

CHAPTER 40

PUBLIC PEACE

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

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

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

2. Threat of Pain or Injury. Any act that is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

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

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

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

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

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

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

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

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

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

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

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

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

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

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

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

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

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

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

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

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

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

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

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

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

(Code of Iowa, Sec. 723.5)

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

40.06 LOITERING. It is unlawful for any person to stand, loaf, loiter, or congregate about or upon any stairway, doorway, window, or in front of any business house, dwelling house, theater, lecture room, church, or on sidewalks or the corners of streets, or elsewhere in the City and by so doing obstruct or interfere with persons entering, passing out of, or occupying any such building or premises, or, by language, conduct or conversation, to annoy, insult, or disturb persons passing along the streets, sidewalks, or alleys or occupying, residing, or doing business in any of the said houses, places, or premises, or passing into or out of the same.

40.07 DISORDERLY HOUSE. No person, by himself or herself as owner, or other as a tenant, agent, or employee, shall keep or use a disorderly house or permit or allow a disorderly house to exist. For the purpose of this section, a “tenant” means an occupant, inhabitant, or

dweller in such building, structure, enclosure, booth, or other place, or a person, other than the owner, who has control, either temporarily or permanently, of such place. For the purpose of this section, a disorderly house exists when any building, structure, enclosure, booth, or other place is kept, used, or maintained for any illegal purpose, and which the owner, tenant, agent, or employee of another, having control of any such place, allows persons prone to frequent or continuous abuse of alcoholic beverages or drugs, pimps, prostitutes, thieves or other persons who continually or repeatedly violate the laws of the State and the City to congregate and remain at, upon, or about such place; or allows any such place to be used for any disorderly purpose; or permits such place to be used for the purpose of illegally keeping, selling, possessing, consuming or giving away of any intoxicating liquor, beer, wine, or unlawful drugs.

40.08 LAWN MOWERS. It is unlawful to operate before 7:00 a.m. or after 10:00 p.m. any power lawn mower, garden plow or other power-driven machine which will disturb the peace and quiet of the neighborhood, unless a state of emergency is deemed to exist by the Mayor. Snow removal equipment while being used for snow removal operations is excluded from the provisions of this section.

40.09 PUBLIC EXPOSURE.

1. Unlawful Acts. It is unlawful for any person to expose those parts of his or her body hereinafter listed to another in any public place, or in any place where such exposure is seen by another person or persons in any public place or on private property across a real property boundary:

- A. A woman's nipple or areola, or full breast, except as is necessary in the feeding of an infant.
- B. The pubic hair, pubes perineum, anus or buttocks of a male or female, the penis or scrotum of a male, or the vagina of a female, except those body parts of an infant of either sex.

2. Indecent Exposure in Certain Establishments. An owner, manager, or person who exercises direct control over a place of business required to obtain a sales tax permit shall be guilty of a misdemeanor under any of the following circumstances:

- A. If such person allows or permits the actual or simulated public performance of a sex act upon or in such place of business.
- B. If such person allows or permits the public exposure described in subsection 1 of this section.
- C. If such person allows or permits nude or semi-nude dancing or exhibitions that publicly expose body parts described in subsection 1 of this section.
- D. If such person allows or permits any person to remain in or upon the place of business who publicly exposes body parts described in subsection 1 of this section.
- E. If such person advertises that any activity prohibited by this section is allowed or permitted in such place of business.

The provisions of this section do not apply to a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

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