

## ORDINANCE

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### AN ORDINANCE DEFINING AND PROHIBITING OFFENSES AGAINST THE PEACE, SAFETY, HEALTH, WELFARE, COMFORT, AND CONVENIENCE OF THE CITY AND ITS RESIDENTS AND PROVIDING PENALITIES FOR VIOLATIONS

BE IT ENACTED by the Council of the City of Farmington, Iowa:

**SECTION 1** Violation of Ordinance. Commission of any of the acts named in the following sections by any person will constitute a violation of this Ordinance.

**SECTION 2** Public peace.

1. Assault and battery. To apply, or to threaten or attempt to apply, an unlawful and unpermitted physical force to the person of another, in a rude and insolent manner, or with the intent to do physical harm, with the apparent ability to execute any attempt or threat.
2. Affray. For two (2) 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.
3. Disturbance of peace. To make or excite any disturbance in a tavern, store or grocery, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.
4. 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 of persons.
5. Unlawful assembly and riot. For three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt to do an unlawful act, or when together, to commit or attempt to commit an act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner to the disturbance of others.

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

7. Mufflers, prevention of noise. To operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device,

**SECTION 3** Public Morals.

1. 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, cigar store or other place, leading a life of prostitution or lewdness.

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

3. Keeping house of ill fame. To keep a house of ill fame which is resorted to for the purpose of prostitution or lewdness.

4. 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 purpose.

5. Lewdness - indecent exposure. For any man and woman not being married to each other, lewdly and viciously to associate and cohabit together, or for any man or woman, married or unmarried, to be guilty of open and gross lewdness, and designedly to make an open and indecent or obscene exposure of his or her person, or of the person of another.

6. Immoral plays, exhibitions and entertainments. To act as owner, manager, director or agent, or in any other capacity, to prepare, advertise, give, present or participate in any obscene, indecent, immoral or impure drama, play, exhibition, show or entertainment, which would tend to the corruption of the morals of youth or others, or to aid or abet such act or, as lessee or manager of any garden, building, room, place or structure, to lease or let the same or permit the same to be used for the purposes of any such drama, play, exhibition, show or entertainment, or to assent to the use of the same for any such purpose. This section shall not apply to motion picture

machine operator or any other employee of a licensed motion picture theater with the exception of the manager if such person has no financial interest in the entertainment presented or in the theater or place where he is employed other than wages or salary.

7. Obscene literature - articles of immoral use. To sell, or offer for sale, or give away, or have in one's possession with intent to sell, loan, or give away any obscene, lewd, indecent, lascivious, or filthy book, pamphlet, paper, drawing, lithograph, engraving, picture, photograph, writing, card, postal card, model, cast, or any instrument or article of indecent or immoral use, or any medicine, article, or thing designed or intended for procuring abortion or preventing conception or to advertise the same for sale, or write or print any letter, circular, handbill, card, book, pamphlet, advertisement, or notice of any kind, giving information, directly or indirectly, when, where, how or by what means any of the articles or things hereinbefore mentioned can be purchased, or otherwise obtained or made.

8. 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.

9. Giving or showing obscene literature to minors. To sell, lend, give away, or show, or have in one's possession with intent to sell, give away or show to any minor, any book, pamphlet, magazine, newspaper, story paper, or other paper devoted to the publication, or principally made up of, criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, lust or crime; or to exhibit upon any street or highway, or any places within the view, or which may be within the view, of any minor, any of the above described books, papers, or pictures; or to use or employ any minor to give away, sell, or distribute, or having the care, custody or control of any minor, to permit him to sell, give away, or distribute any such books, papers or pictures.

10. Exceptions. Nothing in subsections fifteen or sixteen shall be construed to affect teaching in regularly chartered medical colleges,

or the publication or use of standard medical books, or the practice of regular practitioners of medicine or druggists in their regular business, or the possession by artists of models in the necessary line of their art.

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

12. 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 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, waged, or bet on any such result.

13. 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, punchboard, faro, or keno layouts, or any other machines used for gambling, or any slot machine or device with an element of chance attending such operation.

14. Lotteries and lottery tickets. To make or aid in making or establishing, or to advertise or make public any scheme for any lottery; or to advertise, offer for sale, sell, negotiate, dispose of, purchase or receive any ticket or part of a ticket in any lottery or number thereof; or to have in one's possession any ticket, part of a ticket or paper purporting to be the number of any ticket of any lottery, with intent to sell or dispose of the same of his own account or as the agent of another.

15. Blasphemous or obscene language. To use blasphemous or obscene language publically, to the disturbance of the public peace and quiet.

16. Illegal keeping of intoxicants. To operate or conduct or allow to be operated, a place where intoxicating liquor is illegally kept, sold or given away.

17. Consumption in public places - intoxication. To use or consume any alcoholic liquors upon the public streets or highways, or in any public place, except premises covered by a liquor control license, or to be intoxicated or simulate intoxication in a public place.

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

(a) All common prostitutes and keepers or bawdy houses or houses 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 any 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 or gaming.

#### **SECTION 4** Minors

1. Supplying liquor to minors. To sell, give or otherwise supply liquor to any person under eighteen (18) years of age, or knowingly to permit any person under that age to consume alcoholic liquors, except in the case of alcoholic liquor given or dispensed to a person under eighteen (18) years of age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by a physician or dentist for medicinal purposes.

2. Minors in billiard rooms. For any person who keeps a billiard hall where beer is sold, or the agent, clerk, or servant of any such person, or any persons having charge or control of any such hall or to take part in any of the games known as billiard or pool; or for any person who keeps a billiard hall where beer is not sold, any such person, or the agent, clerk, or servant of any such persons, or any person

having charge or control of such hall, to permit any minor to remain in such hall or take part in any of the games known as pool and billiards. This section applies to "minors" as defined in Code, sec. 232.2(4).

**SECTION 5** Animals

1. 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.

2. Bullfights and other contests. To keep or use, or 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 other creature, or to engage in, aid, abet, encourage or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

~~3. 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. 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.

**SECTION 6** Streets

1. 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 or guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

2. Obstructing or defacing streets. To obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging

within the boundary lines thereof, without permission from the Mayor and Council.

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

4. 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.

**SECTION 7** Public safety and health

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

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

3. Carrying concealed weapons. To go armed with or to carry, except as hereinafter provided, a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket bully, sandbag, skull cracker, slug shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him; or to carry a pistol or revolver concealed on or about the person or whether concealed or otherwise in any vehicle operated by him, except in his dwelling house or place of business or on other land possessed by him, without a permit from the sheriff of the county.

However, it shall be lawful to carry one or more unloaded pistols or revolvers for the purpose of or in connection with lawful target practice, lawful exhibit or showing, or other lawful use, if such unloaded weapon or weapons are carried either: (1) in the trunk compartment of a vehicle, or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required thereof.

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

5. Stench bombs. To throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about any theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or to attempt to do any of these acts, or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

6. Fireworks. For any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups or individuals approved by city authorities when such fireworks display will be handled by a competent operator. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes. This section applies to "fireworks" as defined in Code, sec. 732.17.

7. Abandoned refrigerators. To place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the 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 provision applies equally to the owner of any such refrigerator, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

8. Falsely assuming to be officer. To falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa department of public safety or conservation officer, and take upon himself to act as such, or require anyone to aid or assist him in any manner.

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

10. Resisting to assist an officer. When lawfully required by any sheriff, deputy sheriff, 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.

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

12. Antenna and radio wires. To allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

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

14. Interference with city officers. To interfere with or hinder any policeman, fireman, officer or city official in the discharge of his duty.

15. Barb wire. To use barb wire to enclose land within the city limits without the consent of the City Council.

16. 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.

17. Sale of food. To sell or offer sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was deceased.

18. 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.

**SECTION 8** Public property

1. 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 City Council.

2. Injuring new pavement. Willfully to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

3. Destroying park equipment. To destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

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

6. Injury to gravestones or property in cemetery. To willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the

protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.

7. Injury to fire apparatus. To willfully destroy or injure any engine, hose carriage, hose, hook and ladder carriage, or other thing used and kept for extinguishment of fires.

8. Obstructing or defacing roads. To obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof.

9. Injury to roads, railways, and other utilities. To maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or 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 any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or to aid or abet any other person in so doing.

10. Tapping telegraph or telephone wires. To wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person, company, or association engaged in the transmission of messages on telephone or telegraph lines.

**SECTION 9** Penalty Anyone violating any of the provisions of this Ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days or a fine not exceeding \$100.00.

**SECTION 10** Repealer All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 11** Severability clause If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 12** When effective This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 4th day of May, 1981, and approved this 4th day of May, 1981.

W.G. Taube, Mayor  
Karen Faulkner, City Clerk

Reviewed 5-4-81

AMENDMENT OF ORDINANCE 31

BE IT ENACTED by the Council of Farmington, Iowa

**SECTION 5** Paragraph "3." is deleted.

Passed and approved: July 11, 2016

Janet Browning, Mayor

Becky L. Fry, Clerk

**\*NOTE:** This Amendment to delete the above paragraph was done in concurrence with the passage of Amendment to Ordinance 26 in its entirety.