Removes, defaces, covers, alters, or destroys any component part number as defined in section 321.1, subsection 73, or vehicle identification number as defined in section 321.1, subsection 74, of the CODE OF IOWA for the purpose of concealing or misrepresenting the identity of the component part or vehicle (see Chapter 2, section 1.6 or Section 714.8, Code of Iowa).

12.00 PENALTY. Anyone violating any of the provisions of sections 1 through 11 of the chapter shall be guilty of a simple misdemeanor and, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding five hundred dollars (\$500.00). Each day that a violation continues to exist constitutes a separate offense

13.00 USE, SALE AND POSSESSION OF DANGEROUS WEAPONS. The use of certain instruments or devices may result in the injury or death of a human being or animal; and the existence of such instruments or devices within the City constitutes possible threat to the health and safety of persons and/or property.

13.01 TITLE. This ordinance shall be known and cited as the "City Dangerous Weapon Ordinance" of Eldridge, Iowa.

13.02 DEFINITION. "Dangerous Weapon" is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal. Which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto or knife having a blade of three inches or longer in length, or nunchuku sai kama, tonfa, throwing star, butterfly knife or brass knuckles.

13.03 SALE OR POSSESSION OF OFFENSIVE WEAPONS PROHIBITED. No person shall sell, give or otherwise supply defensive weapons as defined in Section 12.02 to any person knowing or having reasonable cause to believe him to be under eighteen (18) years of age, and no person or persons under eighteen (18) years of age shall individually or jointly have offensive weapons in his or their possession or control.

13.04 EXCEPTIONS. This ordinance shall not apply to any of the following: A person under eighteen (18) years of age within a private home and with the knowledge and consent of the parent or guardian or a person under the age of eighteen (18) years of age upon the premises of a martial arts school or studio, said school possessing all licenses necessary to conduct the business of teaching and instructing persons in the martial arts and said person under the age of eighteen (18) having the written authorization to so participate from his or her parent or guardian.

13.05 PENALTY. Anyone violating any of the provisions of this ordinance shall be guilty of a simple misdemeanor and, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding five hundred dollars (\$500.00). Each day that a violation continues to exist constitutes a separate offense.

14.00 VOYEURISM. It shall be unlawful for a person to enter upon the property of another with the effect of violating the privacy of a person therein. For the purpose of this section, "violating the privacy" shall be defined as physical observation of another at such times or in such manner as would cause distress to a reasonable person so observed.

15.00 TITLE. This ordinance may be known as the "City Curfew Ordinance" of the City of Eldridge, Iowa.

15.01 DEFINITIONS.

A) Minor - an unemancipated person who has not yet reached the 18th birthday.

B) Parent - a person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or by virtue of a court order.

C) Street - a way or place, of whatever nature, open to the use of the public as a matter of right for vehicular or pedestrian travel, including but not limited to streets, alleys, sidewalks, irrespective of what the right of way is called.

15.02 - RESTRICTIONS. No minor shall be or remain upon the streets of the City from 11:00 p.m. until 5:00 a.m. Sunday night through Friday morning, and from 12:00 a.m. until 5:00 a.m. Friday night through Sunday morning.

15.03 EXCEPTIONS. In the following cases the presence of a minor on city streets shall not constitute a violation of section (15.02) above.

A) When the minor is accompanied by the minor's parent.

B) When the minor is accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose. Such permission shall be written and presented to a peace officer upon request,

C) When the minor exercises First Amendment rights, such as free exercise of religion, freedom of speech, right of assembly, or right to petition the government, and use of city streets is a necessary incident thereto.

D) When the minor is traveling, via direct route, to or from a place of employment, or such travel necessary in conjunction with employment duties.

E) When the minor is traveling through the city from and to destinations outside the city, with no point of destination within the city, when such travel is by direct route.

F) When the minor is returning home by a direct route from and within 30 minutes from the termination of a school or church activity, or government sponsored activity or events.

G) When the minor is traveling to or from a city or school sponsored after prom event.

H) Any contacts with minors under this section shall be followed up by contact with their parent or guardian.

15.04. PENALTY. Anyone violating any of the provisions of this section shall be guilty of a simple misdemeanor and, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00), or community service work as per Section 903.1(3) of the Code of Iowa, each day that a violation continues to exist.

16.00 PENALTY. For a person who violates Sections 1-15 of Chapter 6, there shall be a fine of at least fifty dollars (\$50.00) but not to exceed five hundred dollars (\$500.00). The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

Chapter SEVEN

PARK RULES

1.00 PARK RULES.

1.01 COMMERCIAL ACTIVITY. It shall be unlawful for any persons to conduct any promotional or commercial activity on any park property within the limits of the City, without first obtaining a written permit from the Park Board.

1.02 DESTROYING PARK PROPERTY. It shall be unlawful for any person to deface damage or destroy park property, natural or manmade.

1.03 INJURING WILDLIFE. It shall be unlawful for any person to disturb, injure or kill any wildlife on park property.

1.04 PLACING ADVERTISING IN PARK. It shall be unlawful for any person to place or cause to be placed, any structure, advertising, or vegetation on park property, without first obtaining written permission from the Park Board.

1.05 FIREARMS AND FIREWORKS. It shall be unlawful for any unlicensed individual to shoot, fire or explode any firearms, fireworks or explosives on park property, without first obtaining written permission from the Park Board.

1.06 CONTROL OF PETS. It shall be unlawful for any pets to be on park property unless they are on a leash except when using the dog park as section 5.00 below..

1.07 DAMAGE BY PETS. It shall be unlawful to allow pets to damage or destroy park property, or to disturb the use of the park by others or disturb, injure or kill any wildlife.

1.08 PARK HOURS. All City parks, with the exception of Sheridan Meadows Park, shall be open to the public between dawn and dusk. Sheridan Meadows Park shall be open to the public between dawn and midnight. Persons found on park property at other times shall be subject to fine not to exceed five hundred dollars (\$500.00) or to imprisonment not to exceed thirty (30) days.

1.09 RIDING ANIMALS. It shall be unlawful for any person to ride or drive animals anywhere on park property except on park roadways.

1.10 DRIVING ANIMALS. It shall be unlawful for any person to hitch riding and driving animals anywhere on park property except in areas so designated.

1.11 UNLICENSED MOTOR VEHICLES. It shall be unlawful for any person to operate an unlicensed motor vehicle on park property.

1.12 MOTOR VEHICLES ON PARK ROADWAYS. It shall be unlawful for any person to operate any motor vehicle on park property, other than on park roadways.

1.13 PEOPLE POWERED VEHICLES. It shall be unlawful for any person to operate any PPV (people powered vehicle) on park property other than on park roadways, or designated PPV pathways.

1.14 PARKING. It shall be unlawful for any person to park any vehicle anywhere but designated parking areas on park property.

1.15 LITTERING. It shall be unlawful for any person to litter park property.

1.16 SNOWMOBILES. The operation of snowmobiles is hereby prohibited on City Park property, except as is set forth in the snowmobile chapter.

1.18 SKATEBOARD PARK RULES. Users of the outdoor skateboard park shall comply with the rules as adopted from time to time by resolution of the city council. Such rules shall be posted at the skateboard park facility.

2.00 INTOXICANTS IN PARK. It is unlawful for any person on park property to possess, consume, sell or be under the influence of beer, alcoholic beverages, liquor, controlled substances as defined in CODE OF IOWA, Chapter 204, or prescription drugs for which such person does not have a valid prescription, unless otherwise provided by this Chapter. Any person violating this section may be ejected from the park area by any police officer and may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a period not to exceed thirty (30) days.

3.00 BEER SALES AND POSSESSION FOR SALE.

3.01 Beer may be legally sold and possessed for sale at the concession stand at Sheridan Meadows Park pursuant to a written lease with the Park Board of the City which lease shall specify the days and hours during which sale are permitted. The Lessee must be a civic group organized and existing within the City.

3.02 Beer may be legally sold and possessed for sale at other locations in Sheridan Meadows Park upon written authorization from the Park Board of the City, which authorization shall state the person or group to whom authority is given, the park area to which it applies, and the days and hours during which sales are permitted. Said authorization shall only be for a civic group organized and existing within the City, and shall be granted only for a civic function.

3.03 The Park Board of the City may enter into a written lease or grant written authorization under the preceding sections when the person or group proposing to sell beer has:

A. Provided proof that such person or group is the holder of valid liquor license or Class "B" beer permit issued pursuant to CODE OF IOWA, Chapter 123 and Title A, Chapter 9 of the Eldridge City Code; and

B. Provided a certificate of insurance in such amount and for such coverages as the Park Board determines to be necessary, naming the City and the Park Board of the City as additional insured.

3.04 Beer shall not be sold at Sheridan Meadows Park during any organized activity at the baseball diamond complex that involves participants under sixteen (16) years of age.

4.00 BEER CONSUMPTION AND POSSESSION FOR CONSUMPTION.

4.01 Beer in cans and bottles may be brought into and consumed within the fence surrounding the shelter at the Sheridan Meadows Park during the hours the park is open to the public

4.02 Keg beer may be brought into and consumed within the fence surrounding the shelter at Sheridan Meadows Park by any person or group which has been issued a permit therefor by the City Park Board. The request for a permit shall be made at a regularly scheduled Park Board meeting. Said permit shall state the person or group to whom issued and the date and hours during which it is effective. Such applicant for said permit has:

A. Identified the use to which the shelter area will be put, the time at which the area will be used, the anticipated number of participants, and the name and address of the person or group to whom the permit is to be issued; and

B. Deposited with the City Park Board a sum of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00), contingent upon the size of the group, to cover any expenses incurred by the City and by its Park Board for clean up or repairs of the park area or any other expenses incurred by the City as a result of the applicant's use of the park. Any amount not needed to cover expenses shall be refunded to the applicant within fourteen (14) days after the applicant's use of the park.

4.03 Beer purchased at the concession stand may be legally possessed and consumed at Sheridan Meadows Park within the baseball diamond complex area during the hours the concession stand is open and is selling beer.

5.00 Rules for Enclosed Dog Park

- a) The dog park is open daily from dawn until dusk unless closed for maintenance.
- b) Sports activities, dog training and business uses are prohibited unless authorized by the director of parks.
- c) Dogs must be in view and under the control of their handlers at all times. All handlers must be at least sixteen (16) years of age. Each handler must have a leash in hand at all times.
- d) No more than two (2) dogs per handler are permitted in the park on any one visit. Dogs cannot be left alone in the dog park.
- e) Dogs must wear collars with current vaccination tags and city dog licenses attached. (Dog licenses are available at city hall, 305 N. Third Street, Eldridge).
- f) Puppies under five (5) months of age and female dogs in heat are prohibited from the park.
- g) Owners are required to pick up and dispose of their dog's waste.
- h) Dogs must be on a leash when they are outside the dog park.

- i) Remove or reattach leashes when the dog is in the staging area. Do not enter the play area with the dog on a leash.
- j) Children under four (4) feet in height are not permitted in the dog park. Children under sixteen (16) years of age must be closely supervised by an adult.
- k) Dogs that consistently exhibit dominant, aggressive behavior, dogs that regularly do not come when called, dogs that play too roughly and dogs that cannot control their barking must be removed from the park immediately and without debate. Owners are required to stop their dog from digging and are responsible for filling any holes their pet creates.
- l) Smoking is not allowed in the dog park. (Tobacco products are hazardous to canine health.)
- m) Water must be furnished outside the dog park, and owners bringing pet toys must take them when they leave.
- n) The following items are not allowed in the dog park:
 - 1) Bicycles, skates, rollerblades and skateboards.
 - 2) Strollers and baby carriages.
 - 3) Children's toys.
 - 4) Dog treats and rawhides.
 - 5) Food (dog and human).
 - 6) Glass bottles.
 - 7) Prong or spike collars.

Chapter Eight
NUISANCES

1.00 DEFINING NUISANCES. The term "nuisance" shall mean whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. Nuisances are declared to be, but not limited to the following:

1.01 All dogs, goats, horses, cattle, swine or fowl running at large within the City Limits.

1.02 All pools or ponds of stagnant water.

1.03 A carcass of any kind of dead animal not disposed of within twenty-four (24) hours after its death.

1.04 Dense growth of all vines, brush, or other vegetation in the City so as to constitute a health safety, or fire hazard.

1.05 The corrupting or rendering unwholesome or impure the water of an river, creek, pond or ground water, or unlawfully diverting the same from its natural course to the injury or prejudice of others.

1.06 Accumulations of refuse.

1.07 Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

1.08 The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult.

1.09 All gambling devices, slot machines and punch board.

1.10 All indecent or obscene pictures, books, pamphlets, magazines and newspapers.

1.11 All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.

1.12 The public use of profane or obscene language.

1.13 The burning of leaves, debris, or other materials upon a public street sidewalk or other such public places.

1.14 All diseased animals running at large.

1.15 Trees infected with Dutch Elm Disease.

1.16 All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of any portion or part of a public street, road, highway, alley or railroad track so as to endanger the safety of the public.

1.17 All buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value and which are so situated so as to endanger the safety of the public.

1.18 All unnecessary noises and vibrations.

1.19 Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds, except under such conditions as are provided for by this Code.

1.20 Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather or an obstruction of traffic and the free use of the streets or sidewalks.

1.21 All explosives, inflammable liquids, and other dangerous substance stored in any manner or in any amount other than that provided for by this Code.

1.22 All use or display of fireworks except as provided by this Code.

1.23 All wires which are strung less than fifteen (15) feet above the ground.

1.24 Electric and barb wire fences as provided in the Eldridge Zoning Ordinances.

2.00 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this Chapter.

3.00 NOTICE TO ABATE NUISANCE. Whenever the Mayor or other municipal officer finds that a nuisance exists, he shall cause to be served upon the owner, agent, or occupant of the property on which the nuisance is located, or upon the person causing or maintaining the nuisance, a written notice to abate or to request a hearing as provided for in this Chapter.

4.00 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

4.01 A description of what constitutes the nuisance or other condition;

4.02 The location of the nuisance or, condition;

4.03 A statement of the act or acts necessary to abate the nuisance or condition;

4.04 A reasonable time within which to complete the abatement;

4.05 A statement that if the nuisance or condition is not abated a directed and no request for a hearing is made within the time prescribed, the City will abate it and assess the costs against the person to whom the notice was sent.

5.00 METHOD OF SERVICE. The notice to abate shall be caused to be served by the Police Chief, where practical, upon the named person in the manner provided by law for the personal service of original notices. Return of service shall be made as provided by law for the returns of personal service.

6.00 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether the prohibited condition exists. A request for hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists, and it must be abated as ordered. At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If he finds that a nuisance or prohibited condition exists, he must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

7.00 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

8.00 COLLECTION OF THE COST OF ABATEMENT. The City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the City Clerk shall certify the costs to the County Auditor and it shall then be collected with, and in the same manner as general property taxes.

9.00 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required to abate the nuisance or condition without prior notice. The City shall assess the costs in the manner set out in this Chapter, after notice to the property owner under the applicable provision of Articles 3.00 and 4.00 and hearing as provided in Article 7.00.

Chapter Nine
WEEDS

1.00 WHEN A NUISANCE. Whenever an officer of the City government determines that grasses and/or weeds within 300 feet of established buildings are more than six (6) inches high, those grasses and weeds shall constitute public nuisance. Any weeds and/or grasses more than twelve (12) inches in height, whether near a building or not, are likewise a public nuisance.

2.00 OPPORTUNITY TO ABATE. A written notice or a verbal notice shall be given to the landowner when it is determined that weeds and grasses constitute a nuisance. Said landowner shall have seven (7) days in which to cut the weeds and grasses or to request a hearing before the City officer giving notice.

3.00 REQUEST FOR HEARING. The landowner may request a hearing before the officer giving notice by either verbal or written request addressed to the said officer. The said officer may in his discretion deny an appeal of the hearing to the City Council.

4.00 ABATEMENT. If, after due notice, any weeds and/or grasses have not been cut, the City or its contractor(s) shall cut the weeds and /or grasses and bill the landowner according to Section 5.00.

5.00 FEES. Fees shall be set by the City Council by resolution.

Chapter Ten
Animals

1.01 Definitions.

For the purpose of this chapter, certain terms and words are defined as set forth in this section unless otherwise defined herein.

A. "Adequate food" means the provision, at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish, or container.

B. "Adequate water" means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed twenty-four hours at any one interval.

C. "Animal" means a living organism, other than human beings, birds, fish, or invertebrates, domesticated or wild, and distinguished from other living things by structural and functional characteristics such as locomotion.

D. "Animal control officer" means any humane officer employed by a humane society under contract with the city, any animal control officer under the jurisdiction of the chief of police, or any other person authorized by the city administrator to enforce the provisions of this chapter by means of appropriate police powers.

E. "Animal shelter" means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the city or operated under contract with the city for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.

F. "Boarding kennel" means a place or establishment other than an animal shelter or pound where dogs, cats, or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.

G. "Cat" means all members of the feline species regardless of sex.

H. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.

I. "Commercial kennel" means a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.

J. "Commission" means the natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.

K. "Dog" means all members of the species *Canis familiaris*.

1. A "dangerous dog" means any dog that (i) while unmuzzled, unleashed, or without the supervision of a person whose verbal commands are obeyed charges or chases in a terrorizing manner with an apparent attitude of attack any person who is upon a street, alley, sidewalk or other public place; or (ii) has a known propensity, tendency or disposition to attack without provocation or to otherwise threaten the safety of persons or domestic animals; or (iii) an animal trained, owned, or harbored for the purpose, primarily, or in part, of animal fighting.

2. A "vicious dog" means any dog that (i) unprovoked, bites or attacks a person causing bodily injury as defined by Iowa Code 702.18; or (ii) severely injures or kills another domestic animal; or (iii) has been found to be a dangerous dog on two or more occasions.

3. A dog may be declared dangerous or vicious even if it bites, attacks or menaces a trespasser on the dog's owner's property or a person who is contemporaneously tormenting, teasing or abusing the dog.

4. The declaration that a dog is dangerous or vicious shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 1.18.

L. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.

M. "Fur-bearing animals" means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under this chapter: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as fur-bearing by the commission.

N. "Guard dog" means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog such dog being either securely enclosed within the area at all times or under the continuous control of a trained handler.

O. "Housing facilities" means any room, building or area used to contain a primary enclosure or enclosures.

P. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three or more days.

Q. "Person" means an individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.

R. "Pet shop" means an establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale.

S. "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.

T. "Take" means any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, stalking or lying in wait for, or attempting any for the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or this ordinance.

1.02 License required.

A. Every dog and every cat shall be licensed. Fees for dog licenses shall be due and payable between January 1st and April 30th of each year. Licenses become delinquent after April 30th of each year and the delinquent license fee shall be One Dollar (\$1.00) in addition to the regular fee, except in those cases where by reason of residence or age the dog was not subject to licensing during the January 1st to April 30th period. No person shall have, harbor, keep or possess any unlicensed dog or cat in violation of this chapter.

B. Licenses shall be purchased from the city. A person must present evidence of a current rabies vaccination signed and administered by a licensed veterinarian which shows the date of the vaccination, type of vaccination and the date of the next, subsequent revaccination.

C. Licenses are not transferable between animal owners or animals.

D. Annual license fees shall be as follows:

1. Neutered/spayed dog or cat
(altered) \$6.00
2. Non-altered dog or cat \$12.00
3. Dog declared dangerous \$150.00
4. Dog declared vicious \$350.00

E. Residents age sixty or older and residents who are recipients of Social Security Disability Insurance Benefits may license their neutered dogs or cats for an annual fee of one dollar.

F. Altered dogs, duly and properly trained to aid or assist any person who is blind, deaf or physically handicapped, may be licensed for one dollar annually when the dog is owned or maintained by a person actually training the dog to be used to aid or assist persons who are blind, deaf or physically handicapped, or is owned by a blind, deaf or physically handicapped person. The burden of proving that a dog is being trained to assist a person who is blind, deaf or physically handicapped is on the person seeking to license the dog. The city may require documentation of the person's affiliation with an organization established for the purpose of training dogs to provide aid or assistance to blind, deaf or physically handicapped persons or whatever evidence the humane society deems satisfactory to establish the validity of such claim.

G. The owner of a dog that has been declared a dangerous dog may qualify to license said dog for the normal licensing fee upon proof that the owner and said dog have attended and successfully completed a dog obedience class or similar program approved by the city.

H. Upon proof of loss, a duplicate license tag may be obtained upon payment of a two dollar replacement fee.

I. A person owning or possessing any dog or cat who moves into the city shall obtain a license for said animal within thirty days of the date the person takes up residency in Eldridge.

J. Notwithstanding the licensing requirements of this chapter, the following animals shall not be required to be licensed while in the city:

1. Animals whose owner or custodian is a nonresident of the city and who are visiting within the city temporarily. Temporarily means for a period of time thirty days or less within any consecutive twelve month period.

2. Animals brought into the city for participation in a show, exhibition, demonstration or exhibit and which remain in the city for a period of thirty consecutive days or less.

K. The executive director of the Scott County Humane Society or an animal control officer of the humane society may revoke a person's privilege to license and keep a dog or cat within the city. Such revocation shall be for a period as determined by the executive director or animal control officer. Revocation of the privilege to license and keep a dog or cat within the city may be initiated if the owner or custodian of the dog or cat has committed any violations of the provisions of this chapter,

except that violations for failing to license a cat, nondangerous dog or nonvicious dog shall not be included as violations leading to revocation within any consecutive twelve month period. A violation shall be shown by a conviction upon a citation or a finding by the police chief or by a non-appealed notice of violation.

L. An owner or custodian whose privilege has been revoked shall, within ten days after notice of the revocation, remove from their residence all dogs and cats which the person owns, keeps, harbors or maintains. If the license is revoked, the owner or custodian shall surrender the animal to the humane society or permanently remove the animal from the (city/county) within five calendar days after either the time for appeal has expired or the decision of the police chief has been served on the owner or custodian. If the animal is found in the city after the five day period, it shall be immediately impounded. Failure to remove a dog or surrender it to the humane society may be prosecuted as a municipal infraction violation or simple misdemeanor. An owner whose license has been revoked shall inform the humane society in writing upon the animal's removal from the city/county the name, address and telephone number of the animal's new owner, the location where the animal will be kept and the name and description of the animal. In addition, the owner shall notify the new owner in writing of any details concerning any and all complaints concerning the animal, and any terms, conditions or restrictions imposed by the humane society as to the animal. The owner shall provide the humane society with a copy of the notification provided to the new owner as well as an acknowledgment by the new owner of the receipt thereof.

M. Upon revocation of a person's privilege to license and keep dogs or cats, no part of the licensee fee shall be refunded.

N. During the period of revocation, any dog or cat which the person owns, keeps, harbors or maintains at their residence may be immediately confiscated upon its discovery and disposed of by the humane society absent clear and convincing proof that the animal or animals belong to a person visiting the resident.

O. The humane society or animal control officer shall provide the owner or custodian of the animal or animals, as shown on the records at the humane society, so confiscated with notice of the confiscation. If the animal or animals are unlicensed or no record exists as to the owner or custodian of an animal, notice of confiscation shall be directed to the address of the residence.

P. Any person whose privilege to license and keep animals has been revoked, but who owns, keeps, harbors or maintains a dog or cat during the period of the revocation shall have an additional

period of up to one year added to the original period of revocation for each violation of the revocation.

Q. The notice of initial revocation, any notice of the extension of the revocation period, and any notice of confiscation of any animal may be appealed to the animal hearing commission pursuant to the procedures set forth in Section 1.18. Any notice sent pursuant to this section shall contain a brief explanation of the violation, the sanction imposed and appeal rights of the person accused. If the accused can demonstrate by clear and convincing evidence that he has played no role in the care, supervision, possession, or control of the animal, the animal shall be returned.

R. When permanent ownership of an animal is transferred, the new owner shall, within fourteen days from the date ownership is assumed, obtain a license if the animal is required to be licensed pursuant to this chapter.

S. An application to license a dangerous or vicious dog must include presentation by the applicant of a certificate of insurance issuance by an insurance company licensed to do business in this state which provides personal liability insurance coverage for the death or injury of any person, or damage to property of others, and for acts of negligence of the owner or owner's agents in the keeping of said dangerous or vicious animal. The minimum amount of coverage shall be fifty thousand dollars for an animal declared dangerous, and one hundred thousand dollars for an animal declared vicious. The certificate of insurance shall also require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If said certificate is not immediately available, a binder that indicates the proper coverage may be accepted for up to thirty days subsequent to the determination that an animal is dangerous or vicious; however, if after thirty days a certificate of insurance or a policy has not been submitted, the animal shall be deemed unlicensed and be disposed of at the discretion of animal control officers. The prescribed insurance coverage, whether it be certificate, policy, or binder, must be obtained within ten days of the declaration of the animal as dangerous or vicious, with retention of the animal by animal control officers until compliance with this subsection is assured.

1.03 Display of license.

The license tag obtained pursuant to Section 1.02 shall be securely attached to a substantial collar which collar shall be worn by the animal at all times. License tags are not transferable to any other animal. Upon demand, the owner of an animal shall display the city license to an animal control officer or Eldridge police officer.

1.04 Rabies vaccination and reporting.

A. All dogs, cats and ferrets shall be inoculated against rabies by a licensed veterinarian upon such animal attaining the age of six months old. Rabies vaccinations shall be administered at least once every three years for dogs and cats and once every year for ferrets or as otherwise recommended by the United States Department of Agriculture.

B. A person who acquires a dog, cat or ferret that does not have a current rabies vaccination certificate shall have the animal inoculated for rabies within thirty days after the animal was acquired or within thirty days of the animal attaining the age of six months, if the animal was not yet six months old when acquired.

C. The owner or custodian of any animal required to be vaccinated against rabies shall keep a current rabies vaccination tag securely attached to a substantial collar which shall be worn by the animal at all times.

D. Whenever a veterinarian inoculates an animal for rabies the veterinarian shall complete a rabies vaccination report which shall be forwarded to the city or its designee. The report shall contain the following information:

1. The name, age and sex of the animal;
2. A general description of the animal;
3. The date the current vaccination was given to the animal;
4. The revaccination date;
5. The vaccination tag number assigned to the animal; and
6. The name and address of the animal's owner or custodian.

The veterinarian shall sign the report and all reports shall be sent to the humane society within thirty days of the administration of the vaccination.

1.05 Report of bites required.

A. Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the city, shall immediately report such fact to the Eldridge Police Department. This section shall not

apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.

B. Any animal that has been involved in biting a person or other animal must be quarantined for ten days from the date of the bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/or the Scott County Health Department. If an animal is not quarantined at the owner's premises it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines.

C. The owner of an animal that has been reported as having inflicted a bite on a person or other animal shall, on demand, produce the animal for examination and quarantine to an animal control officer or police officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite on a person or other animal.

D. It is unlawful for any person to remove any animal which has been quarantined pursuant to this chapter from its place of quarantine without the express consent of an animal control officer and/or Scott County Health Department officer.

1.06 Livestock and poultry prohibited.

A. It shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian pot-bellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

B. It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the city, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the city.

C. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued upon property located within the city provided livestock was maintained thereon prior to the enactment of this chapter, and may be continued until such time as livestock is no longer kept or maintained upon such property. The burden of proving the maintenance of livestock upon a parcel of land within the city proper to the enactment of this chapter shall lie with the person claiming such prior existence. Nothing herein shall be deemed to exempt an owner of livestock within the city limits from the enforcement of nuisance or other laws regarding the keeping of such livestock.

1.07 Animal running at large.

A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal to fail to keep the same from running at large within the city. For the purpose of this chapter an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:

1. When the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee, unless the animal has been declared dangerous or vicious, in which case the provisions of Section 1.12 shall apply.

2. When the animal is confined or restrained upon the premises of the owner or custodian within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom, and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.

3. When an animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.

4. When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six feet in length and under the control of a person competent to restrain and control the animal.

5. When the animal is properly housed in a veterinary hospital or registered kennel.

B. Notwithstanding any provision to the contrary, animals injured or killed on or along public streets or public rights-of-

way shall be deemed running at large. The animal control officer or Eldridge police officer shall remove all such animals and at his or her discretion take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter.

C. Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with the other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrogous state or ovulating. Nothing in this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle.

D. Any dog, cat, or other animal which is found in violation of this section may be impounded. Any such animal impounded may be redeemed by its owner or custodian within five days from the time specified in Section 1.15 and upon payment of the applicable redemption fee, current rabies vaccination fee unless current rabies inoculation is proven, the current licensing fees and penalties if the animal is unlicensed, impoundment fees, and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees are as follow:

1. For a first violation \$30.00
2. For a second violation \$75.00
3. For a third violation \$150.00
4. Fourth violation will result in the revocation of the license to keep the animal.

E. Any violation of this section may result in the immediate apprehension and impoundment of the animal by an animal control officer. After the time specified in Section 1.15 the humane society may dispose of an unredeemed animal. If an animal control officer is unable to apprehend an animal or impoundment is not feasible, the animal control officer shall provide the owner or custodian of the animal with a notice of violation under the procedures contained in Section 1.17.

1.08 Mistreatment of animals.

A. A person who does any of the following to an animal commits animal neglect:

1. Confines the animal without adequate food, water or shelter, or in a manner that creates an unreasonable threat to the animal's health or safety;

2. Fails to supply adequate food or water to an unconfined animal owned or cared for by the person;

3. Causes injury or death to an animal when disciplining it;

4. Causes unnecessary pain and suffering to an animal by failing to adequately tend to the animal's health needs or grooming.

B. The disposition of a neglected animal shall be governed by state law.

C. No person shall torment, tease or harass any tied, fenced or otherwise confined animal.

D. No person shall expose any poison, poisonous meat or poisonous substance anywhere within the city for the purpose of poisoning any animal. This section shall not apply to a person who exposes poisons about a premises, in accordance with the labeling instructions on the poisonous product, for the purpose of exterminating insects, mice or rats. The use of any poison other than one specifically produced for exterminating insects, mice or rats shall be prima facie evidence of a violation of this section.

E. No person shall abandon any animal or cause such to be done, except that a person may deliver an animal to another person who accepts ownership of such animal or the person may deliver an animal to the humane society.

F. A violation of this section may be charged as a simple misdemeanor.

1.09 Removal of excrement.

A. An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from excrement. Such area shall also be clean and free of vermin and any thing that is likely to become putrid, offensive, or injurious to health. An area, structure, pen, coop, or yard not maintained in a clean and sanitary condition may be declared a public nuisance.

B. It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private

property then this section shall not apply to that particular usage.

C. Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container.

1.10 Number of animals regulated.

A. It is unlawful for any person to keep or maintain at any one location within the city more than four of the following types of animals, those being dogs, cats, ferrets, and pot-bellied pigs; and of those four no more than three shall be of the same species. This limitation applies to animals that are more than six months old or animals that are from more than one litter that are more than three months old. This limitation shall not apply to any person provided that person (1) is licensed to operate a kennel, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder operation, veterinary hospital, zoological garden, circus, carnival, educational or medical institution, or research facility as defined by state law, and said person is in compliance with the zoning ordinances of the city, or (2) if such animals are kept or maintained upon property zoned as agricultural property within the city, or (3) if said person has applied for and obtained a permit to keep more than four animals from the Humane Society of Scott County and said person keeps said animals within a residentially zoned district and exception (1), above, does not apply to said person. Upon receipt of an application for a permit as provided by this section and the payment of a ten dollar fee, an animal control officer shall inspect the applicant's animal housing facilities and the sanitary condition of the same. If the housing facilities are adequate and kept in a sanitary condition an excess number of animals permit shall be issued.

B. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.

C. If a person is found to be keeping more than four animals without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals.

1.11 Wild, exotic or dangerous animals prohibited.

A. It shall be unlawful for any person to own, possess, harbor, maintain, sell or traffic in any of the following wild, exotic or dangerous animals.

1. All poisonous snakes and poisonous reptiles; all nonpoisonous snakes greater than ten feet in length; Gila monsters, alligators, crocodiles and caimans;

2. Gorillas, chimpanzees, orangutans, baboons, and other non-human primate mammals, both arboreal and nonarboreal.

3. Any species of feline not falling within the categories of ordinary domesticated house cats as established by the American Cat Fancier Association;

4. Bears or any species;

5. Raccoons, porcupines, skunks, badgers, and other similar fur-bearing animals except ferrets;

6. Foxes, wolves, coyotes, or other species not falling within the category of canis familiaris.

7. Any animal of any species known to be vicious or dangerous, excluding canis familiaris.

B. The prohibition contained in Section 1.11 A. of this chapter shall not apply to the keeping of poisonous snakes, poisonous reptiles, Gila monsters, crocodiles, alligators and caimans provided that the owner of such an animal is eighteen years of age or older, and that person has either (1) received a bachelor of science degree based upon courses of instruction which included courses in herpetology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least twenty hours duration at an accredited educational institution on the care, handling, and keeping of reptiles, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the city council.

C. The prohibition contained in Section 1.11 A., as to non-specified other primates, shall not apply to the keeping of primates provided that the owner of such an animal is eighteen years of age or older, and that person has either a bachelor of science degree based upon courses of instruction which included courses in primatology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least twenty

hours duration at an accredited educational institution on the care, handling, and keeping of primates, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the city council.

D. This subsection shall not apply to any bona fide zoological garden, bona fide educational or medical institution, museum, veterinary hospital, wildlife rescue entity or wildlife rehabilitation entity with an appropriate permit from the state, any such animals under the jurisdiction of the commission, game breeders, a circus or carnival licensed by the city, nor shall it apply to a bona fide research institute or facility using wild, exotic or dangerous animals for scientific research. In addition, this section shall not apply to any primate trained and used to assist a handicapped person.

E. Any wild, exotic or dangerous animal found within the city in violation of this section is deemed a public nuisance per se. If a wild, exotic or dangerous animal is found to be roaming at large within the city, it may, in the discretion of the police department or animal control officer, be destroyed immediately without prior notice to the owner thereof. The city and its agents shall be under no duty or obligation to capture or otherwise confine the animal.

F. Any person found to be keeping, sheltering, harboring or maintaining a wild, exotic or dangerous animal in violation of this section is subject to the animals' immediate seizure as contraband. Any animal so seized shall be held for three business days. If the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition of the animal on the humane society within that time period, the humane society may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. If necessary, the animal control officer or humane society may impound a wild, exotic or dangerous animal at another facility. The animal's owner shall be responsible for all costs and expenses incurred by the humane society or the city which arise as a result of the seizure and impoundment of a wild, exotic or dangerous animal. Under no circumstance shall a wild, exotic or dangerous animal be returned to or placed with a nonexempt entity within the city limits. If a wild, exotic or dangerous animal is ever again found to be within the city in violation of this section, it shall be immediately confiscated and disposed of as the humane society deems appropriate.

G. Any person keeping wild, exotic or dangerous animals prior to the enactment of this chapter shall be allowed to keep such

animals for the duration of the animal's natural life. Upon the death of a wild, exotic or dangerous animal, the owner of such animal shall not be allowed to replace such animal except as otherwise allowed by this section. The burden of proving the prior ownership of a wild, exotic or dangerous animal prior to the enactment of this chapter lies with the person keeping such wild, exotic or dangerous animal. Nothing herein shall be deemed to exclude the enforcement of nuisance or other laws on the owner of such animals.

1.12 Vicious dogs.

A. No person shall keep or maintain any dog that has been declared a vicious and/or dangerous dog unless such dog is kept in an enclosure or on a run line located within a fenced area. The fencing material shall not have openings of more than two inches. Wooden fences shall not have openings of more than two inches. Any gates shall be securable and of such design as to prevent the entry of small children or the escape of the animal, and shall be kept secured. Kennels shall have double walls to prevent the insertion of fingers, hands, or other objects. The enclosure must not be located nearer than ten feet to adjoining property lines or public rights-of-way. The floor of the enclosure must consist of concrete, or a similar material that will prevent the animal from digging its way out of the enclosure.

The run line shall consist of a chain or cable having a tensile strength of at least three hundred pounds which does not allow the dog to get closer than ten feet from adjoining property lines or public right-of-way. In addition, if the dog is kept on a run line within a fenced area, the dog shall be muzzled at all times. If the dog is confined indoors, it shall not be confined on a porch, patio, or in a structure with open windows, screen windows, or screen doors.

B. If a vicious dog is not within an enclosure or on a run-line within a fenced area, the dog shall be either within the owner's residence or muzzled and restrained with a chain or cable leash having a minimum tensile strength of at least three hundred pounds that is no more than four feet in length. If the dog is on a leash, the leash must be controlled by an adult who can control the dog.

C. No person shall keep, use or maintain any dangerous or vicious dog on any premises unless the premises is posted to warn of the presence of dangerous or vicious dogs. Said warning shall consist of a sign placed at each entrance/exit for the premises in a position to be legible from the sidewalk or ground level adjacent to the sign. If the premises are not enclosed by a fence

and the dog is kept within an enclosure, a sign shall be posted on every side of the enclosure in a position to be legible from the sidewalk or ground level.

D. No person shall sell, exchange, transfer or give a vicious dog to another person.

E. Owners and custodians of vicious dogs shall post their property with conspicuous signs warning of the presence of a vicious dog.

F. A vicious dog must be neutered or spayed.

G. A vicious dog that inflicts bodily injury on a person or other animal by biting after it has been declared vicious, or a vicious dog not kept or maintained in compliance with this section, constitutes a public hazard and may be seized and destroyed.

H. This section shall not apply to police canines and guard dogs. Guard dogs must be registered with the humane society and licensed and are restricted to property zoned non-residential. The annual fee for registration of a guard dog shall be ten dollars. The registration form shall include the dog's location by address; the dog's gender and general description, the dog's current city license number, the dog's current rabies vaccination number, and the name of an emergency contact person who is available twenty four hours a day. Guard dogs shall be confined to a fenced in area that is adequate to prevent the dog from escaping the fenced area. The fenced area shall be clearly posted with warning signs.

I. Any dog declared vicious must have an identification microchip inserted by a veterinarian and to have at least two color photographs taken of said dog to be placed on file with the animal control office. This shall be done within ten days of the dog being declared vicious and at the expense of the dog's owner or custodian.

J. A violation of any of the provisions of this section may be charged as a simple misdemeanor offense. Additionally, any animal control or police officer shall have the right to seize and impound the dog if any of the conditions and specifications established by this section for the keeping of vicious dogs are not being met.

1.13 Working service dogs.

A. For purposes of this section, the following words and phrases shall have the assigned meanings.

1. "Working service dog" means any dog trained to detect or to guard, protect, patrol or defend any premises, area or yard, in the custody and control of a handler.

2. "Handler" means any person who has custody and control of a working service dog within the city.

3. "Working service dog service" means engaging in the business of providing working service dogs in the city.

B. No person shall engage in the business of providing working service dog service in the city or to act as a handler, unless said person has obtained a license as required by this section prior thereto.

C. No person shall own or have the care or custody of a working service dog unless the person has secured a working service dog license, tag and identification number from the city or its agent. The fee for each working service dog license shall be ten dollars. No working service dog license or tag shall be issued unless said working service dog is currently vaccinated for rabies.

D. An application for a license to operate, maintain and conduct working service dog service in the city shall be filed, together with an application fee of two hundred dollars, with the city or its agent. The application shall state the name, address, type of organization of working service dog service, its method of operation, the names and addresses of its officers, and the names of its employees and include evidence that the applicant is a bona fide security service licensed by any state or federal authority. The application must be accompanied by an insurance certificate or a surety bond underwritten by a corporate surety admitted to do business in the state of Iowa, in a form approved by the city attorney, in the sum of three hundred thousand dollars blanket coverage for the working service dog service. The working dog service and surety shall be jointly and severally liable to any person, firm or corporation for damages suffered by reason of the wrongful acts of the working service dog service. Notice of proposed cancellation of the insurance or bond shall be provided to the city or its agent not less than thirty days in advance of the cancellation date.

E. Each applicant for a working service dog handler license shall be a natural person and shall pay an annual fee of one hundred dollars and shall be required to carry insurance or a surety bond in the amount of one hundred thousand dollars covering the same items as set forth in subsection D above. A working service dog service licensed under subsection D above need not obtain a separate handler license under this subsection.

F. It shall be unlawful for any person to engage in any business or occupation licensed under this section in the City unless such person holds a valid license pursuant to this section. A violation of this section may be charged as a simple misdemeanor.

G. Every handler or owner of a working service dog shall see to it that such animal wears a clearly visible tag approved by the city or its agent at all times it is within the city unless the dog is performing a working service which requires not wearing a tag in order to perform the service safely. Such tag shall have stamped thereon "Working Service Dog, Tag No., City of Eldridge," and the year the tag was issued for. Lost or stolen tags shall be immediately reported to the city or its agent and shall be replaced by the city or its agent at the cost provided for other tags as stated in this chapter.

H. Any working service dog service or handler that sells or otherwise transfers ownership of any working service dog shall, not less than ten days after the transfer, file a report with the city or its agent containing the name and address of the person to whom such dog was transferred, a description and identification tag number of the dog, and any other information the city or its agent deems necessary.

I. Any person whose working service dog is lost or stolen or whose dog has died shall, within twenty-four hours of the loss or theft, or within ten days of the death, file a report with the city or its agent containing a description and identification tag number of the dog, and any other information the city or its agent deems necessary.

J. A working service dog, properly registered as required by this section, in the custody and control of a licensed working service dog service or handler, shall not be declared to be a dangerous or vicious dog, provided that at the time of attack said dog was under the direct supervision of a working service dog service or licensed handler.

1.13a Damage to property.

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person.

1.14 Barking dogs regulations.

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also hereby declared a public nuisance. The animal control officer or a Eldridge police officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the

owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible.

1.15 Impoundment.

A. The city may establish and maintain a municipal animal shelter or the city may contract with any nonprofit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the city to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Eldridge Police Department.

B. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

C. Notice. Upon impounding a licensed animal the owner or custodian of the animal shall be given a written notice of the impoundment by the impoundment authority within two days and the owner shall then have five days to redeem the animal not counting the day of impoundment. If an impounded animal is unlicensed or not displaying a license pursuant to Section 1.03 the impoundment authority shall have no obligation to search for or provide notice to the owner or custodian.

D. Claim Fees. A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 1.07 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the provisions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be as follows:

1. For each dog, cat, ferret or similar animal a fee of six dollars and fifty cents per day for the animal's care, food, water and shelter.

2. For each domestic fowl, chicken, goose, duck or waterfowl a fee of ten dollars per day for the animal's care, food, water and shelter.

3. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals a fee of thirty dollars per day for the animal's care, food, water and shelter.

4. For any animal not specified herein, a fee of twenty-five dollars plus actual expenses incurred for the animal's care, food, water and shelter.

E. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.

F. Unclaimed Animals. Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the city or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.

G. The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.

H. Neither the city nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

1.16 Enforcing provisions.

A. Humane society employees, animal control officers and Eldridge police officers are authorized to issue municipal infraction citations or notices of violations for violations of the provisions of this chapter. If provided for by a section of this chapter, a Eldridge police officer may enforce a violation of a section as a simple misdemeanor.

B. It is unlawful for any person to interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or person authorized to enforce this chapter by the city administrator in the enforcement of this chapter.

C. Inspection Procedures. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person in control of the property and request entry explaining the reason therefore. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

D. Immediate Inspection. Notwithstanding Section 1.20 subsection B., if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied, the officer shall first present proper identification and demand entry explaining the reasons therefore and the purpose of the inspection.

1.17 Notice of violation, confiscation, revocation.

A. An animal control officer, police officer or the legal department may send a notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals, extension of the period of revocation, confiscation of an animal or a declaration that a dog is declared dangerous or vicious. A notice of violation under this section shall be sent upon the request of a victim of a vicious dog attack as defined in Section 1.01,2.

B. The notice of violation shall briefly state the type of notice it is, the facts prompting the notice, the administrative sanction imposed, the notice recipient's appeal rights and the date by which the recipient must request a hearing, not less than

five days after the date of the notice, or waive their right to a hearing.

C. The notice of violation shall be either hand-delivered by the animal control officer or police officer or be sent by certified mail.

D. The notice recipient may appeal a notice of violation by requesting a hearing in writing before the animal hearing commission and paying an administrative fee of twenty dollars. If the recipient of the notice does not appeal, the notice of violation sanctions imposed are final. If an appeal is properly requested, then an informal appeal hearing shall be held before the animal hearing commission as soon as practicable. At the informal hearing, both the city and the notice recipient or the recipient's legal counsel may present evidence and cross-examine witnesses. The animal hearing commission may also ask questions of witnesses. The animal hearing commission shall render a written decision within thirty days after the conclusion of the hearing.

1.18 Nuisances.

A. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous or vicious animal kept or maintained within the city in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.

B. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the city will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least eighteen years old, or by serving the owner or custodian by certified mail return receipt requested. If service is by certified mail, service shall be deemed given when mailed.

C. Any person ordered to abate a nuisance may request a hearing on the order to abate by delivering a written request for a hearing to the animal control officer who ordered the

abatement. Such a request must be delivered prior to the time specified in the notice to abate or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. Any hearing so requested shall be held within thirty days of the date the written appeal is delivered to the animal control officer and shall be held by the animal hearing commission. At the conclusion of the hearing, the animal hearing commission shall render a decision as to: 1) whether a nuisance exists; 2) if so, what steps the person must take to abate the same; and 3) the time frame for the abatement.

D. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the city may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 1.15. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of the humane society.

1.19 Animal hearing commission.

There shall be established an animal hearing commission to conduct hearings formerly conducted by the deputy city clerk. The commission shall consist of five members, two of whom shall be appointed by the mayor and three of whom shall be appointed by the public safety committee of the city council. Each member shall be a Eldridge resident or owner of a business interest in Eldridge, be at least twenty-one years of age, and shall serve without compensation.

A. The commission shall further consist of:

1. A dog owner;
2. A non-dog owner;
3. A board certified veterinarian who works with dogs, a veterinarian technician, or a veterinarian's assistant or a veterinarian technician's assistant;
4. A member of a recognized breeder's association demonstrating a tangible means of qualification in one or more of the areas listed below;

5. An obedience trainer or animal behavior specialist who demonstrates a tangible means of qualification in at least one of the areas listed below.

B. Areas of qualification are:

1. Certification in a related field.

2. Formal program of education in a related field.

3. Work experience of at least three years in a related field.

The period of appointment will be four years. However, one member will initially serve one year with a second member serving two years and a third member serving three years. This is to avoid having all members being appointed simultaneously and to keep the appointments staggered. All commission members shall be familiar with the city's Animal Ordinance and swear to uphold the same by signature. At least three members shall be present at each hearing conducted by the commission. Any member may be recused if the member perceives a conflict of interest or personal connection involved in any hearing. The commission shall provide a written report of its activities and hearings quarterly to the mayor and city council.

1.20 Penalties.

A. A violation of any provision of this chapter shall constitute a municipal infraction and may be cited and punished accordingly.

B. If provided for, a section of this chapter may be charged as a simple misdemeanor offense and may be cited and punished accordingly, in lieu of the issuance of a municipal infraction citation, at the officer's discretion.

C. In addition to a municipal infraction citation or simple misdemeanor citation for violations under this chapter, a notice of violation for the same incident may be issued to invoke the procedures pursuant to Section 1.17 of this chapter.

D. The following scheduled fines are established for municipal infractions:

1. Section 1.02 (Licenses) \$20.00;

2. Section 1.03 (Display of tags); Section 1.04 (Rabies vaccination); Section 1.07 (At large); and Section 1.09 (Animal waste: (i) first offense \$30.00; second offense \$40.00; third offense \$50.00; fourth or subsequent offense up to \$200.00;

3. Section 1.12A or B (Vicious dog): first offense \$250.00; second offense \$500.00; third or subsequent offense \$750.00.

E. If no scheduled fine is provided for a violation, then the fine imposed shall not exceed five hundred dollars for a first offense and seven hundred fifty dollars for a second or subsequent offense.

Chapter Eleven
ALARM SYSTEMS

1.00 PURPOSE. The purpose of this Chapter is to establish alarm system guidelines and to establish a service fee for residences and businesses that have private burglar and holdup alarm systems and fire alarm systems that have excessive numbers of false alarms as defined in this Chapter.

2.00 DEFINITIONS.

2.01 Alarm System means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility, for alerting others of the commission of an unlawful act within a building, structure or facility, or for the detection and signaling the presence of a fire; and which emits a sound or transmits a signal or message when activated and to which police are expected to respond. In this ordinance, the term "alarm system" shall include the terms "audible alarm", "automatic dialing device", "burglar alarm system", "holdup alarm system" and "fire alarm system" as those terms are hereinafter defined.

2.02 Answering service means a telephone answering business providing among its services receiving, on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice over a signal channel circuit to the communication center of the Police Department.

2.03 Audible Alarm means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premise when it is activated. This audible alarm may or may not be combined with method of transmitting a signal to a remote point. This provision is not applicable to audible alarms affixed to motor vehicles.

2.04 Automatic Dialing Device means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

2.05 Burglar Alarm System means a method of detecting and signaling presence, entry or attempted entry of an intruder into protected premises.

2.06 Central Station System means a system, or group of systems, usually operated from its customers by a person, in which the operation of protected circuits and devices are transmitted to, recorded in, maintained, and supervised from a central station having trained operators and guards in attendance at all times, that have the duty to take appropriate action upon receipt of a signal or message including the relaying of messages by a signal channel circuit to the communication center of the Police Department.

2.07 City means the City of Eldridge or its authorized employees or agents.

2.08 False Alarm means the intentional or unintentional activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or leasee of an alarm system, answering service or central station system or of his employees or agents which necessitates response by the Eldridge Police Department where an attempted or actual burglary or holdup or fire does not exist. Such terminology does not include, for example, alarms caused by tornadoes, earthquakes, or other violent conditions.

2.09 Fire Alarm System means the method of detecting and signaling the presence of fire, the products of combustion, or heat in a protected premise.

2.10 Holdup Alarm System means an alarm system signaling a robbery or attempted robbery.

2.11 Police Chief means the Chief of the Police Department of the City of Eldridge, or his authorized representative.

2.12 Police Department means the police department of the City of Eldridge.

2.13 Protected Premises means that part of a building, structure or facility to which protection is afforded by an alarm system.

3.00 AUDIBLE ALARM REQUIREMENTS. All alarm systems that emit an audible signal that may be heard by persons outside the protected building, structure, or facility shall conform to the following requirements:

3.01 Every person maintaining an audible alarm shall provide the Police Chief with the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm system is activated. It is the responsibility of every person maintaining an alarm system to assure that the names and telephone numbers recorded with the Police Department are kept current. Any changes shall be reported within fifteen (15) days after such change.

3.02 No person shall install an audible alarm system which creates sound similar to that of an emergency vehicle siren or a civil defense warning system.

3.03 No person shall install an audible alarm system which does not automatically discontinue emitting an audible sound within one-half (1/2) hour after it is activated.

4.00 POLICE ALARMS. No alarm system equipment designed to transmit a message on the police base radio frequency will be allowed. This provision of this ordinance does not apply to police owned and operated equipment.

5.00 FALSE ALARMS. An alarm system, answering service or central station system that actuates false alarms, constitutes a public nuisance. The maximum permissible number of false alarms is four (4) in any calendar year. The members of the Eldridge Police Department will always respond as promptly and effectively as possible to any and all alarm activations. However, a service charge of Fifty Dollars (\$50.00) will be assessed for each false alarm that the Police Department responds to at any one location in excess of four per calendar year.

A service charge of Fifty Dollars (\$50.00) will be assessed where an alarm is used to elicit a police response when an actual or suspected robbery situation does not exist, or a fire situation, nor is there the existence of any other emergency situation requiring the prompt and immediate response of the Police Department. The Chief of Police may waive the service charge for good cause.

6.00 RESPONSIBILITY FOR ALARM RESPONSE. Every person or his agent who has on premises, under his control or ownership an alarm, shall, upon notification that the alarm system is giving a signal, proceed immediately to the premises and render all necessary service and assistance.

7.00 VIOLATORS. Any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

Chapter Twelve
MULTI-HAZARD EMERGENCY OPERATIONS PLAN

1.00 DISASTER SERVICES ORGANIZATION. There is hereby created a disaster services organization for carrying out the responsibility of the municipality in times of disaster and a city multi-hazard emergency operations plan as outlined in the following sections. The mayor shall be executive director of the disaster services organization and shall be responsible for the direction of all operations for the protection of the health, safety and welfare of the citizens of the city. Said organization shall function in accordance with the city disaster plan which shall be coordinated with the plan adopted by Scott County and the State of Iowa, in accordance with state law.

2.00 DEFINITIONS.

2.01 DISASTER shall mean man made catastrophes and natural occurrences such as fire, flood, earthquake, tornado and windstorm which threaten the public peace, health and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage or other hostile action from within or without the state, including but not limited to domestic or foreign terrorism.

2.02 DISASTER SERVICES shall mean preparations for, operations during and recovery from, natural or man-made disaster. These actions are broad in scope and include, but are not limited to, disaster plans, mitigation, warning, emergency operations, training, exercising, research, rehabilitation and recovery.

2.03 CITY DISASTER PLAN shall mean a plan developed to describe city emergency operations, and emphasize the responsibilities of the city government forces, or other emergency response organizations and individuals.

3.00 AUTHORITY. The mayor may delegate such portions of the details of the operation as well best serve the carrying out of the city disaster plan. The mayor shall designate the order of his succession, subject to approval by the council, to serve in his place in the event he is unable to act due to absence or disability.

4.00 LIABILITY. Insofar as permitted by state law, the municipality, when acting in consonance with the city disaster plan, shall not be liable for failure to provide protection or to prevent damages to persons or property, the purpose of such plan being to improve conditions arising from the disaster by organized effort. The municipality shall carry such insurance on voluntary disaster workers as deemed advisable by the council upon recommendation of the city attorney.

5.00 PENALTY. Any person who shall violate the orders of the mayor or of duly constituted officers when carrying out a disaster plan during a disaster shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not to exceed five hundred dollars (\$500).

6.0 BASIC PLAN.

6.01 AUTHORITIES. The Federal Civil Defense Act of 1950, as amended (50 U.S. Code App. 2251-2297). Emergency Management, Chapter 29C, 1995 Code of Iowa, which provides the authority for disaster services and emergency planning matters within the state, including county and local disaster services.

6.02 REFERENCES. Public laws 81-920 and 93-288; Code of Iowa - 1995; Federal Civil Defense Guide; Iowa Emergency Plan and Civil Preparedness Guides.

6.03 SITUATION. The City of Eldridge has capabilities which, if effectively used in the event of any emergency, would maximize the preservation of life and property. These capabilities include the fallout, tornado and windstorm protection offered by larger structures and home basements, as well as the manpower, equipment, and skills of the City forces; the medical, health and allied professions; and other non-government professions and groups. Finally, they include knowledge of survival actions possessed by the population. The objective of the City of Eldridge Emergency Operations Plan is to insure effective use of these capabilities should a disaster affect any area of the City. Increased readiness actions taken by City government in anticipation of nuclear attack, natural disaster, or civil disturbance situations could further increase these capabilities.

6.04 ASSUMPTIONS. Tornadoes, floods, blizzards and other forms of natural disaster can affect the City of Eldridge. The calculated initiation of nuclear war by any current power is considered unlikely. Nevertheless, general war could occur through accident, miscalculation, and irrational act, or the unplanned escalation of a limited war, as well as by a deliberate act. (See county-wide Nuclear Attack Contingency Plan). Major accidents such as train wrecks, plane crashes, explosions, or accidental releases of hazardous substances are possible occurrences within the City of Eldridge. Civil disturbances and other public disorders are considered unlikely, but could occur in the City of Eldridge. Outside assistance from adjacent and higher levels of government, the military, and non-government organizations may be available under localized emergency conditions. However, during de-spread disasters affecting large areas of the state or nation, outside aid could be severely limited or unavailable for long periods of time. In either case, the immediate, lifesaving aid must come from the jurisdiction most affected.

6.05 MISSION. The emergency mission of local government is to protect life and property, insure the continuity of government, sustain survivors, repair essential facilities and utilities, provide support to all areas and political subdivisions in the county and support and assist areas outside the city when possible.

6.06 ORGANIZATION. Existing government is the basis for emergency operations. The organization of city government is represented in Chart A.

6.07 CONCEPT OF OPERATIONS. In time of major disaster, the mayor may take command of the police and govern the city by proclamation. (Code of Iowa 1983, Vol. II, Sec. 372.14, P. 2006.) In that case, he shall be responsible for providing overall direction and control, and shall receive assistance in this effort from all departments and personnel. The county disaster services coordinator shall serve in a staff capacity to the mayor. He shall also serve in a liaison role with respect to the procurement of county, state and federal level resources.

6.08 OPERATIONS POLICIES. It is recognized that protection of life and property during an emergency is the primary responsibility of government at all levels. Existing agencies of government will perform emergency activities relating to those they perform under non-emergency conditions. Within city limits, city officials will be responsible for the direction and control of emergency operations, and will utilize the regular, auxiliary, or volunteer resources of city government. They will also be responsible for coordinating with others to provide for those emergency operations not within the capabilities of city government forces. Within county boundaries, but exclusive of incorporated cities, county officials will be responsible for directions and control of emergency operations, and will utilize the regular, auxiliary, or volunteer resources of county government forces. In an emergency affecting more than one political jurisdiction, officials of all jurisdictions involved will coordinate their services to the maximum extent possible. The disaster services organization will provide coordination between levels of government and will provide the unique disaster services skills and activities not available in existing organizations. The disaster services organization will also provide resource coordination between government agencies and the private sector. Each agency, department, or service of government shall provide for the maintenance of records during an emergency. These records should include man-hours, equipment hours, supplies and material consumed, injuries to personnel, and damage to public facilities and equipment.

6.09 OPERATIONS AND ASSIGNMENTS. Chart B lists the functions which must be performed or coordinated during an emergency situation. Responsibilities have been assigned by a code letter "P", "S", or "C". "P" designates primary operational responsibility, which means the official or agency is in charge of and responsible to make provision for that function. "S" designates support responsibility which means the agency so assigned will, if possible, support and assist the official or agency designated primarily responsible. "C" designates coordination responsibility and is assigned when several agencies have support capability but no one official or agency has obvious primary responsibility. This will be especially true when non-government agencies are involved. As a general rule, county officials will be primarily responsible for carrying out emergency functions outside city limits and city officials will have the corresponding responsibility within their city limits. Exceptions are organizations such as fire departments, schools, and medical facilities whose geographical boundaries do not coincide with corporate limits. Persons or agency assigned code letter "P" are responsible for development of operational

procedures for that function. Also they are responsible for keeping that functional information up-to-date or for its revision.

If any function does not have a person or agency assigned primary responsibility, the assignment of the letter "C" means those persons or agencies shall form a committee for preparation of the information of that function--also the committee is responsible for keeping the functional information up-to-date or for its revision.

6.10 LINES OF SUCCESSION. The following lines of succession have been established: mayor, mayor pro-tem and city administrator.

6.11 SUPPORT BY MILITARY. Support by military units may be made available through the state at the request of the county sheriff or the mayor to the Governor. Requests should be coordinated through the County Municipal Civil Defense and Disaster Services Director/coordinator. In a civil disturbance situation, the Department of Public Safety can expedite the transmission of the request to the Governor. Military assistance will complement and not be a substitute for city and/or local participation in emergency operations. Military forces, if made available, will remain under military command at all times, but will support and assist city and/or local forces, and may receive task assignments, objectives, priorities and other directions necessary to accomplish missions in Eldridge.

6.12 FEDERAL AND STATE AGENCIES. Available support from federal and state agencies is normally offered automatically. Information and assistance in securing federal and state support may be obtained through the (Iowa) Office of Disaster Services. Federal agencies have been assigned emergency preparedness functions by Executive Orders. (See Civil Preparedness Guide CPG1-10 which is available in the county/municipal disaster services coordinator's office). State agencies and local government emergency responsibilities and support functions are described in the Iowa Emergency Plan. This plan is available in the county/municipal disaster service coordinator's office and the sheriff's office. A state "disaster analysis team" may be sent to the affected area for the purpose of determining support required from state and federal agencies. The Iowa Department of Public Safety has developed a mobile communications van which can be moved to the scene of an emergency to provide a communication link with the state government. The Scott County Hazardous Materials Management Response Team may be called as required, and used if available.

6.13 MUTUAL AID AGREEMENTS. Verbal agreements exist between local fire departments and between law enforcement agencies to provide all possible assistance when called upon by other agencies in the county or by adjoining counties. A written mutual aid agreement should be on file with the Iowa Secretary of State between the county and all municipalities of the county.

6.14. STATE DISASTER CONTINGENCY FUND. Every effort shall be made to recover from any disaster with city resources. All departments of city government shall maintain detailed accounts of disaster expenses. If it is necessary, an application for a disaster loan shall be filed with the State Office of Disaster Services. Action shall be initiated to implement annual emergency levy as authorized by Section 24.6 and

384.8, Code of Iowa, in order to expedite repayment of loan, if approved.

6.15. TEMPORARY HOUSING. Emergency Welfare Coordinator compiles data on temporary housing need which cannot be met locally and forward to the State Office of Disaster Services through the County Municipal Civil Defense and Disaster Services Director/Coordinator.

6.16. CRISIS COUNSELING. Emergency Health Coordinator develop system to conduct an outreach program to screen for affected individuals in coordination with local mental health centers and clinics. Provide crisis counseling services in the disaster area and within the Federal Disaster Assistance Center (DAC), if it is established. Provide the Iowa Mental Health Authority (IMHA) with information describing the counseling needs of the citizenry and the requirement for additional assistance.

6.17. DISASTER ASSISTANCE CENTER. The County/Municipal Civil Defense and Disaster Services Director/Coordinator shall coordinate Office of Disaster Services requests for space needed to house a Disaster Assistance Center. Provide local logistical support to the DAC to meet local needs and provide coordination of local assistance activities.

6.18. PUBLIC LAW 93-288 ASSISTANCE (PRESIDENTIAL DISASTER) City Engineer evaluate and determine city needs and eligibility concerning public damage eligible under Section 402, Repair and Restoration of Damaged Facilities. Also coordinate activities and public information for other eligible public jurisdictions located inside of city limits. Mayor in coordination with city and county assessor shall determine eligibility under Section 414-Community Disaster Loans. Mayor in coordination with city and county assessor shall determine eligibility under Title VIII-Economic Recovery for Disaster Areas.

6.19. TESTING AND EXERCISING. This plan and its supporting documents (annexes and SOP's) are to be exercised or tested, evaluated, and if necessary revised and updated at least annually. This is necessary to keep the plan from becoming outdated beyond usability, to continually refine the plan, and to keep those responsible for implementing the plan familiar with its contents.

6.20. WARNING. It shall be the responsibility of the following individuals to provide warning on the imminent approach of any situation that would create danger to the people of Eldridge. The warning signal will be a steady tone of the Civil Defense Siren and the City's Fire Siren. The warning may also include mobile sirens. Officials responsible for the warning are: Eldridge Police Department (E.P.D.), Eldridge Volunteer Fire Department Inc. (E.V.F.D.), Scott County Sheriff Department and County Civil Defense Director.

6.21. DIRECTION AND CONTROL. Emergency Operations Center
Primary: Fire Station, Secondary: City Shop - Office Area. If the primary EOC is damage beyond immediate use, emergency personnel should gather at the secondary EOC. If EOC and communications equipment are intact, standard radio procedure should be used to contact Scott County Sheriff's Department and the Scott County/Municipal Civil Defense and Disaster Services Director. If the secondary EOC must be used, steps should be

taken to locate and utilize other communication resources. The following persons or groups will move immediately to the EOC: 1. mayor, city administrator, 2. representative of medical profession, 3. fire department radio operator and 4. representatives of the main utilities

6.22. AUTHORITY. Authority and responsibility have been outlined on Chart B entitled, "Emergency Responsibilities," following a disaster, it must be assumed gaps will be found among personnel. Under these conditions, Primary (P) and Support (S) personnel will be used interchangeably. All mention of Scott County references the county in which Eldridge is located.

6.23. EMERGENCY PUBLIC INFORMATION. News releases and other public information should be cleared through the Mayor or in his absence, the Mayor Pro tem, or the City Administrator. W.O.C. is the Emergency Broadcast Station. That station should be contacted for news releases and other public information.

6.24. RESOURCE MANAGEMENT. Nearby governmental units, owners of heavy equipment, the Red Cross and the National Guard are the most likely sources of assistance. Outside assistance must be properly controlled before any benefits can be gained. A Civil Defense Representative will screen incoming vehicles to keep unnecessary personnel and equipment out of the disaster area and to get necessary personnel and equipment to the proper location and authorities. Eldridge Police Department will coordinate CD volunteers. Resource needs will be direct from the EOC. E.O.C. Radio Operator will maintain contact with city departments to find out what assistance is necessary. He will then direct needed assistance to appropriate locations. Two Civil Defense, Highway Patrol or Sheriff's office personnel will be stationed at the EOC, and will be under the EOC director. Two Civil Defense personnel will be stationed at each of the necessary distribution centers (City Shop or Fire Station). All assistance will be held at the E.O.C. until requested, except emergency vehicles. All food, clothing and personal supplies will be sent to the fire station or city shop. All heavy equipment with volunteer operators will be sent to the City Shop. Inventory reports will be sent to the E.O.C. at designated intervals.

6.25. LAW ENFORCEMENT SERVICES. In the event of a major disaster, the following shall apply: If the disaster is of a nature too large for the city's resources to effectively handle, the Mayor may call on the following agencies for support:

1. Scott County Sheriff's Office
2. Iowa Highway Patrol
3. Scott County Civil Defense
4. Area Fire Departments
5. Iowa National Guard

It shall be the duty of the Chief of E.P.D. or Chief of E.V.F.D. to determine who to call for assistance. When necessary, with advisement from the Mayor, they may call on the Scott County Civil Defense for Assistance. It is the duty of the fire department to determine which streets are to be sealed off, that an area may be isolated, with barricades, furnished by the street department. Barricades will be

manned by volunteers when necessary, under the direction of the chief of police to keep out sightseers.

6.26. FIRE PROTECTION. In the event of any fire, the Eldridge Volunteer Fire Department, Inc. shall have the responsibility for providing fire fighting equipment and personnel under the direction of the fire chief, his assistant chief, captains or other designated firefighters.

If the situation warrants, the officer in charge may ask for assistance from nearby fire departments. Upon the request from the Fire Chief or the Mayor, the fire department may volunteer personnel to aid any other agencies. The following is a list of fire departments that may be called for assistance, but not necessarily in this order:

1. Long Grove
2. Donahue
3. Davenport
4. Princeton, LeClaire/Pleasant Valley
6. McCausland
7. Riverdale

6.27. SEARCH AND RESCUE. Responsibility of rescue shall be placed with the Eldridge Volunteer Fire Department, Inc. with assistance from the other fire and police departments of the county, Scott County Sheriff's Department, and the Scott County Civil Defense Volunteers. All rescue units shall report the names, if possible, of any assumed dead or injured persons to the EOC who shall in turn notify the county coroner. These names shall not be given on the radio. The EOC shall have designated one person to handle incoming calls and inquiries for injured persons.

6.28. EMERGENCY MEDICAL SERVICES. In the event of a major disaster, the primary medical facility or a first aid station can be established in one or more of the following places:

- a. Genesis Medical Group of Eldridge
- b. North Scott School Administration Office
- d. School Gyms
- e. Medic EMS
- f. Eldridge Community Center

The injured shall be treated at first aid stations by doctors or nurses with the help of trained first aid personnel and Red Cross Volunteers. The triage officer or doctor in charge shall be in charge of sending the most severely injured to the hospital most capable of caring for that person. The injured shall be taken to hospitals in Davenport, Bettendorf or DeWitt. The person in charge of the first aid station will appoint one individual, at the first aid station, to keep a record of all persons taken to the hospital and to which hospital they were taken. This person is then to forward this information back to the EOC.

6.29. AMBULANCE SERVICE. It shall be the duty of the Ambulance Services in Scott County to provide transportation from the first aid

stations to the hospitals. A triage officer shall be on the scene to direct the ambulances.

6.30. EMERGENCY PUBLIC HEALTH AND MORTUARY SERVICES. The following missions are appropriate for the Emergency public health function: Examination of food and water supplies, inspection of sewage and solid waste disposal systems, inspection of feeding and housing facilities, control of disease vectors, epidemic control, public relations and collecting, identifying and disposing of the dead.

6.31. PUBLIC HEALTH OPERATIONS. The County Public Health Officer and his staff will maintain regular surveillance of the public water supply and sanitation system and issue appropriate instructions or warnings to the public through the EOC, maintain regular surveillance of all mass feeding and canteen operations to ensure proper food handling practices and disease prevention procedures, maintain regular surveillance of the health of the population and institute all necessary preventive programs of inoculation with the assistance of the EOC and voluntary agencies such as the Red Cross.

6.32. EMERGENCY MORGUE FACILITIES: A mortuary coordinator should be chosen from one of the following groups: local Red Cross Chapter, Funeral Home Association, County Medical Society or Public Health Agency. Duties of the coordinator should include making arrangements with local funeral homes concerning the possible use of their facilities; designation of temporary morgue facilities in the area; procurement and maintenance of a morgue kit(s), including such items as: plastic body bags, bags for personal belongings, identity record sheets, tags, etc.; maintenance of a policy and procedure to be used in connection with the release of information about disaster victims. Said policy should be cleared with local hospital(s), the Red Cross, and the other appropriate health-medical groups in the community.

6.33 UTILITIES RESTORATION. It is the responsibility of the Eldridge Utilities to repair and maintain the water supply. If necessary, the municipal water works may enter into contracts with private contractors providing for the purchase and hauling of safe and sanitary drinking water. Emergency power may not be available at this time, therefore the director of the municipal water works, in the event of a serious power loss, shall determine if an emergency condition exists. If he so determines, he and the mayor shall be responsible for enacting a water conservation and rationing program until service can be restored. It is the duty of the Public Works Director to oversee the sewage treatment facility in order that it may be kept in as good a working order as possible under the circumstances.

In the event of any major disaster, it shall be the responsibility of the EOC Director to notify the utility companies affected that there is a problem with their utility. The City of Eldridge, not having its own gas and telephone utilities, shall call upon the services of the following:

- a. MidAmerican Energy Company (electric power)
- b. MidAmerican Energy Company (natural gas)
- c. Central Scott Telephone (telephone service)
- d. Alliant Energy (electric service)
- e. Northern Border Pipeline (natural gas)

These companies will then repair any damage to the parts of their systems. Upon receiving the call, these utilities shall contact the EOC Director when they arrive on the scene to determine where the most critical areas may be. The forward commands shall maintain communication with the EOC as to the discovery of any new hazards.

6.34. DEBRIS CLEARANCE. It is the responsibility of the city street department to clean and maintain passable city streets. They shall also communicate with the police and fire departments in order that they might effectively seal off an entire area. They shall notify the Iowa Highway Commission of any state highways that are blocked. Further assistance can be obtained from the county engineer and private contractors.

6.35. EVACUATION AND MASS TRANSPORTATION.

1. EVACUATION OR TRANSPORTATION OF PEOPLE: The EOC will secure the necessary buses. Evacuation and transportation will be conducted by the police department. Once secured, the buses will be under police department control. Whenever possible, mass transportation (buses) will be used by individuals.

2. TRANSPORTATION OF MATERIAL: The EOC will secure the necessary vehicles. Thereafter the vehicles will be assigned to the agency needing the transportation.

3. PETS: Pets will not be evacuated to evacuation shelters. Civil Defense personnel will be assigned to locate and secure pets as quickly as possible after the immediate emergency has passed, all human needs cared for, and it is safe to do so.

6.36. EVACUATION OR TRANSPORTATION OF PEOPLE. Priorities for evacuation will be established by police and fire departments based upon the degree and immediacy of the threat, ability of those threatened to evacuate themselves, and the number of persons housed in the facility, except that school buses will be used to evacuate schools first. First source of buses will be the public schools. Private vehicles will be utilized as appropriate, determined by the E.P.D. The supplier(s) of the buses will supply drivers. Prior to evacuation, coordination will be made by the civil defense director or the receiving community for sheltering of evacuees.

6.37. TRANSPORTATION OF MATERIAL. Those industries and contractors willing to supply equipment and drivers at the lowest cost will be contacted first. The Public Works Director will determine the availability and cost of equipment from various sources.

6.38. OPERATIONS ASSIGNMENTS. The County Civil Defense Director and/or the City Administrator is responsible for maintaining the names and phone numbers of persons to contact to secure buses needed for evacuation of people, regardless of the day of the week or the time of day. The Public Works Director is responsible for maintaining information on contacts for securing vehicles for transporting large quantities of material and on the stipulations associated with the use of those vehicles.

6.39. DAMAGE ASSESSMENT. The mayor and/or the city administrator shall be responsible for contacting the county civil defense director to secure the service of the county damage assessment team. Early assessment by the team will be gathered as a byproduct of radio communication from police, fire and other units which are first in the field. When the general areas have been outlined from the information gathered from radio communication, the data shall be further refined and analyzed by field examination. Such field work to be done by the Damage Assessment Team and volunteers or support personnel who have been released from other primary duties.

6.40. OUTLINING THE AFFECTED AREA. The basic outline of the affected area is of prime importance in determining the magnitude of the disaster and in dispersing other operation units to the field. The outlining of the damaged area shall be given high priority and other operations are expected to cooperate fully in supplying the basic information. The reduction of damage assessment to a dollar value is to be considered as a secondary function and is to be carried out in a manner which will not interfere with emergency activities.

6.41. EMERGENCY WELFARE SERVICES. It shall be the duty of the county civil defense director to contact the welfare service organization and to set up a meeting place so that they may be directed into town via the safest and most accessible route. The city may provide to the agencies the use of several buildings about the city in which emergency services can be made; they are as follows: schools, River Valley Coop Elevator Basement, Firststar Bank Basement and Eldridge Community Center. The city, not having facilities for feeding and caring for disaster victims, must rely upon the Red Cross, Salvation Army and Scott County Social Services. See Scott County-Wide Multi-Hazard Plan for additional information.

6.42 EMERGENCY TELEPHONE LIST. A complete listing of all persons and agencies, complete with current telephone numbers, shall be kept on file in the city office. All key personnel shall have a copy of the emergency plan and the telephone list.

ELDRIDGE VOLUNTEER FIRE COMPANY, INC.
MOBILE ALERT -- TRUCK ASSIGNMENTS

Location #1

South of West LeClaire Road to Valley Drive and west of South 5th Street (Prairie Vista, Brookview, etc. and Gary Ewolt's Addition). Then go to Spotters Position at first crossroad west of Eldridge (corner of Buttermilk Road and West LeClaire Road).

Location #2

Take Donahue Street west to North 9th and the area north of Donahue Street. Then go to Spotters Position at the crossroad north of Eldridge on Eldridge-Long Grove blacktop (Dale DeCock's corner).

Location #3

Inform managers at Eldridge Community Center and North Scott Raquetball and Fitness Center. Then go to Spotters Position at Eldridge Corners (Old 61 and East LeClaire Road).

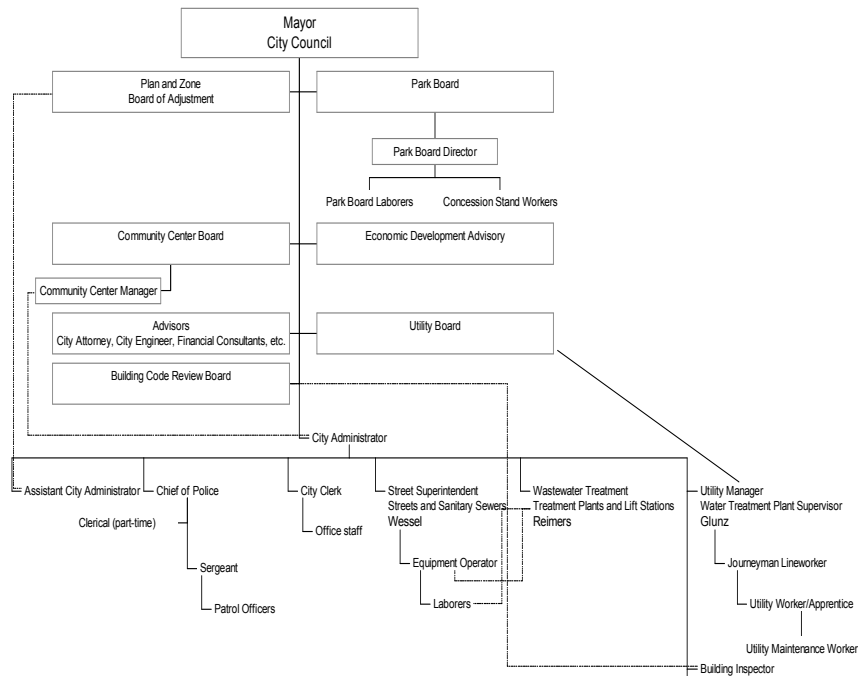
Location #4

Go to Spotters Position at South 1st Street and Lincoln Road (Scott County Ready Mix Corner).

Location #5

Take West LeClaire Road to North 9th Street area, north to Donahue Street including Dammann's Addition, then return to Fire Station.

Eldridge Organization Chart



Chapter Thirteen
DRUG PARAPHERNALIA

1.00 VIOLATIONS OF THIS CODE. Commission of any of the acts named in the following sections by any person will constitute a violation of this Code.

2.00 DEFINITIONS. The following words shall have the following meanings when used in this chapter:

2.01 The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, implanting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Act. It includes, but is not limited to:

- A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- B. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- D. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
- E. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- G. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- H. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- I. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

J. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

K. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injected controlled substances into the human body;

L. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls, water pipes, carburation tubes and devices, smoking and carburation masks, roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand, miniature cocaine spoons and cocaine vials, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs and ice pipes or chillers.

2.02 The term "controlled substance" means a controlled substance as defined in the Act.

2.03 The term "Act" means the Uniform Controlled Substances Act, Chapter 204, Code of Iowa, and regulations promulgated thereunder.

3.00 CRITERIA FOR DETERMINING DRUG PARAPHERNALIA. In determining whether an object is drug paraphernalia, a court and the police department should consider the following factors in addition to all other logically relevant factors:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of the Act or this chapter;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of the Act or this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Act or this chapter should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use.

4.00 POSSESSION PROHIBITED. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Act.

5.00 MANUFACTURE OR DELIVERY PROHIBITED. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Act.

6.00 ADVERTISEMENT PROHIBITED. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.