

Section 104.4 Public Health and Safety

SEC. 104.4.01 FIREWORKS.

1. Definitions. For purposes of this Section:
 - a. "*Consumer Fireworks*" includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Section 100.19, subsection 1, Code of Iowa. "*Consumer fireworks*" does not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or display fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.
 - b. "*Display fireworks*" includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. "*Display fireworks*" does not include novelties or consumer fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.
 - c. "*Novelties*" includes all novelties enumerated in chapter 3 of the American Pyrotechnics Association's Standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.
2. Display Fireworks.
 - a. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars unless the City Administrator, having received an application in writing, grants a permit for the display of display fireworks by fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator. No such permit shall be required for the display of display fireworks at incorporated county fairs or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.
 - b. No permit for the display of display fireworks involving City property shall be granted without the Operator procuring and maintaining in force during the event a policy of liability insurance which must be in the amount of at least \$500,000. The certificate of liability insurance shall name the City of Waverly as an additional insured.

- c. A person who uses or explodes display fireworks without a permit commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.
 - d. A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.
3. Consumer Fireworks.
- a. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this subsection and subsection 4.
 - b. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor.
 - c. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by subsection 4 in Waverly commits a simple misdemeanor.
 - d. A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor.
4. Limitations.
- a. No person shall discharge a consumer fireworks device outside the following dates and times:
 - 1. On July 3rd and July 5th between the hours of Noon and 10:00 p.m.
 - 2. On July 4th between the hours of Noon and 11:00 p.m.
 - 3. December 31st (New Year's Eve) from Noon to 12:30 a.m. on January 1st.
 - b. No person under the age of 18 shall discharge consumer fireworks intended for use by the general public (1.4G Explosives, as defined by the American Pyrotechnics Association, and formerly known as Class C common fireworks) without adult supervision.
 - c. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given by the owner of that property.

- d. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of alcohol, drugs or narcotics.
 - e. Any person discharging consumer fireworks, or supervising a child discharging consumer fireworks, assumes all responsibility for the adverse consequences of such discharge. No person shall discharge consumer fireworks in a negligent or reckless manner likely to cause death, injury, fire, property damage or littering.
 - f. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this section.
5. Applicability.
- a. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this ordinance, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.
 - b. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
 - c. Unless specifically provided otherwise, this section does not apply to novelties.

Ordinance 1079 09/29/20

SEC. 104.4.02 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.

SEC. 104.4.03 TRANSPORTING OFFENSIVE OR HARMFUL MATERIALS. No unauthorized person shall willfully transfer, transport or haul, or cause the transferring, transporting or hauling, on, through or along any throughway, any offensive substance, including any refuse, garbage, offal, waste, decayed meat or vegetables, or any other substance which causes an offensive odor or stench, unless such substance is contained in a box, barrel or other receptacle or enclosed space which reasonably prevents the escape of the odor or stench.

SEC. 104.4.04 LITTERING OR DEPOSITING MATERIALS.

- 1. No person shall throw, deposit or leave, or cause the throwing, depositing or leaving of any rubbish, filth, offensive substance, ashes, manure, shavings, cinders, stone, sand, coal, wood, brush, hay, straw, trash, garbage, litter, paper, cards, broken glass, glass bottle, tacks, nails or any other sharp or jagged object, on any throughway or on any public property, or on any private property.

2. This paragraph shall, however, not apply to property designated by the city council as a proper site to deposit any or all such materials; nor to the depositing person's own property or the property of an owner who permits the depositing of any or all such materials on his or her property, provided that the depositing is otherwise lawful.

SEC. 104.4.05 RECKLESS USE OF FIRE OR EXPLOSIVES. No person shall so use fire or any incendiary or explosive device or material as to recklessly endanger the property or safety of another.

SEC. 104.4.06 SALE OF TAINTED FOOD. It shall be unlawful for any person to sell or offer for 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 diseased.

SEC. 104.4.07 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, icebox, or similar container, with doors that may become locked, outside of buildings and accessible to children. No person shall allow any such refrigerator, icebox, or similar container, to remain outside of a building on premises in the person's possession or control, abandoned or unattended and so accessible to children.

SEC. 104.4.08 CARRYING WEAPONS.

1. Any of the following persons or entities is authorized to possess an offensive weapon when the person's or entity's duties or lawful activities require or permit such possession:
 - a. Any peace officer.
 - b. Any member of the armed forces of the United States or of the national guard.
 - c. Any person in the service of the United States.
 - d. Any correctional officer, serving in an institution under the authority of the Iowa department of corrections.
 - e. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.
 - f. Any person, firm, or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention, or manufacture of firearms.
 - g. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.
 - h. A nonresident who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in official functions in this state of a historical reenactment organization of which the person is a member, if the offensive weapon is legally possessed by the person in the person's state of residence and the offensive weapon is at all times while in this state

rendered incapable of firing live ammunition. A nonresident who possesses an offensive weapon under this paragraph while in this state shall not have in the person's possession live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

4. Notwithstanding subsection 1, a person is not authorized to possess in this state a shot shell or cartridge intended to project a flame or fireball of the type described in section 724.1.

[Iowa Code Section 724.2]

SEC. 104.4.09 DUTY TO CARRY PERMIT TO CARRY WEAPONS. The availability of a professional or nonprofessional permit to carry weapons under this chapter shall not be construed to impose a general prohibition on the otherwise lawful unlicensed carrying or transport, whether openly or concealed, of a dangerous weapon, including a loaded firearm.

[Iowa Code Section 724.5]

SEC. 104.4.10 DISCHARGING FIREARMS. No person shall discharge a firearm of any kind, including any rifle, shotgun, revolver, pistol or gun, without prior approval by the chief of police authorizing when and where such discharging of weapons may be permitted to take place.

SEC. 104.4.11 THROWING AND SHOOTING. No person shall throw stones or missiles of any kind or shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place, except when under proper supervision of persons authorized by the city council. This section shall not apply to any person conducting these activities on private property provided the person has the permission of the property owner; the person exercises due care and caution to avoid hitting, injuring, or endangering any person or property; shall not shoot objects in such a fashion that it travels beyond the boundaries of the private property on which the person is shooting. (Ord. 1006 12/29/15)

SEC. 104.4.12 SPRING GUNS OR TRAPS. No person in any place shall set a spring gun or a trap which is intended to be sprung by a person and which can cause such person serious injury.

SEC. 104.4.13 SETTING OUT POISON. Any person who places or throws any poison, poisoned food or substances on any street, avenue, alley, public or private grounds within the city, in such a way that it may endanger the life of any person or animal, is guilty of a misdemeanor; provided, however, that nothing in this section shall prohibit the setting out of poison in a prudent manner upon one's own premises for the purpose of exterminating vermin or rodent.

SEC. 104.4.14 KEEPING DISORDERLY HOUSE.

1. Simple Misdemeanor: No person shall permit or suffer to continue, without taking legal steps to prevent the same, any quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person's possession. For the purposes of this section, "to the disturbance of the general

public" includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers. Any violation of this subsection shall be a simple misdemeanor.

2. Authority to Restore Order and Disperse; Failure to Disperse: Upon issuance of a citation for a violation of this section, any peace officer of the city shall have authority to restore order upon the subject premises, up to and including ordering the dispersal of person(s) from the subject premises. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section. Any violation of this subsection shall be a simple misdemeanor.
3. Civil Sanction: Quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person's possession is prohibited. For the purposes of this section, "to the disturbance of the general public" includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers. Any violation of this subsection by a property owner or tenant is a municipal infraction punishable by a civil penalty of five hundred dollars (\$500.00) for first offense and seven hundred fifty dollars (\$750.00) for second and subsequent offenses.

Ord. 1049 08/14/18