

ORDINANCE # 54

AN ORDINANCE TO ESTABLISH FIRE AND EMERGENCY SERVICES DEPARTMENT.

Be it enacted by the City of Albion, Iowa:

Section 1: ESTABLISHMENT AND PURPOSE. An emergency response department is hereby established to prevent and extinguish fire and to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to rescue, medical and other emergencies as enumerated in the department's standard operating procedures.

The name of the department shall be Albion Fire Department

Section 2: The Mayor and/or Council shall appoint the fire chief for a term of four (4) years or to fill a vacancy. The Mayor and/or Council may remove, suspend or demote the fire chief for neglect of duty, disobedience, misconduct or failure to properly perform the duties of chief by written order setting out the reasons for removal which shall be filed with the city clerk, and shall upon request in writing filed with the clerk by the chief, hold a public hearing on the proposed action.

Section 3: Chiefs duties. The Chief shall manage the emergency services department. The Chief shall command all operations of the department, ensure training and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to council approval, the Chief shall establish and maintain departmental personnel standards and standard operating procedures to carry out the requirements of this ordinance. With the approval of the council, the Chief shall appoint officers and other personnel, fill vacancies among them, and may discharge them. The Chief shall keep a record of names, ages, and residences of personnel and be responsible for their training and supervision, and shall maintain attendance records for activities. The Chief shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury or death to any person. Whenever death, serious bodily injury or property damage in excess of two hundred thousand dollars (200,000.00) has occurred as a result of fire, or if arson is suspected, the Chief shall notify the state fire marshal's division immediately. The Chief shall report other fire incidents within ten (10) days following each month to the state fire marshal in accordance with law. The Chief has the authority to enter and inspect any building or premises in the performance of duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings for property.

Section 4: Firefighter and emergency responders. The Chief shall appoint fire fighters and other personnel per established criteria. The City Council shall approve all fire department appointments.

Section 5: Firefighters and emergency responders' duties. When called by the Chief or appointed officer, personnel shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of others who have been appointed by the Chief to be in command temporarily. Personnel shall report to the chief in advance if they expect to be absent from the city for an extended period of time, Personnel shall report for training as ordered by the Chief.

Section 6: Workers Compensation and Hospitalization insurance. The Council shall contract to insure the city against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for firefighters injured in the performance of their duties as firefighters. All department personnel shall be covered by the contract.

- Section 7: Liability Insurance. The council shall contract to insure against liability of the personnel of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.
- Section 8: Fires, Medical and other emergencies outside city limits. The department shall answer calls to fires, medical emergencies, and other emergencies outside the city limits per the department's standard operating procedures, contracts, mutual aid and other written agreements.
- Section 9: Firefighter and Emergency response volunteers' association. The city recognizes the association and no profit corporation established by the firefighter and emergency response volunteers as a partner in promoting the welfare of emergency responders, fire prevention activities, the enhancement of emergency response capabilities for the city and surrounding townships and in the performance of civic, social and fund raising activities as enumerated in association and corporation articles of incorporation.
- Section 10: 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 and approved by the Council of the City of Albion on this 18th day of September, 2017.

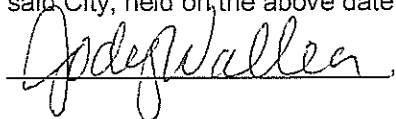
1st READING 3/20/2017

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor – John Henze

ATTEST:

I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

, City Clerk

Ordinance #55 – Chapter #20

CITY ATTORNEY

- | | |
|------------------------------------|--------------------------------------|
| 20.01 Appointment and Compensation | 20.05 Review and Comment |
| 20.02 Attorney for City | 20.06 Provide Legal Opinion |
| 20.03 Power of Attorney | 20.07 Attendance at Council Meetings |
| 20.04 Ordinance Preparation | 20.08 Prepare Documents |

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council and shall establish by resolution the City Attorney's compensation.
(Code of Iowa, Sec. 372.13[4])

20.02 ATTORNEY FOR CITY. The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

20.03 POWER OF ATTORNEY. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances that the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

20.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a report to the Council and interested department heads, giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

20.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor or Council.

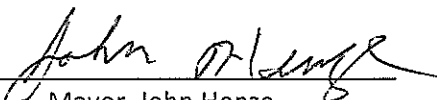
20.07 ATTENDANCE AT COUNCIL MEETINGS. The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

20.08 PREPARE DOCUMENTS. The City Attorney shall, upon request, formulate drafts for contracts, forms, and other writings that may be required for the use of the City.

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

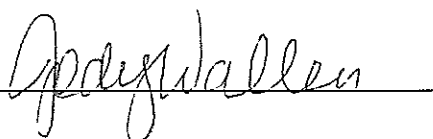
1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest:

I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

 City Clerk

Ordinance #55 – Chapter 30

CONTRACT LAW ENFORCEMENT

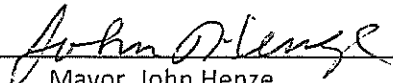
30.01 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

(Code of Iowa, 28E.30)

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

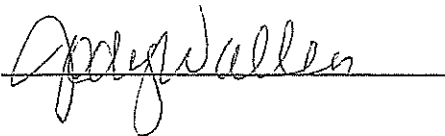
1st READING 12/19/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest:

I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

 _____, City Clerk

Ordinance #55 – Chapter #36 FIRST RESPONDERS UNIT

36.01 Establishment	36.07 Unit Chairperson Duties
36.02 Organization	36.08 Departmental Rules
36.03 Membership	36.09 Accidental Injury Insurance
36.04 Approved by Council	36.10 Liability Insurance
36.05 Training	36.11 Calls Outside Fire District
36.06 Compensation	

36.01 ESTABLISHMENT. A volunteer First Responders Unit is hereby established to answer all medical emergency calls for which there is no other established agency.

36.02 ORGANIZATION. The First Responders Unit shall consist of a Unit Chairperson and as many other volunteer responders as may be authorized by the Council.

36.03 MEMBERSHIP. The First Responders Unit shall consists of volunteer persons who are in good health and at least 18 years of age. The First Responders Unit may adopt such rules and regulations as deemed advisable not inconsistent with this Cod of Ordinances, Council rules or the laws of the State.

36.04 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the Unit until such appointment is submitted to and approved by a majority of the Council members.

36.05 TRAINING. All members of the Unit shall meet the minimum training standards established by the State and attend and actively participate in regular or special training drills or programs as directed by the Unit Chairperson.

36.06 COMPENSATION. Members of the unit receive such compensation as shall be determined by resolution of the Council.

36.07 UNIT CHAIRPERSON DUTIES. The duties are as follows:

1. The Unit Chairperson shall command all operations of the Unit and be responsible for the care, maintenance and use of all vehicles and equipment of the Unit.
2. Subject to Council approval, the Chairperson shall direct and assist the members of the Unit in establishing rules and regulations designed to carry out the requirements of this chapter.
3. Subject to Council approval, the Chairperson shall appoint volunteer First Responders Unit members, fill vacancies in the Unit and discharge such members. The Secretary shall keep a record of the names, ages and residences of Unit members and be responsible for their training and supervision. The Secretary shall maintain attendance records for drills, meetings and emergency calls.

36.08 DEPARTMENTAL RULES. The Unit Chairperson shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council as may be necessary for the operation of the department.

36.09 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer First Responders injured in the performance of their duties as First Responders. All First Responders shall be covered by the contracts.

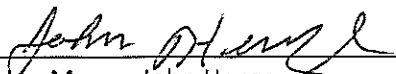
36.10 LIABILITY INSURANCE. The Council shall contract to insure the City for liability of the City or members of the First Responders Unit for injuries, death or property damage arising out of or resulting from the performance of their First Responder duties

36.11 CALLS OUTSIDE FIRST RESPONDER DISTRICT. The Unit shall answer emergency calls outside the Albion First Responder District limits if the Unit Chairperson determines that such emergency exists and that such action will not endanger person and property within the Albion First Responder District limits.

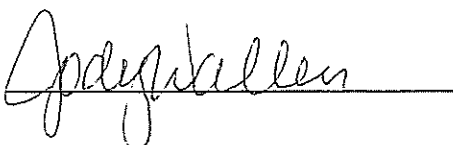
Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 12/19/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

Ordinance #55 – Chapter 36 cont.

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose	36.05 Notifications
36.02 Definitions	36.06 Police Authority
36.03 Cleanup Required	36.07 Liability
36.04 Liability for Cleanup Costs	

36.01 PURPOSE. In order to reduce the danger to the public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

36.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. "Cleanup" means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. "Hazardous condition" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. "Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. "Responsible person" means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or federal funds available for said cleanup.

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.

2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.
4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the County Sheriff of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The County Sheriff shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the County Sheriff, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

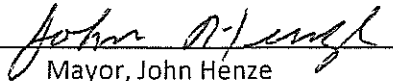
No person shall disobey an order of any law enforcement officer issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 12/19/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

Ordinance #55 – Chapter #45

PUBLIC OFFENSES

- | | |
|--|---|
| 45.01 Assault | 45.16 Barbed Wire and Electric Fences |
| 45.02 Harassment | 45.17 Discharging Weapons |
| 45.03 Disorderly Conduct | 45.18 Throwing and Shooting |
| 45.04 Unlawful Assembly | 45.19 Criminal Mischief |
| 45.05 Failure to Disperse | 45.20 Defacing Proclamations or Notices |
| 45.06 Urinating and Defecating | 45.21 Unauthorized Entry |
| 45.07 Distributing Dangerous Substances | 45.22 Trespassing |
| 45.08 False Reports to or Communications
Public Safety Entities | 45.23 Fraud |
| 45.09 Providing False Identification Information | 45.24 Theft |
| 45.10 Refusing to Assist Officer | 45.25 Fireworks |
| 45.11 Harassment of Public Officers and Employees | 45.26 Cigarettes and Tobacco |
| 45.12 Interference with Official Acts | 45.27 Contributing to Delinquency |
| 45.13 Removal of an Officer's Communication
Control Device | 45.28 Amusement Devices |
| 45.14 Abandoned or Unattended Refrigerators | 45.29 Drug Paraphernalia |
| 45.15 Antenna and Radio Wires | 45.30 Loitering |
| | 45.31 Other Public Property Offenses |

45.01 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)

45.02 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 such 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.

45.03 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)

45.04 UNLAWFUL ASSEMBLY. It is unlawful for three 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)

45.05 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)

45.06 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 public or private land.

45.07 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)

45.08 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.

45.09 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)

45.10 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)

45.11 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)

45.12 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or fire fighter, 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 fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.
(Code of Iowa, Sec. 719.1)

45.13 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.
(Code of Iowa, Sec. 708.12)

45.14 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)

45.15 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])

45.16 BARBED WIRE AND ELECTRIC FENCES. Upon approval of City Council from this date November 1st, 2016 forward, 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. If such fencing is used upon council approval fencing must be marked appropriately as to alert any bystander of its dangers.

45.17 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.

45.18 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])

45.19 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter, or destroy property.
(Code of Iowa, Sec. 716.1)

45.20 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to 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 the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.
(Code of Iowa, Sec. 716.1)

45.21 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or when said building, premises, or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

45.22 TRESPASSING.

1. Prohibited. It is unlawful for a person to knowingly trespass upon the property of another.
(Code of Iowa, Sec. 716.8)
2. Definitions. For purposes of this section:
(Code of Iowa, Sec. 716.7[1])
 - A. "Property" includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.
 - B. "Public utility" is a public utility as defined in Section 476.1 of the Code of Iowa or an electric transmission line as provided in Chapter 478 of the Code of Iowa.
 - C. "Public utility property" means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind.

D. "Railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this State.

E. "Railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation, with the exception of any administrative building or offices of the railway corporation.

F. "Trespass" means one or more of the following acts:
(Code of Iowa, Sec. 716.7[2a])

A. (1) Entering upon or in property without the express 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.

B. (2) Entering or remaining upon or in property without 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.

C. (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.

D. (4) Being upon or in property and wrongfully 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.

E. (5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This paragraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering onto the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

F. (6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This paragraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

3. Specific Exceptions. "Trespass" does not mean either of the following:
(Code of Iowa, Sec. 716.7[2b])

A. Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This paragraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

B. Entering upon the right-of-way of a public road or highway.

45.23 **FRAUD.** It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the Code of Iowa.
(Code of Iowa, Sec. 714.8)

45.24 **THEFT.** It is unlawful for any person to commit theft as defined in Section 714.1 of the Code of Iowa.
(Code of Iowa, Sec. 714.1)

45.25 **FIREWORKS.** The sale, use or exploding of fireworks within the City is subject to the following:
(Code of Iowa, Sec. 727.2)

1. **Definition.** The term "fireworks" includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

2. **Regulations.** It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury:\$250,000 per person.

B. Property Damage:\$50,000

C. Total Exposure:\$1,000,000

3. **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 theatre, 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.

45.26 **CIGARETTES AND TOBACCO.** It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said

person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)

45.27 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

45.28 AMUSEMENT DEVICES. The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and that is required to be registered with the Iowa Department of Inspection and Appeals.
2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

45.29 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

1. As used in this section "drug paraphernalia" means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:
 - A. Manufacture a controlled substance.
 - B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
 - C. Test the strength, effectiveness, or purity of a controlled substance.
 - D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

45.30 LOITERING.

1. "Loitering," means to stand around or move slowly about in an idle manner, with no reasonable purpose therefor.
2. No person shall loiter around or about any place of worship or upon the street or sidewalk adjacent thereto during any service of worship therein, or in or about any bar, pool hall or other place of business, or public building, or on any private property, or upon any street or alley between the hours of 9:00 p.m. and 7:00 a.m.. However, no person shall be deemed to have violated this section unless the Marshal or other peace officer has asked him to move along and he continues to loiter under any of the above-described conditions.

45.31 OTHER PUBLIC PROPERTY OFFENSES. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other activities or conditions that are also deemed to be public offenses:

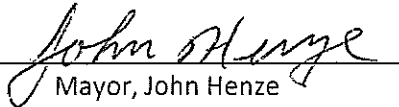
1. Chapter 21 – Library.
 - A. Section 21.10 – Injury to Books or Property
 - B. Section 21.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling.
 - A. Section 105.07 – Littering Prohibited
 - B. Section 105.08 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance.
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.13 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations.

- A. Section 136.11 – Interference with Sidewalk Improvements
- B. Section 136.15 – Fires or Fuel on Sidewalks
- C. Section 136.16 – Defacing
- D. Section 136.17 – Debris on Sidewalks
- E. Section 136.18 – Merchandise Display
- F. Section 136.19 – Sales Stands.

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

Ordinance #55 – Chapter #46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from criminal activity and improper influences that prevail in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:
 - A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.
 - B. "Knowingly" means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
 - C. "Minor" means any unemancipated person under the age of eighteen (18) years.
 - D. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
 - E. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use and also includes such parts of buildings and other premises, whether publicly or privately owned, that are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.
 - F. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.
2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of
 - A. 10:00 p.m. and 5 a.m. for minors 11 or less years of age;
 - B. 10:30 p.m. and 5 a.m. for minors 12 or 13 years of age;
 - C. 11:00 p.m. and 5 a.m. for minors 14 or more years of age.
3. Exceptions. The following are exceptions to the curfew:
 - A. The minor is accompanied by a responsible adult.
 - B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
 - C. The minor is present at or is traveling between home and one of the following:

- (1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;
- (2) Minor's place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;
- (3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;
- (4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;
- (5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.

D. The minor is on an emergency errand for a responsible adult;

E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.

4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.

B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.

C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.

D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)


46.03 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 

Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

Ordinance #55 – Chapter 47

PARK REGULATIONS

47.01 Purpose	47.05 Littering
47.02 Definitions	47.06 Parks Closed
47.03 Use of Drives Required	47.07 Camping
47.04 Fires	47.08 Albion Skate Park Rules

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities. (Code of Iowa, Sec. 364.12)

47.02 DEFINITIONS.

1. "Albion Ball Field Complex" means a park the entire plot of ground which is surrounded by Lafayette Street on the north, Chicago Street on the south, Dubuque Street on the east and Clinton Street on the west.
2. "Albion Skate Park" means the plot of ground on the City of Albion's Ball Field Complex, which is designated as the Skate Park at the said ball field.
3. "Public Square" shall mean a park the plot of ground bounded on the north by Marshal Street, the east by Liberty Street, the south by Johnson Street and the west by Main Street.
4. "Motor Vehicle" shall mean automobiles, go-carts, motorcycles, motor bicycles, and snowmobiles and all other mechanical engine-propelled conveyances.

47.03 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

47.04 FIRES. No fire shall be built, except in a place designated for such purpose, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.05 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

47.06 PARKS CLOSED. No person, , shall enter or remain within any park between the hours of 11:30 pm to 6:00 am, except for officials of the City of Albion, Iowa, therein on official business.

47.07 CAMPING. No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause.

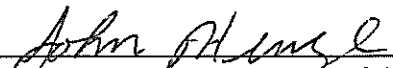
47.08 ALBION SKATE PARK RULES.

1. Hours. The Skate Park hours are dawn to dusk.
2. Unsupervised. The Skate Park is unsupervised and is used at the users own risk.
3. Equipment. Only skates, in-line skates, and/or skateboards can be used.
4. Loitering. There shall be no loitering on equipment.
5. Substances. There shall be no illegal drugs, tobacco, or alcoholic beverages anywhere in the Skate Park.
6. Glass Containers. No glass container are to be brought into the Skate Park.

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By:  Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

 City Clerk

Ordinance #55 – Chapter #55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Rabies Vaccination
55.02 Animal Neglect	55.12 Owner's Duty
55.03 Livestock Neglect	55.13 Confinement
55.04 Abandonment of Cats and Dogs	55.14 Confinement of Female Cats and Dogs
55.05 Livestock	55.15 At Large: Impoundment
55.06 Tethering of Animals	55.16 Disposition of Animals
55.07 At Large Prohibited	55.17 Impounding Costs
55.08 Damage or Interference	55.18 Pet Awards Prohibited
55.09 Annoyance or Disturbance	55.19 Unpaid Fees
55.10 Vicious Dogs	

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
(Code of Iowa, Sec. 717.1)
8. "Owner" means any person owning, keeping, sheltering, or harboring an animal.
9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council. The keeping of swine, cattle or horses is prohibited within one hundred (100) feet of any dwelling other than the dwelling of the owner of such animals. Poultry or rabbits shall not be kept other than within an enclosure which shall be at least ten (10) feet from any side lot line or rear lot line and at least fifty (50) feet from any street line or residence.

55.06 TETHERING OF ANIMALS. No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over or across any public sidewalk, street or alley or private property other than the owner's.

55.07 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.08 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.09 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

55.10 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

55.11 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, that has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.12 OWNER'S DUTY. It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.13 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment and any fees or fines concurrent with the incident. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.14 CONFINEMENT OF FEMALE CATS AND DOGS. Every female dog or cat in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such female dog or cat cannot come in contact with other animals, except for intentional breeding purposes.

55.15 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

1. Pickup Fee. – **CITY IMPOUNDMENT** - For any dog or cat running at large shall be TWENTY (\$20.00) dollars. If the same dog or cat is again caught running at large within thirty (30) days of the first pickup date, the charge shall be FORTY dollars (\$40.00); and if the same dog or cat is picked up a third time, or more, within thirty (30) days of the second pickup date, said charge shall be SIXTY dollars (\$60.00).

55.16 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, a verbal notice to the owner shall be given and written notice shall be provided to the owner within two (2) days after impoundment. If it is known, who the owner is or if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs. After contact by verbal and written notifications the owner will have seven (7) day to pick-up the animal. If the animal is not retrieved with in the allowed seven (7) days, the City of Albion will have the animal impounded at the Animal Rescue League at the owners' expense.

(Code of Iowa, Sec. 351.37, 351.41)

55.17 IMPOUNDING COSTS OF ANIMALS TAKEN TO THE ANIMAL RESCUE LEAGUE Impounding costs are EIGHTY dollars (\$80.00)

(Code of Iowa, Sec. 351.37)

55.18 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.
 - C. Programs associated with Police Department, Fire Department, Military, and Veterans of the Military including but not limited to the Puppy Jake Foundation.

55.19 UNPAID FEES. Animal fees set in this chapter not paid in a timely manner by the appropriate person may have a special lien placed on their real property taxes upon certification to the County Treasurer, with the addition of a fifty dollar (\$50) administrative cost

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 3/20/2017

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: John Henze Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

Jody Wallen, City Clerk