

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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41.01 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

41.03 PROVIDING FALSE IDENTIFICATION INFORMATION. No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

41.04 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

(Code of Iowa, Sec. 719.2)

41.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

41.06 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

(Code of Iowa, Sec. 727.3)

41.07 ANTENNA AND RADIO WIRES. It is unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, public way, public ground or public building without written consent of the Council.

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

41.08 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

41.09 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

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

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

41.11 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

41.12 FIREWORKS. The sale, use or exploding of fireworks within the City is subject to the following:

(Code of Iowa, Sec. 727.2)

1. Definition. For purposes of this section:
 - A. "Consumer fireworks" includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Chapter 100 of

the *Code of Iowa*. “Consumer fireworks” does not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 or display fireworks enumerated in Chapter 4 of the American Pyrotechnics Association’s Standard 87-1.

B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1.

C. “Novelties” includes all novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Fireworks Permit for Display

A. Supervised public exhibitions or displays shall be conducted only in accordance with this section (41.12)(2) along with any rules and regulations issued by the Fire Chief for the area included with the permit application boundaries of the City.

B. Upon written application the City may grant a permit for the display of fireworks by a City agency, fair association or other organizations or groups as may be approved by the City and when such fireworks to be displayed are under the direct control of a licensed and competent operator. Any applications shall have attached thereto proof of insurance with limits not less than \$2,000,000.00 per occurrence and \$5,000,000.00 aggregate.

C. No person shall use, explode, discharge, possess or display fireworks or consumer fireworks on any publicly owned property unless authorized under this section.

3. Fireworks Permit For Sale.

A. No person, retailer, consumer group or otherwise shall sell, display or offer to keep for sale consumer fireworks within the City without a valid consumer fireworks seller license issued by the Iowa State Fire Marshal and a permit issued by the City providing evidence of insurance in the amounts not less than \$2,000,000.00 per Occurrence and \$5,000,000.00 in the Aggregate.

B. The sale or display of fireworks shall be permitted within the City of Milford only in a single story at grade permanent building that meets the requirements of Iowa Code Section, 100.19, in the (AC) Arterial Commercial zoning district upon receipt of a site plan prepared in accordance with Article VIII; receipt of a special exceptions use permit in accordance with the procedures set forth in Article VIII; upon receipt of consumer firework seller license as stated in Iowa Code Section, 100.19, upon receipt of documentation

that the permanent building meets or exceeds the national fire protection association (NFPA) standard 1124, published in the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, 2006 edition, as required in Iowa Code Section, 100.19. No sale or display of fireworks shall occur within 100' of a public right-of-way or 500' of the following:

- (1) Any residential use, zoning district or area designated for residential use on the City's adopted future land use plan.
- (2) Schools, Child day care centers, day nurseries, and nursing schools.
- (3) Nursing Homes, adult day care centers, hospitals, and medical clinics.
- (4) Underground pipelines, local gas service facilities or any electrical transmission lines or electrical transformers.

4. Application and Fee.

A. A completed application on a form provided by the City shall be filed with the City Administrator. A fee of \$500.00 for the City fireworks permit shall be payable with the submission of an application. Applications for permits for the selling period June 1 through July 8 may be submitted starting May 1 of each calendar year. Permits for the selling period December 10 through January 3 may be submitted starting November 10 for the December-January selling period.

B. An applicant shall provide all information required on the application, including any documentation required. In addition to a copy of a valid consumer fireworks seller license issued by the Iowa State Fire Marshal to the applicant and any addition information, if necessary to allow proper identification and contact information for the applicant.

5. Issuance and Expiration.

A. Upon receipt of a proper application, additional requested documentation and fee, the application will be reviewed and voted upon by the Milford City Council at a regular Council Meeting. If complete and not in conflict with any State law, rules or regulations, or any City ordinances, the Council shall issue a fireworks permit good for one year from the date of issuance.

6. Limitations.

A. Firework sales shall only be conducted in accordance with dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified.

B. No person shall sell fireworks to a person under the age of 18.

C. Fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.

7. Violations. All violations of any provisions of this Chapter are hereby declared simple misdemeanors and/or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the fire chief or peace officer. Fines shall be set by ordinance of the City Council. Violations of this chapter shall be reported to the state fire marshal.

8. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Ord. 6-26-17A – Aug. 17 Supp.)

41.12A FIREWORKS. The use of consumer fireworks within the corporate limits of the City of Milford, Iowa, is unlawful except as otherwise provided in this provision. A violation of this section is a simple misdemeanor punishable by a fine of not less than \$250.00. For violations that occur on public property the fine shall be not less than \$500.00.

1. Novelties. This section does not apply to novelties.

Consumer fireworks as defined herein or by Iowa Code Section 727.2(1)(a) may only be used between the hours of 11 a.m. and 10 p.m. on July 3 and July 4 and only on private property with permission of the owner.

(Ord. 5-11-20 – Aug. 20 Supp.)

41.13 DRUG PARAPHERNALIA.

1. Definition. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind which are used, intended for use or designated for use in planting, 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 laws of this State. “Drug paraphernalia” includes but is not limited to:

A. Testing equipment used, intended for use, or designated for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances under circumstances in violation of the laws of this State.

B. Scales and balances used, intended for use, or designated for use in weighing or measuring controlled substances.

C. Separation gins and sifters used, intended for use, or designated for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

D. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designated for use in compounding controlled substances.

2. Penalties and Remedies.

- A. Any violation of this section shall be a simple misdemeanor.
 - B. The City may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this section.
 - C. In addition to the above, the City may assess a civil penalty for each infraction of this section in an amount not to exceed \$500.00. Any civil penalty collected shall go into a fund for the prevention of or enforcement of illicit drug use.
3. Evidence of Violation.
- A. Statements by an owner or by someone in control of the object.
 - B. The proximity of the object to controlled substances.
 - C. The existence of any residue of controlled substances on the object.
 - D. Direct or circumstantial evidence of the knowledge of any owner or of anyone in control of the object, evidence that such persons who he or she knows or reasonably should know, could use the object to facilitate a violation of this section.
 - E. Instructions, oral or written, provided with the object concerning its use.
 - F. Descriptive materials accompanying the object which explain or depict its use.
 - G. National and local advertising concerning its use.
 - H. The manner in which the object is displayed for sale.
 - I. Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products.
 - J. The existence and scope of legal uses for the object in the community.
 - K. Expert testimony concerning its use.
4. Defenses. It shall be an affirmative defense to this section that a person in possession of paraphernalia under this section has a valid medical reason for such possession, as evidenced by a dated statement signed by a licensed physician setting forth the facts supporting such medical necessity.

41.14 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer. *(Ord. 10-13 – Feb. 16 Supp.)*

(Code of Iowa, Sec. 708.12)

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