

## CHAPTER 17

### OFFENSES--MISCELLANEOUS

#### Sec. 17.1. OFFENSES; CERTAIN PUBLIC OFFENSES TO BE OFFENSES AGAINST THE CITY.

(1) Certain simple misdemeanors defined and known under the Code of Iowa 1997 are hereby declared and made to be offenses against the City of Ames, Iowa, when committed in the City of Ames, to-wit:

- (a) **Assault** [State Law Ref. 708.1, 708.2(3)]
- (b) **Harassment** [State Law Ref. 708.7]
- (c) **Theft in the fifth degree** [State Law Ref. 714.1, 714.2 (5)]
- (d) **Criminal mischief in the Fifth Degree** [State Law Ref. 716.1, 716.6]
- (e) **Trespass** [State Law Ref. 716.7, 716.8 (1)]
- (f) **Animal neglect** [State Law Ref. 717B.3]
- (g) **Harassment of public officers and employees** [State Law Ref. 718.4]
- (h) **False reports to law enforcement authorities** [State Law Ref. 718.6]
- (i) **Refusing to assist officer** [State Law Ref. 719.2]
- (j) **Fraudulent practice in the Fifth Degree** [State Law Ref. 714.8, 714.13]
- (k) **Use of false process or records** [State Law Ref. 720.5]
- (l) **Unlawful assembly** [State Law Ref. 723.2]
- (m) **Failure to disperse** [State Law Ref. 723.3]
- (n) **Disorderly conduct** [State Law Ref. 723.4]
- (o) **Interference with official acts** [State Law Ref. 719.1]
- (p) **Unauthorized access to computer** [State Law Ref. 716A.2]
- (q) **Computer damage in the Fifth Degree** [State Law Ref. 716A.8]
- (r) **Computer theft in the Fifth Degree** [State Law Ref. 716A.14]
- (s) **Abandonment of cats and dogs** [State Law Ref. 717.4]
- (t) **Possession Under Legal Age** [State Law Ref. 123.47]

(2) Violation of any provision of this Section shall be a simple misdemeanor.

(Ord. No. 3480, Sec. 1, 4-14-98; Ord. No. 3551, 3-7-00)

(Ord. No. 2646, Sec. 2, 3-7-78; Ord. No. 2685, Sec. 1, 10-3-78; Ord. No. 2890, Sec. 1, 3-27-84; Ord. No. 3003, Sec. 14, 2-23-88; Ord. No. 3388, Sec. 1, 5-25-96; Ord. No. 3497, Sec. 12, 8-25-98; Ord. No. 3952, 05-13-08; Ord. 4128, 11-13-12)

#### Sec. 17.2. AIRGUNS, BOWS, SLINGSHOTS; DISCHARGING.

(1) Any person who discharges any projectile or missile from any bow, air-gun, slingshot or similar appliance, within the City, whereby any person may or shall be hurt or hit, any window broken or other property damaged or destroyed, commits a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(2) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

(3) This prohibition shall not apply to paintball activities conducted by clubs registered with Iowa State University and carried out at locations on campus that are subject to Iowa State University regulations and site plan controls, and which have been approved for those activities by Iowa State University.

(Ord. No. 812, Sec. 94; Code 1956, Sec. 76-94; Ord. No. 3497, Sec. 13, 8-25-98; Ord. No. 3551, 3-7-00, Ord. No. 3631, 10-9-01)

**Sec. 17.3. ANTENNAE, RADIO WIRES.**

(1) It is unlawful for any person to attach any antennae or radio wires to any pole used by the City in conveying electric current, or to any pole carrying telephone or telegraph wires or cables or to string, place or continue any such antennae or radio wires over or under any electric light or power wires or cables or to string any such antennae or radio wires in, on, or across any street, avenue, or alley of the City.

(2) Violation of this Section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(Ord. No. 812, Sec. 93; Code 1956, Sec. 76-93; Ord. No. 3003, Sec. 15, 2-23-88; Ord. No. 3497, Sec. 14, 8-25-98)

**Sec. 17.4. WEAPONS PERMIT REQUIRED.**

(1) A person armed with a revolver, pistol, or pocket billy concealed upon the person shall have in that person's immediate possession the permit provided for in Section 724.4 Subsection 4, paragraph 'i', Code of Iowa and shall produce the permit for inspection at the request of a city peace officer.

(2) Failure to produce a permit as required by subsection (1) above shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(3) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

(Ord. No. 2646, Sec. 2, 3-7-78; Ord. No. 3003, Sec. 16, 2-23-88; Ord. No. 3497, Sec. 15, 8-25-98; Ord. No. 3551, 3-7-00)

**Sec. 17.5. (RESERVED)**

**Sec. 17.6. FIREWORKS, USE AND SALES REGULATED.**

(1) **Definitions.**

(a) "*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.

(b) "*Consumer fireworks*" means first-class consumer fireworks as described in the American Pyrotechnics Association Standard 87-1, chapter 3, such as:

- (1) Aerial shell kits and reloadable tubes.
- (2) Chasers.
- (3) Helicopter and aerial spinners.
- (4) Firecrackers.
- (5) Mine and shell devices.
- (6) Missile-type rockets.
- (7) Roman candles.
- (8) Sky rockets and bottle rockets.
- (9) Multiple tube devices that are manufactured in accordance with APA 87-1, section 3.5.

(2) The use or exploding of consumer fireworks is prohibited.

(3) The use or exploding of display fireworks is prohibited except when done in accordance with a permit authorized by the City Council.

(Ord. No. 3936, 12-18-07)

(4) The City Council for the City of Ames may, upon receipt of a written application, permit the outdoor display and exploding of display fireworks by any group or organization if the fireworks will be handled by a competent operator.

(Ord. No. 3936, 12-18-07)

(5) However, nothing in this section shall be construed to prohibit any resident, dealer, manufacturer or jobber from selling consumer fireworks or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic or sporting events or by railroads or trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(6) An insurance certificate naming the City of Ames, its officers, and employees as an additional insured with comprehensive general liability limits in the amount of \$1,000,000 combined single limit and with excess liability limits in the amount of \$5,000,000 shall be in full force and effect during the life of the display fireworks permit. The coverage shall be at least as broad as the ISO Form Number CG0001 covering commercial general liability written on an occurrence basis only. For permits authorized by the City Council for the outdoor display of fireworks on the property of Iowa State University, the university must also be named as an additional insured. A copy of the current insurance certificate shall be maintained on file with the City Clerk.

*(Ord. No. 3746, 11-18-03; Ord. No. 3936; Ord. No. 3936, 12-18-07)*

(7) A violation of a provision of this section pertaining to the use or exploding of fireworks shall be a simple misdemeanor punishable by a fine of not less than \$250.

(8) In addition to complying with all other City permitting or registration standards and approvals, temporary vendors of consumer fireworks shall not erect a consumer fireworks sales stand, structure or tent within twenty-five (25) feet of an existing building.

(9) Retail vendors of consumer fireworks shall post a sign in plain view of customers informing customers that the use of fireworks within the Ames city limits is prohibited by city ordinance, and that a violation is a simple misdemeanor punishable by a fine of not less than \$250.

(10) A violation of sub-section (8) or (9) of this section is a municipal infraction.

*(Ord. No. 3746, 11-18-03) (Ord. No. 2646, Sec. 2, 3-7-78; Ord. No. 3003, Sec. 18, 2-23-88; Ord. No. 3497, Sec. 16, 8-25-98; Ord. No. 3551, 3-7-00)[State Law Ref. 727.2 ]*

*(Ord. No. 4315, 6-27-17)*

#### **Sec. 17.7 SMOKING PROHIBITED, CITY MEETINGS, BUILDINGS, AND VEHICLES**

(1) No person shall smoke, or otherwise use, any cigarette, cigar, pipe or other smoking equipment, or other tobacco product, in any room in which a public meeting of the city council or any administrative agency, board, commission, committee or other governmental body of the City of Ames, Iowa is being held, during said public meeting.

*(Ord. No. 2655, Sections 1, 2, 5-23-78)*

(2) No person shall smoke, or otherwise use, any cigarette, cigar, pipe, or other smoking equipment, or other tobacco product, in any building under the use and control of the City or City administrative agency, or in any enclosed courtyard of any such building, or in any vehicles, including Cy-Ride, under the use and control of the City or City administrative agency, except in those areas, if any, that have been designated and conspicuously posted as smoking areas.

(3) Violations of this ordinance are municipal infractions punishable by a civil penalty of \$25.00 for each offense.

*(Ord. No. 3074, Sec. 1, 3-20-90; Ord. No. 3358, Sec. 1, 11-21-95) [State Law Ref. Chap. 142B, Code of Iowa.]*

#### **Sec. 17.8. DEFACING NOTICES.**

(1) It is unlawful for any person to deface or tear down any notice, ordinance or advertisement, within the city, posted by order of the City Council or by any public officer in the performance of their official duties.

(2) Violation of this Section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(3) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 812, Sec. 53; Code 1956, Sec. 76-53; Ord. No. 3003, Sec. 19, 2-23-88; Ord. No. 3497, Sec. 17, 8-25-98; Ord. No. 3551, 3-7-00)*

**Sec. 17.9. DEPOSITING GUM, TOBACCO.**

(1) It is unlawful to deposit any gum, tobacco quid, cigar or cigarette stubs in, upon or against any sidewalk or upon the floor, of any public building, hallways, steps, cellarway, stairway, windows, public motor bus or depot platform.

(2) Violation of this Section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(3) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 812, Sec. 108; Code 1956, Sec. 76-108; Ord. No. 3497, Sec. 18, 8-25-98; Ord. No. 3551, 3-7-00)*

**Sec. 17.10. DEPOSITING DEBRIS ON PUBLIC OR PRIVATE PROPERTY, IN VEHICLES.**

(1) It is unlawful for any person to throw or deposit or allow to be thrown or deposited, any garbage, refuse, litter, or yard waste, into or upon any public or private property, or in or upon any motor vehicle or bicycle while parked on public property.

(2) No person shall operate any motor vehicle or bicycle with a load on or in such vehicle or bicycle unless the load on or in such vehicle or bicycle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

(3) Definitions. For the purpose of this section, the following terms shall have the meanings stated:

(a) "Garbage" means every waste accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and including tin cans or similar food containers.

(b) "Litter" means any organic or inorganic waste material, or portion thereof, which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, hull, cigarette, cigar, match, newspapers, magazines, advertisements, dead animals, or intentionally or unintentionally discarded material of any kind.

(c) "Public or Private Property" means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, grounds of public buildings, public sidewalks and walkways, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

(d) "Refuse": means all other miscellaneous waste materials except "yard waste" not specifically defined as garbage or litter.

(e) "Yard Waste": means debris including, but not limited to, grass clippings, leaves, garden waste, brush, trees, and tree stumps.

(4) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation and \$200 for each repeat violation.

(5) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 812, Sec. 1; Code 1956, Sec. 76-69; Ord. No. 3003, Sec. 20, 2-23-88; Ord. No. 3497, Sec. 19, 8-25-98; Ord. No. 3551, 3-7-00; Ord. No. 4211, 3-24-15)*

**Sec. 17.11. DISCHARGE OF FIREARMS.**

(1) No person, except one in lawful defense of themselves or another, or in defense of their property, or a peace officer in the performance of duties (including the designated animal control officer), or at a licensed shooting gallery, or one in lawful possession and control of land used for agricultural purposes when on said land shall fire off or discharge any cannon, gun, rifle or other firearm within the City. Provided, however, that nothing herein shall apply to the military department of Iowa State University; to other military organizations of the United States and the State, to military funeral ceremonies, or to firings conducted by sport and recreation organizations, such as the Izaak Walton League, at scheduled periods, on an established range, and under supervision of a designated individual who is qualified to assure that adequate safety precautions are established and observed.

(2) A violation of this Section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(3) Alternatively, a violation of this section can be charged by a peace officer of the city as a simple misdemeanor.  
(*Ord. No. 812, Sec. 87; Code 1956, Sec. 76-87; Ord. No. 2312, Secs. 1, 2, 10-28-69; Ord. No. 2439, Sec. 2, 4-17-73; Ord. No. 3003, Sec. 21, 2-23-88; Ord. No. 3497, Sec. 20, 8-25-98; Ord. No. 3551, 3-7-00*)

**Sec. 17.12. ABANDONED OR UNATTENDED REFRIGERATORS.**

Any person who abandons or otherwise leaves unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, or any person who allows 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, commits a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.  
[*State Law Ref. Iowa Code Sec. 727.3*] (*Ord. No. 3497, Sec. 21, 8-25-98*)

**Sec. 17.13. FALSE FIRE ALARMS.**

(1) Any person who in any manner, willfully gives or causes a false alarm whereby the fire department or the police department is called out to respond commits a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(2) Due to the frequency of alarms associated with automatic intrusion alarm systems of various kinds the City Council may from time to time establish by resolution a scheduled fee to recover the cost of responding to such alarms.  
(*Ord. No. 812, Sec. 81; Code 1956, Sec. 76-81; Ord. No. 2978, 6-23-87*) [*State Law Ref. Iowa Code Sec. 718.6*]  
(*Ord. No. 3497, Sec. 22, 8-25-98*)

**Sec. 17.14. INTERFERING WITH GRADE STAKES, OTHER MONUMENTS.**

(1) It is unlawful for any person to remove, break, carry away, damage, destroy or interfere with, in any manner, any grade stake, stone or other marker or monument within the city, set by the city, federal, state authorities or duly registered land surveyor to designate grade, corners, lines or bench marks, or to deface, remove any letters, figures or marks thereon.

(2) Violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(3) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.  
(*Ord. No. 812, Sec. 73; Code 1956, Sec. 76-73; Ord. No. 3003, Sec. 22, 2-23-88; Ord. No. 3497, Sec. 23, 8-25-98; Ord. No. 3551, 3-7-00*) [*State Law Ref. Iowa Code Sec. 355.14*]

**Sec. 17.15. INTERFERING WITH HYDRANTS.**

(1) It is unlawful for any person, unless properly authorized, other than an employee of the city, or a member of the fire department in the performance of their duty, to take off or unscrew the cap from any water hydrant in the streets or avenues of the city, or interfere or meddle with such hydrant in any manner.

(2) Violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(3) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.  
(*Ord. No. 812, Sec. 83; Code 1956, Sec. 76-83; Ord. No. 3003, Sec. 23, 2-23-88; Ord. No. 3497, Sec. 24, 8-25-98; Ord. No. 3551, 3-7-00*)

**Sec. 17.16. MINORS PROHIBITED ON CERTAIN PREMISES.**

(1) It shall be unlawful for the holder of a license or permit issued pursuant to the 'Iowa Alcoholic Beverage Control Act' for premises where more than fifty percent (50%) of the business conducted is the sale or dispensing of alcoholic beverages for consumption on the premises, and for any person employed with respect to such premises to knowingly permit or fail to take reasonable measures to prevent the entry onto such premises of any and all persons who have not yet attained the age of twenty-one. It shall be the duty of the licensee and of the

person or persons managing such premises to cause to be posted and maintained at all times an easily readable notice in the English language stating that persons less than 21 years of age are prohibited from entering the premises.

*(Ord. No. 3116, 2-5-91; Ord. No. 3119, 2-16-91)*

(2) However, the provisions of subsection (1) above shall not apply when:

(a) The underage person is an employee of the license holder, or performing a contracted service with respect to said premises, and is on the premises during their scheduled work hours.

(b) The underage person is accompanied by a parent, guardian or spouse who is of legal age for the purchase of alcoholic beverages.

(c) The underage person is on the premises during a time that the licensee has, in accordance with a written notice and plan given in advance to the Chief of Police, suspended dispensing alcoholic beverages on the licensed premises or on a clearly delineated part of the licensed premises operated under a differentiating trade name. It shall be the strict duty of a licensee permitting such underage persons onto the licensed premises pursuant to such a plan, and of all persons employed with respect to said premises, to prevent underage persons from consuming or possessing alcoholic beverages on said premises. Police officers shall be admitted to the premises at any time to monitor compliance with all applicable laws. Failure in that duty whether knowingly or otherwise, shall be punishable as a violation of this section.

(d) The underage person is on the premises as a participant in a special event for a non-profit organization, or in a banquet or ceremonial dinner for any organization, in accordance with a plan approved in advance by the Chief of Police. It shall be the strict duty of a licensee permitting such underage persons onto the licensed premises, and of all persons employed with respect to said premises, to prevent underage persons from consuming or possessing alcoholic beverages on said premises.

(e) The underage person is on the premises during specified posted hours that the licensee does its business primarily in food sales, in accordance with a plan approved in advance by the Chief of Police. To receive plan approval, a licensee shall be required to demonstrate that there is a clearly definable pattern of daytime hours during which more than 50% of the business' sales are food. It shall be the strict duty of the licensee, and of all persons employed with respect to said premises, to remove all underage persons from the premises before the start of restricted admission hours each day, and it shall be the strict duty of the licensee permitting underage persons onto the premises, and of all persons employed with respect to said premises, to prevent underage persons from consuming or possessing alcoholic beverages on said premises. Failure in these duties, whether knowingly or otherwise, shall be punishable as a violation of this section.

*(Ord. No. 3121, Sec. 1, 3-5-91; Ord. No. 3154, Sec. 1, 12-17-91; Ord. No. 3214, Sec. 1, 1-26-93; Ord. No. 3269, Sec. 1, 3-22-94)*

(3) It shall be unlawful for any person who has not yet attained the age for lawful purchase and possession of alcoholic beverages to go onto such premises as are described in subsection (1) except as is provided for by subsection (2).

(4) Violation of the provisions of subsections 17.16(1) through 17.16(3) pertaining to underage persons on licensed premises shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation and \$200 for each repeat violation. Alternatively, violation of those stated subsections can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 3497, Sec. 25, 8-25-98; Ord. No. 3500, Sec. 1, 10-13-98; Ord. No. 3551, 3-7-00)*

(5) Minors Prohibited on Premises at nude Performances. Persons under the age of 18 years shall not attend any live entertainment or performance presented for commercial purposes, that consists in whole or in part of persons exposing human genitalia, human buttocks, or the human female breast nipple. No person shall participate in presenting such entertainment to a person under the age of 18. A violation of this subsection shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this subsection can be charged by a peace officer of the City as a simple misdemeanor. *(Ord. No. 2700, Sec. 2, 1-16-79; Ord. No. 3003, Sec. 24, 2-23-88; Ord. No. 3033, Sec. 1, 1-24-89; Ord. No. 3039, Sec. 1, 2-17-89; Ord. No. 3046, Sec. 1, 5-9-89; Ord. No. 3052, Sec. 1, 6-27-89; Ord. No. 3068, Sec. 1 & 2, 1-9-90; Ord. No. 3289, Sec. 1, 8-23-94; Ord. No. 3497, Sec. 26, 8-25-98; Ord. No. 3551, 3-7-00, Ord. No. 3589, 9-26-00)*

**Sec. 17.17. CONSUMPTION IN PUBLIC PLACES.**

It is unlawful for any person to use or consume alcoholic beverages, wine or beer upon the public streets or highways of the City of Ames, or consume any alcoholic beverage in any public place, except:

(1) Premises covered by a valid liquor control license, beer permit or wine permit that authorizes consumption on the premises; or

(2) If the public place is Brookside, Emma McCarthy Lee, Inis Grove, North and South River Valley or Moore Memorial Parks, wine and beer may be consumed if it is in or dispensed from bottles or single serving cans, but not cartons or kegs. Keg beer may be authorized only by the Parks and Recreation Commission based on such criteria as they shall adopt; or

(3) If the consumption is part of wine or beer tasting authorized pursuant to a permit issued by the Ames City Council for a local Farmer's Market wine-or beer tasting event.

(a) The City Council may grant a permit for wine or beer tasting to be conducted by Iowa wineries or breweries at a Farmer's Market upon review and approval by the Police Department of a plan for such event. The plan shall require proof of liability insurance coverage of any vendor providing samples; proof of licensing to sell at a satellite location from any alcoholic beverage licensees; a safety plan; a detailed description and layout of the premises and hours covered by the event; a description of the system that will be used to limit consumption to those of legal age; that consumption occurs only in a designated tasting area located within the boundaries of the farmer's market; that samples served shall be 1 ounce or less; that all alcoholic beverages shall be served only by holders of an alcoholic beverage control license; that beverages served shall be native wine and /or Iowa-brewed beer; and that in no circumstances shall any payment be required for admittance to the market, for any cup or serving container or for the alcoholic beverage.

(b) For purposes of this subsection, a "Farmer's Market" is a gathering of not less than ten local vendors selling their homemade or homegrown products at a specific predetermined location on prescheduled dates. The Farmer's Market shall include at least one vendor from each of the following categories: vegetables; fruits, jams and salsa; crafts; prepared foods; meat; and wineries and breweries, except that no more than 10% of the vendors may be serving alcoholic beverages. The market shall be sponsored by an established organization that shall be responsible for organization of the market, which shall include securing the location where the market meets and scheduling and holding the market at least once a week for no less than eight consecutive weeks.

(c) It shall be unlawful to allow wine or beer tasting without a permit, or to fail to comply with the provisions of the approved plan for the permitted event.

(4) If the consumption occurs as part of a wine, beer or alcoholic beverage tasting that is offered free of charge to the public which meets all of the following conditions:

(a) The tasting shall occur only in a commercial zoning district;

(b) The tasting shall be conducted by a retailer whose premises are covered by a valid alcoholic control license or permit authorizing either on or off premise consumption;

(c) The tasting shall be held on or in the licensed premises;

(d) The tasting shall comply with all requirements of Iowa Code Chapter 123 – The Alcoholic Beverage Control Act and with the Administrative regulations adopted pursuant to that Act;

(e) Beverage samples shall be one (1) ounce or less per sample and shall be limited to the beverages the retailer is licensed or permitted to sell; and

(f) Prior to conducting a tasting, the retailer shall submit a written tasting event plan to the Ames Police Department and shall obtain written approval of the plan from the Police Chief or the Police Chief's designee. The plan shall include information disclosing the retailer's steps to monitor and control tasting events including details of the retailer's plan to ensure that no underage persons possess or consume any alcoholic beverage, training of staff, duration of the event, and means for preventing or addressing overconsumption or intoxication of patrons. The plan shall include documentation from the retailer's general liability insurance carrier indicating that the tasting activity is covered by the terms of the policy in effect. Where a retailer intends to conduct

multiple similar tasting events, the retailer's plan may be submitted for approval on an annual basis. However, if the retailer wishes to hold a special, non-routine tasting event in addition to the routine events approved in the annual plan, the retailer shall obtain separate approval for the special, non-routine event.

(5) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section may be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 2700, Sec. 2, 1-16-79; Ord. No. 3003, Sec. 25, 2-23-88; Ord. 3459, Sec. 1, 9-9-97; Ord. No. 3497, Sec. 27, 8-25-98; Ord. No. 3500, Sec. 2, 10-13-98; Ord. No. 3551, 3-7-00; Ord. No. 4068, 6-14-11; Ord. No. 4093, 11-22-11)*

#### **Sec. 17.18. BEER AND LIQUOR SALES BY AND TO YOUNG PERSONS.**

(1) It shall be the duty of persons who sell beer and alcoholic beverages, and of their employees, to demand and examine satisfactory evidence of the purchaser's age if that person appears to be under the legal age for such purchase, before selling, giving or otherwise providing beer or alcoholic beverages to such person.

(2) Persons under the legal age for purchase of beer or alcoholic beverages shall not purchase or attempt to purchase beer or alcoholic beverages, except when acting with the knowledge and authorization of the Ames Police Department in the course of a law enforcement investigation.

(3) It shall be unlawful for any person to:

(a) manufacture, make, possess, sell, give, or distribute any false or altered document to misstate a person's age to indicate that such person is old enough to lawfully purchase alcoholic beverages when they have not yet attained that age.

(b) manufacture, make, possess, sell, give, or distribute any document to misrepresent the identity of a person as someone old enough to lawfully purchase alcoholic beverages when such person has not yet attained that age.

*(Ord. No. 3038, Sec. 1, 2-14-89)*

(4) Any person violating this section shall be guilty of a simple misdemeanor.

*(Ord. No. 2746, Sec. 1, 2-26-80; Ord. No. 2919, Sec. 1, 2-26-85; Ord. No. 3003, Sec. 26, 2-23-88)*

#### **Sec. 17.18.1 INDIRECT SALES AND SALES OF UNLIMITED SERVINGS OF ALCOHOLIC BEVERAGES PROHIBITED.**

The following is prohibited:

(1) Offering an unlimited or indefinite quantity of alcoholic beverages free of charge to the purchaser of a cup, or to a person who pays a cover charge or admission fee, or to a purchaser of any other goods or services.

(2) To sell, offer to sell, dispense or serve, for a single payment, fixed in advance, an unlimited or indefinite number of servings of alcoholic beverage or an unlimited or indefinite amount of alcoholic beverage.

(3) Nothing in this section shall be construed to prohibit a holder of a liquor control license, wine permit or beer permit, or its employees or agents, from:

(a) including servings or quantities of alcoholic beverages as a part of a hotel or motel package that includes overnight accommodations,

(b) providing for a single payment fixed in advance an unlimited or indefinite number of servings or quantity of alcoholic beverage for an event not open to the general public, but restricted to a particular invited group of persons who are identified by means of restricted access to a particular room or area or an identification tag or badge,

(4) A violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a persons first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor punishable by a fine of not more than \$500 or imprisonment not to exceed 30 days.

*(Ord. No. 3037, Sec. 1, 2-14-89; Ord. No. 3497, Sec. 28, 8-25-98; Ord. No. 3551, 3-7-00, Ord. No. 3702, 3-4-03)*



**Sec. 17.19. INTOXICATION IN A PUBLIC PLACE.**

No person shall be intoxicated or simulate intoxication in a public place. Violation of this section is a simple misdemeanor.  
(Ord. No. 812, Sec. 38; Code 1956, Sec. 76-38; Ord. No. 2392, Sections 1, 2, 2-15-72; Ord. No. 3497, Sec. 29, 8-25-98; Ord. No. 3500, Sec. 3, 10-13-98; Ord. No. 3551, 3-7-00) [State Law Ref. Iowa Code Sec. 123.46]

**Sec. 17.20. REMOVING DANGER SIGNALS, BARRICADES.**

It is unlawful for any person to interfere with, remove, throw down, destroy or carry away from any street, alley or public place, any lamp, lantern, flare or other light, barricade or danger signal, erected and placed therein for the purpose of guarding or enclosing unsafe or dangerous places or giving warning or notice thereof. A violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation thereof and \$100 for each repeat violation. Alternatively, violation of this section can be charged by a peace office of the City as a simple misdemeanor.  
(Ord. No. 812, Sections 72, 73; Code 1956, Sections 76-72, 76-88; Ord. No. 3003, Sec. 27, 2-23-88; Ord. No. 3497, Sec. 30, 8-25-98; Ord. No. 3551, 3-7-00)

**Sec. 17.21. AIR TRAFFIC RULES TO BE OBSERVED.**

No aircraft shall be operated over or within the jurisdiction of the City of Ames in violation of the air traffic rules which have been or may hereafter be established by the Federal Aviation Administration of the United States. Violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation thereof and \$100 for each repeat violation.  
(Ord. No. 2436, Sec. 1, 3-6-73; Ord. No. 3497, Sec. 31, 8-25-98)

**Sec. 17.22. MINIMUM ALTITUDES.**

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- (1) **Anywhere.** An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- (2) **Over congested areas.** Over any congested area of the City of Ames, or over any open air assembly of persons, an altitude of one thousand (1,000) feet above the highest obstacle within a horizontal radius of two thousand (2,000) feet of the aircraft.
- (3) **Over other than congested areas.** An altitude of five hundred (500) feet above the surface, except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than five hundred (500) feet to any person, vessel, vehicle, or structure.
- (4) **Helicopters.** Helicopters may be operated at less than the minimums prescribed in paragraph (2) or (3) of this section, if the operation is conducted without hazard to persons or property on the surface; however, in no event shall a helicopter be operated at an altitude of less than five hundred (500) feet over any open air assembly of persons, except when in the process of takeoff or landing. In addition, each person operating a helicopter shall comply with the routes or altitudes specifically prescribed for helicopters by the administrator of the Federal Aviation Administration.

(Ord. No. 2436, Sec. 1, 3-6-73)

- (5) Failure to abide by the altitude requirements stated in Subsections (1) through (4) above shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation thereof and \$100 for each repeat violation.

(Ord. No. 3497, Sec.32, 8-25-98)

**Sec. 17.23. DOPE PARAPHERNALIA.**

- (1) **Definitions.** The following words and phrases when used in these regulations for the purposes of these regulations shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **"Cocaine spoon":** A spoon with a bowl so small that the primary use for which it is

reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical lawful uses of a spoon. A cocaine spoon may or may not be labeled as a "cocaine" spoon or "coke" spoon.

(b) **"Controlled substance"**: Any drug, substance or immediate precursor enumerated, defined or established pursuant to the provisions of Chapter 204 Code of Iowa 1979, also known as the Uniform Controlled Substances Law.

(c) **"Marijuana or hashish pipe"**: A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.

(d) **"Paraphernalia"**: An empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, or any other instrument, implement, or device which is primarily adapted or designed for the administration or use of any controlled substance.

(e) **"Person"**: An individual, corporation, business trust, estate, trust, partnership or association.

(2) **Sale or Display Prohibited.** It shall be unlawful for any person to sell, offer for sale, display, furnish, supply or give away any empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, or any other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance to any person.

The prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to common carriers or warehousemen or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self injection, nor shall the prohibition of this section apply to the display of paraphernalia in the home of the owner for purely decorative purposes.

(3) Violation of the provisions of this section with respect to drug paraphernalia shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

*(Ord. No. 3003, Sec. 28, 2-23-88; Ord. No. 3497, Sec. 33, 8-25-98)*  
*(Ord. No. 2749, 5-21-80)*

#### **Sec. 17.24. RESERVED.**

#### **Sec. 17.25. PAWNBROKERS, ITINERANT DEALERS, AND SECONDHAND DEALERS**

(1) **Definitions.** The following words and phrases shall have the meanings respectively ascribed to them for the purpose of the regulations in section 17.25.

(a) **Antique Dealer.** Any dealer primarily engaged in the buying and selling of collectible objects, including but not limited to pieces of furniture or works of art that have high value because of the item's considerable age.

(b) **Bullion.** Any bar, ingot, or coin comprised of one or more precious metals, including but not limited to gold, silver, platinum, and palladium, and which can be exchanged on the basis of the commodity market price for its metal composition.

(c) **Dealer.** Any pawnbroker, secondhand dealer, or itinerant dealer, and any principal, employee, agent, or servant thereof, engaged in or conducting business for purchase, sale, barter, exchange, or pawn of gold, silver, platinum, including coins, and precious or semiprecious gems or stones.

(d) **Engaged in or conducting business.** The purchase, sale, barter, pawn, or exchange of any item in Sec. 17.25(1), including the advertising therefor, by any business entity or individual subject to State sales tax.

(e) **Itinerant Dealer.** Any dealer as defined herein who engages or has engaged in any temporary or transient business conducted in a shop, room, hotel room, motel room or other premises used for any duration less than thirty (30) consecutive days or used on a temporary basis.

(f) **Pawnbroker.** Any person who shall in any manner lend or advance money or other things for profit on the pledge or possession of personal property, or other valuable things, other than securities or written evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

(g) **Secondhand Dealer.** Any person engaged in the business of buying or selling secondhand goods, excluding consignment of secondhand goods or the sale of secondhand goods donated without compensation. This definition shall include the use of any automated or camera-enabled kiosk used to purchase secondhand goods from a seller without the buyer's physical presence.

(h) **Secondhand Goods.** Tangible personal property previously owned by another person, whether used or not, which property, in its present state, possesses utility for the purpose for which it was originally intended.

(i) **Tangible Personal Property.** Items including:

(i) items made in whole or in part of gold, silver, platinum, copper or other precious metals;

(ii) items containing or consisting of precious or semiprecious gemstones or other polished stones used for decoration or jewelry;

(iii) articles with serial numbers, model numbers, or other identifying marks, including, but not limited to appliances, tools, radios, stereo equipment, radar detectors, televisions, cellular phones, video recorders, camcorders, video equipment, computers, computer equipment and accessories, digital music recorders and players, and cameras, but not including clothes washers, clothes dryers, refrigerators, and auto parts;

(iv) musical instruments;

(v) rifles, shotguns, handguns, and other firearms;

(vi) movie cassette tapes and discs, music cassette tapes and discs, record albums, computer software and diskettes, and video game cartridges; and

(vii) any other item of value, except:

a. One or more coins collected or exchanged for their numismatic value, where the scarcity, historical significance, quality, and other unique factors determine the market value of a coin rather than the commodity price of the metals that comprise it; and

b. Books and textbooks.

(j) **Transaction.** Any purchase, sale, barter, pawn, or exchange of any item.

*(Ord. No. 3323, Sec. 1, 3-28-95)*

(2) **Dealer's Permit.**

(a) A pawnbroker, secondhand dealer, or itinerant dealer must apply for and obtain a dealer's annual permit prior to being engaged in or conducting business as a dealer. Such permit shall be posted conspicuously in each place of business named therein.

*(Ord. No. 4432, 3-23-2021)*

(b) **Application.** To obtain a dealer's permit a dealer shall file a written, sworn application on a form provided by the City Clerk signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, with the City Clerk showing:

(i) The name or names of the principals, agents, and employees of the applicant's business during the time that it is proposed that such business will be carried on in the City of Ames; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (as proprietor, agent, employee or otherwise); the name and the address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state it is incorporated;

(ii) The place or places in the City of Ames where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(iii) The place or places, other than the permanent place of business of the applicant, where the applicant within the six (6) months next preceding the date of said application conducted an itinerant business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(iv) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers; and

(v) Credentials from the person, firm or corporation for which the applicant proposed to do business, authorizing the applicant to act as such representative.

(c) **Fee Requirement.** Every application for a dealer's annual permit shall be accompanied by the application fee. The fee for a dealer's annual permit shall be in such amount as is set by the City Council.

*(Ord. No. 2941, Sec. 1, 2-4-86)*

(d) **Issuance.** Upon receipt of an application for a dealer's permit, the City Clerk shall notify the Ames Chief of Police or Chief's designee who shall cause such investigation of the applicant as the Chief deems necessary for the public good, and may recommend issuance or refusal of a dealer's permit. Within ten (10) days of the filing of an application, the City Clerk shall issue a dealer's permit or refuse to do so for reasons including but not limited to the following:

(i) fraud, misrepresentation or false statement of material or relevant facts contained in the application;

(ii) that the applicant has engaged in a fraudulent transaction or enterprise; or

(iii) that the applicant has engaged in a pattern of criminal activity.

(e) **Appeal.** If the City Clerk denies an application for a dealer's permit, the City Clerk shall mail to the applicant, by certified mail, a written statement of the decision with a brief statement of the reason(s) therefore. An appeal from the decision of the City Clerk may be made in writing to the City Manager, or Manager's designee, within ten (10) days of the receipt of the decision. The written appeal shall state the specific grounds for the appeal. The City Manager, or Manager's designee, shall hold a hearing within a reasonable time from the receipt of the appeal. At the hearing, the applicant or permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his or her favor. The City Manager, or Manager's designee, may grant or deny the appeal. That decision shall be final.

(f) **Expiration.** A dealer's permit shall expire on December 31 of the year in which it is issued. If a dealer's business is discontinued, moved, or sold within one (1) year after issuance, the dealer's permit expires and a new permit must be obtained before the dealer's business is recommenced. The dealer's annual permit is a personal privilege and shall not be transferable, nor shall there be a partial refund of the application fee where the permit holder discontinues his business prior to December 31 of the year in which the permit was issued.

*(Ord. No. 2941, Sec. 1, 2-4-86)*

(g) **Revocation.** Any dealer's permit may be revoked by the City Manager, or Manager's designee after notice and hearing if it is found that the dealer has knowingly violated any provision of section 17.25. The City Manager shall mail to the permit holder, by certified mail, a written notice of the hearing twenty (20) days before the hearing date. The notice shall set forth the grounds of the proposed revocation and the time and place of the hearing. At the hearing the permit holder may be represented by counsel, may cross-examine witnesses, and present evidence in his or her favor. The decision of the City Manager, or Manager's designee, shall be final.

(h) Itinerant dealers must register with the City of Ames Police Department before engaging in or conducting business each time that such dealer is in the City of Ames to conduct business.

*(Ord. No. 3323, Sec. 1, 3-28-95)*

(3) **Records of Transactions and Retention of Purchases.**

(a) **Records.** The City of Ames Chief of Police shall designate an Internet-based property tracking service. Every dealer, itinerant dealers excepted, shall report each transaction of secondhand goods and tangible personal property within twenty-four (24) hours of the transaction to the Internet-based tracking service. The record of each transaction shall include:

(i) an accurate and detailed account of the sale, purchase, pawn, trade, or exchange;

(ii) serial and model numbers, a transcription of any engraving or other identifying labels, marking, or writings located on the item, the brand name and model name;

(iii) the titles of any movie cassette tapes or discs and computer software;

(iv) the titles and artist names of any musical cassette tapes, discs, and albums;

(v) the number and description of any decorative precious or semiprecious gems, stones, or jewelry;

(vi) the amount paid, advanced, or loaned for each item;

(vii) the date and time of the transaction;

(viii) a clear and recognizable digital photograph of each item, which shall only be required if the item lacks a serial or model number; and

(ix) a description of the person selling, purchasing, pawning, trading, or exchanging the item, which description shall include the person's first and last name, address of residence, date of birth, sex, and driver's license or state issued identification card number including the state

(b) **Itinerant dealers.** Every itinerant dealer shall record transactions according to one of the following methods, which records shall consist of the information in Sec. 17.25(3)(a)(i) through Sec. 17.25(3)(a)(ix):

(i) keep and maintain a physical record book of transactions, which record book shall be presented to the Police Department for inspection and photocopying before the itinerant dealer leaves the City of Ames; or

(ii) report transactions to the Internet-based property-tracking service designated by the City of Ames Chief of Police.

(c) **Antique dealer.** Every antique dealer shall be exempt from the recording, reporting, and retention requirements of this Section.

(d) **Transactions Exempt From Reporting.** Any transaction of the following shall not be required to comply with the reporting and retention requirements of this Section:

(i) Any transaction of goods at a garage sale, yard sale, or estate sale, which shall be construed as the infrequent, periodic sale of miscellaneous household or personal articles on the premises of a private residence;

(ii) Any consignment transaction of secondhand goods or the sale of secondhand goods donated without compensation;

(iii) Any transaction of goods at an auction.

(e) **Retention of Items.**

(i) No dealer shall sell, deliver, melt, change the form of, or dispose of any item subject to Section 17.25 of the Municipal Code within ten (10) days of the acquisition of such item unless one of the following exceptions is met:

(1) Permission to do so is granted in writing by the City of Ames Chief of Police or the Chief's designee;

(2) A pawned item is returned to the person who pawned the item within the ten (10) day retention period pursuant to the agreed upon terms; or

(3) The item is bullion.

(ii) The City of Ames Chief of Police or the Chief's designee may inspect all items for which a request to dispose has been granted before the end of the ten (10) day retention period.

*(Ord. No. 3323, Sec. 1, 3-28-95)*

(4) **Inspection of Premises.** Every dealer shall admit any police officer to its premises during its regular business hours to examine articles purchased or received; and to search for and to take into possession any article known by that officer to have been reported missing or known or believed by the officer to have been stolen.

*(Ord. No. 3323, Sec. 1, 3-28-95)*

(5) **Prohibitions.**

(a) No dealer shall conceal, secrete, or destroy for the purpose of concealing, any item purchased or acquired by the dealer for the purpose of preventing identification thereof by a police officer or any person claiming to own the same.

(b) It shall be unlawful for any dealer in the course of the dealer's business or occupation to acquire, by purchase, barter, exchange, or pawn, any goods from any person under eighteen (18) years of age.

(c) It shall be unlawful for any dealer to acquire, by purchase, barter, exchange or pawn, items bearing evidence of a serial number which has been tampered with or scratched or obliterated in any manner unless such person immediately contacts the Ames Police Department.

(d) It shall be unlawful for any dealer to acquire, by purchase, barter, exchange or pawn, any items prior to examining photo identification with a physical description of the person selling, bartering, exchanging or pawning said articles.

(e) It shall be unlawful for any dealer to intentionally misrepresent or falsify any record of an item, seller, or transaction required to be reported to the Ames Police Department under this chapter.

*(Ord. No. 2938, Sec. 1, 10-15-85; Ord. No. 3323, Sec. 1, 3-28-95)*

(6) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 3497, Sec. 34, 8-25-98; Ord. No. 3551, 3-7-00)*

*(Ord. No. 4214, 5-12-15)*

### **Sec. 17.26. PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS.**

(1) Each and every person engaged in residence to residence solicitation of orders for goods or services, or in residence to residence peddling of things carried along for sale, and who does not have any indoor place in the city where the same selling of goods and services is done by said person on a continuous and permanent basis, shall first obtain and wear, in a manner plainly visible, a registration and identification badge issued by the City Clerk.

(2) Each and every person who, for the purpose of selling goods or services, occupies a place out of doors, other than on public property, or who for said purpose occupies an indoor place on an intermittent or temporary basis only, and who does not have any indoor place in the city where the same selling of goods and services is done by said person on a continuous and permanent basis, shall obtain and wear, in a manner plainly visible, a valid registration and identification badge issued by the City Clerk.

(3) Each and every person engaged in residence to residence solicitation of gifts or donations who is not associated with a permanent office or home in the city where someone will receive and respond to inquiries for information and identification, shall first obtain and wear, in a manner plainly visible, a registration and identification badge issued by the City Clerk.

(4) For the purpose of registration each person as aforesaid shall provide to the City Clerk, or Clerk's designee the following:

(a) Their name, address, date of birth, social security number, height, weight, hair and eye color, and phone number, and if they do not have a permanent residence in this city, the residence and phone number where they reside permanently.

(b) Registration for minor children shall be done by a parent or legal guardian, or by a person bearing the notarized authorization of the child's parent or guardian.

(c) Persons working for or as a part of an organized crew shall provide the name, address and phone number, as aforesaid, of the person in charge of and responsible for the crew.

(d) The make, model, year, state of registration and license number of any and all vehicles being used in connection with the peddling or soliciting.

(e) List of the products being sold and the price of each.

(f) Name, address and phone number of the supplier of the product.

(g) Proof of the state sales tax permit or exemption from state and federal taxing authorities.

(h) If employed by or working in association with a corporation, the state of its incorporation, whether it is authorized to do business in Iowa, and evidence that the corporation has designated a resident agent within 50 miles of the City upon whom legal service may be made and that the corporation will be responsible for the acts of its employees and or associates in the City; and that the corporation is covered by the insurance specified in item 14, below.

(i) A statement as to whether or not applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance other than a traffic violation, the nature of the offense and the penalty imposed.

(j) The last municipalities, not exceeding three, where applicant carried on activities for which registration is sought immediately preceding the date of application and the addresses from which such business was conducted in those cities.

(5) The City Clerk shall, within five days of an application for registration being submitted, either issue the registration badge or a detailed explanation of why the application is not acceptable. The City Clerk shall refuse to register persons who fail to furnish complete or accurate information, and registration shall be invalidated if it is found that false information was provided. Registration shall be denied if the applicant has violated this ordinance, or had registration hereunder revoked or invalidated in the past six months.

(6) Each adult person shall produce a photograph-driver's license, or if they have no such license, a passport or other official photographic identification. Minor children's identification shall be any reasonable means that establishes the child's identity and the identity of the child's parent or guardian.

(7) The identification badge shall be of a distinctive logo and design to show clearly that it has been issued by the City of Ames and shall incorporate a photograph of the registrant taken at the Clerk's office or where the Clerk directs, at the time of registration.

(8) The provisions of this section do not apply in the following cases:

(a) to those activities which are the subject of the provisions of the street vendors regulations set out in Sections 22.11 through 22.23 of the Ames Municipal Code;

(b) to persons who make regularly scheduled route deliveries in residential areas of goods or services, e.g. newspaper carriers, lawn services, cable television service, dairy product delivery service;

(c) to non-profit groups or events associated with some permanent office or home in the city where someone will receive and respond to inquiries for information about the sale or solicitation and identification of the persons involved.

(9) The aforesaid registration badge shall be valid for sixty days from its date of issuance.

(10) No person shall engage in the activities described in Subsections (1) and (3) above, between the time of 8:00 p.m and 8:00 a.m.

(11) Persons found to be acting in violation of this section shall be ordered by the police to cease immediately until in compliance with this section. Failure or refusal to obey such order shall be punishable as a misdemeanor.

(12) Persons obtaining the registration badge pursuant to this section shall pay such fee as the Ames City Council shall set, from time to time, to cover costs of administration and enforcement of the provisions of this section. When three (3) or more businesses intending activity described in subsection (2) (Transient Merchants) are brought together at one place under the auspices of a non-selling organization that performs the required registration tasks for each of the persons to be so engaged, and brings that completed material to the City Clerk in advance of the selling event, only a single registration fee shall be charged, and photographs shall not be required. When persons as aforesaid come together at one place under the auspices of an organization exempted by subsection (8), no registration or fee shall be required.

(13) The City Clerk shall, after reasonable notice and opportunity for hearing, revoke any registration issued under this division where the registrant, in the application for the registration or in the course of conducting his/her activity, for which registered, has made statements constituting a fraudulent practice as defined by Subsection 714.8(6) Code of Iowa. Notice of the hearing for revocation of a registration shall be given in writing, specifically setting forth the grounds of the complaint and the time and place of the hearing.

(14) **(REPEALED)**

(15) It shall be a violation of this section for any person, whether registered or not registered, while soliciting, peddling, or selling, to enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

(16) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

(Ord. No. 3497, Sec. 34, 8-25-98; Ord. No. 3551, 3-7-00; Ord. No. 3931, 11-20-07)

### **Sec. 17.27. BEER KEG PARTY REGULATIONS**

(1) **Permit Required.** It is unlawful for any person other than a licensed beer permit holder on licensed premises to hold an event where more than one beer keg tapper is to be used at or about the same time without first obtaining a permit from the Ames Chief of Police or the Chief's designee. A beer keg tapper is any apparatus used to draw or remove beer from a keg. Said permit may be obtained only by a natural person. Issuance of the permit will allow dispensing of beer from not more than two tappers concurrently. The permit shall not be issued to corporations, associations, or groups of people. Said permit must be obtained at least twenty-four hours before the event. Any person seeking such permit shall make an application, on such form as the Chief of Police may provide, stating:

- (a) The name and address of the applicant.
- (b) The name and address of the person, group, organization or association sponsoring the event if different from the applicant.
- (c) The date and time and location of the event for which the permit is desired.
- (d) An estimate of the number of persons anticipated to attend the event.
- (e) Any other information which the Chief of Police shall reasonably find necessary to a fair and proper determination of whether the permit should be issued.

(Ord. No. 3040, Sec. 1, 3-28-89)

(2) **Standards.** The said permit shall not be issued unless the Chief of Police finds that:

- (a) A sufficient number of trash receptacles will be provided on the site of the event.
- (b) One restroom/toilet facility, either permanent or temporary, will be provided on the event site for each fifty (50) persons expected to attend the event.
- (c) The site of the event, if out of doors shall be clearly marked, and roped off or otherwise contained within limiting boundaries.
- (d) The application is signed by an adult person who knowingly assumes full responsibility for meeting the requirements of this section, and for the event itself.
- (e) The permit fee in the amount that shall be set by the City Council from time to time to cover costs of administration and enforcement, has been paid.
- (f) That the proposed event will not unreasonably interfere with or detract from the general public or private enjoyment of the neighborhood where the event is to be held.
- (g) That the proposed event will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.

(h) That the proposed event is not reasonably likely to incite violence, disorderly conduct or other crime.

(i) That the proposed event will not entail unusual, extraordinary or burdensome expense to the city.

(j) That the applicant has the financial resources to meet the obligation and responsibilities of a person issued a permit under this section. In that regard the Police Chief may require proof of such insurance as is reasonable under the circumstances and require the applicant to post a satisfactory surety bond conditioned on meeting the performance obligations imposed on the person who obtains a permit under this section.

(3) **Responsibilities - Permit Holder.** The person to whom a permit is issued pursuant to this section, hereafter called "permit holder" shall have the following duties and responsibilities with respect to the event for which the permit is issued:

- (a) Attend a briefing session to be conducted by the Chief of Police or the Chief's representative in regard to all matters pertaining to the event. Such briefing shall include information on city ordinances concerning litter, open liquor containers, consuming beer on city streets, parking, noise, disturbance of the peace, serving beer or liquor to underage persons or to intoxicated persons.



(b) Cause the permit to be displayed in a conspicuous place, at the event site, along with the address and telephone at which the permit holder may be reached during and after the event.

(c) Clean up the event site, including the streets and private property adjoining the event site on all sides.

(d) Contact the police department after party preparations are made but before the beginning of the event to arrange for a pre-party inspection. A police department representative will visit the site and conduct an inspection to verify conformance to the application.

*(Ord. No. 3040, Sec. 2, 3-28-89)*

(4) **Responsibilities-Property Owner.** It shall be unlawful for a property owner or a person in control of real estate to knowingly allow an event as described in this section to occur or continue without the required permit.

(5) **Other Laws.** A permit holder shall be bound by all applicable ordinances of the city and all applicable statutes of the State of Iowa, including state law requiring a permit or license for the sale of beer. The issuance of a permit under this section shall not constitute any advice or assurance that the event will be in compliance with Iowa law or other city ordinances.

(6) **Revocation.** The Chief of Police may, after notice and opportunity to correct the problem, revoke a permit and order the event to cease forthwith upon finding of a violation of this section, or any other law pertaining to the event, or upon reasonable cause to believe that the event is occasioning an unreasonable risk of harm to persons or property.

(7) **Vehicular Keg Carriers Regulated.** It shall be unlawful for the owner or operator of any vehicle upon or in which more than one keg of beer can be used to dispense beer to fail to notify the Police Chief at least twenty-four hours in advance of said vehicles use for the dispensing of beer. Said owner or operator shall also advise the Police Chief of an estimate of the number of such kegs to be dispensed.

*(Ord. No. 3041, Sec. 1, 3-28-89)*

(8) **Keg Limits.** Not more than two kegs may be tapped at once. The number of kegs on the premises during the event shall not exceed the number determined from the following matrix:  
*(Ord. No. 3041, Sec. 1, 3-28-89)*

NUMBER OF KEGS ALLOWED									
N U M B E R  O F  P E O P L E  O F  L E G A L  D R I N K I N G  A G E  P R E S E N T	HRS	1	2	3	4	5	6	7	8
	40	0.1	0.4	0.6	0.8	1.2	1.2	1.4	1.6
	60	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4
	80	0.4	0.8	1.2	1.6	2	2.4	2.8	3.2
	100	0.5	1	1.5	2	2.5	3	3.5	4
	120	0.6	1.2	1.8	2.4	3	3.6	4.2	4.8
	140	0.7	1.4	2.1	2.8	3.5	4.2	4.9	5.6
	160	0.8	1.6	2.4	3.2	4	4.8	5.6	6.4
	180	0.9	1.8	2.7	3.6	4.5	5.4	6.3	7.2
	200	1	2	3	4	5	6	7	8
	220	1.1	2.2	3.3	4.4	5.5	6.6	7.7	8.8
	240	1.2	2.4	3.6	4.8	6	7.2	8.4	9.6
	260	1.3	2.6	3.9	5.2	6.5	7.8	9.1	10.4
	280	1.4	2.8	4.2	5.6	7	8.4	9.8	11.2
	300	1.5	3	4.5	6	7.5	9	10.5	12
	320	1.6	3.2	4.8	6.4	8	9.6	11.2	12.8
	340	1.7	3.4	5.1	6.8	8.5	10.2	11.9	13.6
	360	1.8	3.6	5.4	7.2	9	10.8	12.6	14.4
	380	1.9	3.8	5.7	7.6	9.5	11.4	13.3	15.2
	400	2	4	6	8	10	12	14	16
420	2.1	4.2	6.3	8.4	10.5	12.6	14.7	16.8	
440	2.2	4.4	6.6	8.8	11	13.2	15.4	17.6	
460	2.3	4.6	6.9	9.2	11.5	13.8	16.1	18.4	
480	2.4	4.8	7.2	9.6	12	14.4	16.8	19.2	
500	2.5	5	7.5	10	12.5	15	17.5	20	
520	2.6	5.2	7.8	10.4	13	15.6	18.2	20.8	
540	2.7	5.4	8.1	10.8	13.5	16.2	18.9	21.6	

560	2.8	5.6	8.4	11.2	14	16.8	19.6	22.4
580	2.9	5.8	8.7	11.6	14.5	17.4	20.3	23.2
600	3	6	9	12	15	18	21	24
620	3.1	6.2	9.3	12.4	15.5	18.6	21.7	24.8
640	3.2	6.4	9.6	12.8	16	19.2	22.4	25.6
660	3.3	6.6	9.9	13.2	16.5	19.8	23.1	26.4
680	3.4	6.8	10.2	13.6	17	20.4	23.8	27.2
700	3.5	7	10.5	14	17.5	21	24.5	28
720	3.6	7.2	10.8	14.4	18	21.6	25.2	28.8
740	3.7	7.4	11.1	14.8	18.5	22.2	25.9	29.6
760	3.8	7.6	11.4	15.2	19	22.8	26.6	30.4
780	3.9	7.8	11.7	15.6	19.5	23.4	27.3	31.2
800	4	8	12	16	20	24	28	32
820	4.1	8.2	12.3	16.4	20.5	24.6	28.7	32.8
840	4.2	8.4	12.6	16.8	21	25.2	29.4	33.6
860	4.3	8.6	12.9	17.2	21.5	25.8	30.1	34.4
880	4.4	8.8	13.2	17.6	22	26.4	30.8	35.2
900	4.5	9	13.5	18	22.5	27	31.5	36

e.g. For a party with 100 people lasting 4 hours, no more than two kegs are allowed.

However, the number of said kegs at the event shall not be more than ten without the expressed prior authorization of the Ames City Council.

*(Ord. No. 3041, Sec. 1, 3-28-89)*

(9) **Pre-Party Inspection Required.** At the time the permit is applied for the applicant shall specify the times that the event will begin and end. The applicant shall at that time arrange when the police department may make a pre-party inspection to determine that all preparations have been made in accordance with the application and the requirements of the city code. At the time of the pre-party inspection all kegs to be used shall be at the site to be marked or tagged for identification by the police. It shall be a violation to have a keg not so marked on the site during the event.

*(Ord. No. 3041, Sec. 1, 3-28-89)*

(10) Violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation thereof and \$100 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. 2986, Sec. 1, 9-22-87; Ord. No. 3003, Sec. 30, 2-23-88; Ord. No. 3041, Sec. 1, 3-28-89; Ord. No. 3497, Sec. 36, 8-25-98; Ord. No. 3551, 3-7-00)*

**Sec. 17.28. SKATEBOARDS PROHIBITED IN CERTAIN LOCATIONS, WAIVER.**

(1) In the area bounded by the south line of Lincoln Way on the south, the north line of Sixth Street on the north, the east line of Duff Avenue on the east and a line along the westernmost edge of Pearle Avenue extended north to the north line of Sixth Street and south to the south line of Lincoln Way, the riding or use of skateboards and similar devices is prohibited in or on any part of the city streets, alleys, sidewalks or parking areas, and in or on any part of any city building or city property within said area, except as hereinafter provided.

(2) The above stated prohibition may be waived by the City Council with respect to such segments of the city streets, alleys, sidewalks, or parking areas as shall have been temporarily closed by the City Council for normal traffic in order to accommodate a special event.

*(Ord. No. 2991, Sec. 1, 10-20-87; Ord. No. 3014, Sec. 1, 7-5-88; Ord. No. 3054, Sec. 1, 6-27-89; Ord. No. 3059, Sec. 1, 8-22-89; Ord. No. 3444, Sec. 1, 7-8-97)*

(3) Violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation thereof and \$100 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 3497, Sec. 37, 8-25-98; Ord. No. 3551, 3-7-00)*

**Sec. 17.29. SNOWMOBILES RESTRICTED.**

(1) The operation of snowmobiles on any property of the City of Ames, including parks operated by the city, or on any part or portion of the right-of-way of any public street, alley, highway, road, or bicycle path, including the crossing thereof, is prohibited except at such places in city parks as shall be authorized by the Parks and Recreation Commission, and such other places as may be expressly authorized by the City Council. To the extent allowed by the laws of the State of Iowa, snowmobiles may be used for emergency purposes anywhere, anytime.

(2) Violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation thereof and \$100 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 3009, Sec. 1, 4-12-88; Ord. No. 3497, Sec. 38, 8-25-98; Ord. No. 3551, 3-7-00)*

**Sec. 17.30. NUISANCE PARTY REGULATIONS.**

(1) Nuisance Party Defined. A social gathering or party which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions of events occurring at the site of the said party or social gathering, or on neighboring public or private property: public intoxication; unlawful consumption of beer, wine or alcoholic beverages in a public place; outdoor urination or defecation in a public place; the unlawful sale, furnishing, dispensing or consumption of beer, wine or alcoholic beverages; underage or unlawful possession of beer, wine, or alcoholic beverages; the unlawful deposit of litter or refuse; the damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic; standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise; fighting; or, any other conduct or condition that threatens injury to persons or damage to property is hereby declared to be an unlawful public nuisance.

*(Ord. No. 3607, 2-13-01)*

(2) Duty to Control Premises. Any person who is an owner, occupant, tenant, or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises which is or becomes a public nuisance as defined in subsection (1) above, and which nuisance is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this section.

(3) A party or social gathering that is or becomes a public nuisance as defined in subsection (1) above shall cease and disperse immediately upon the order of any officer of the Ames Police Department; and, all persons not domiciled at the site of such social gathering or party shall leave the premises immediately. Any person who fails or refuses to obey and abide by such order shall be guilty of a violation of this section.

*(Ord. No. 3475, Sec. 1, 2-24-98; Ord. No. 3772, 6-25-04)*

(4) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace office of the City as a simple misdemeanor.

*(Ord. No. 3497, Sec. 39, 8-25-98; Ord. No. 3551, 3-7-00)*

**Sec. 17.31. RESERVED**

**Sec. 17.32. PREVENTION OF CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS AT PARTIES.**

(1) Any person who is an owner, occupant, tenant, or otherwise having a possessory control, individually or jointly with others, of any premises, who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises shall take reasonable measures to prevent persons under the legal age from consuming or obtaining on said premises any beer, wine or alcoholic beverage except in the case of beer, wine, or alcoholic beverage given or dispensed to a person under the legal age within a private home and with the knowledge, presence, and consent of the parent or guardian. Said reasonable measures shall include, by way of specification but not limitation, summoning police to the premises to aid in ending and dispersing the social gathering or party at which it appears likely that underage persons either have or will obtain or consume beer, wine, or other alcoholic beverages.

(2) If there has been an arrest of a person or persons of less than the legal age for possession and consumption of alcoholic beverages for obtaining said beverages at a certain party or social gathering, the said Chief of Police or designee shall order that party or social gathering to end, and shall order all persons not domiciled at the site of such social gathering or party to leave the premises immediately. Any person who fails or refuses to obey and abide by such order shall be guilty of a violation of this section.

*(Ord. No. 3474, Sec. 1, 2-24-98)*

(3) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace office of the City as a simple misdemeanor.

*(Ord. No. 3497, Sec. 41, 8-25-98; Ord. No. 3551, 3-7-00)*

**Sec. 17.33. PROVISION OF TOBACCO PRODUCTS TO MINORS.**

(1) A person shall not sell, give, or otherwise supply any tobacco, tobacco products, cigarettes, alternative nicotine products, or vapor products to any person under twenty-one years of age. Violation of this subsection shall be a municipal infraction punishable by a penalty of \$300 for a person's first violation and \$750.00 for each repeat violation; and, alternatively a violation of this subsection can be charged by a peace officer of the City as a simple misdemeanor.

(2) If the holder of a permit issued by the Iowa Department of Revenue and Finance under Chapter 453A Code of Iowa, or any employee of such permittee, during the course of the permittee's business, knowingly sells or otherwise supplies any cigarette, tobacco product, alternative nicotine product, or vapor product to any person under twenty-one years of age, or fails to take reasonable measures to ascertain whether that person is twenty-one or more years of age, the said permittee shall have committed a municipal infraction punishable by a penalty of \$300 for that permittee's first such violation and \$750.00 for each repeat violation.

*(Ord. No. 3575, 7-11-00; Ord. No. 4419, 8-25-2020 [State Law Ref. Iowa Code Sec. 453A.1])*

**Sec. 17.34. RESIDENTIAL PROPERTY MAINTENANCE REGULATIONS**

(1) Standards: It shall be a violation of this section for any landowner or person leasing, occupying or having control of any real property used for residential purposes, to keep, maintain, deposit or perform or permit on such property the outdoor use, outdoor storage or outdoor placement of household appliances, household furniture, or household furnishings, unless such items are designed for outdoor use and are used on the premises for purposes of the household. The term "outdoor" includes a porch. However, the use, storage or placement of household appliances, household furniture or household furnishings on a porch is not prohibited if the porch is completely enclosed by fully intact glass or fully intact screens. A porch is a platform completely covered

by a roof located at and attached to or abutting against the entrance to a building. Screens are framed wire mesh or framed plastic mesh used to keep out insects and permit airflow.

(2) Costs of Abatement: Pursuant to subsection 364.22(9) Code of Iowa, when judgment has been entered for a violation of this section, a court order shall be sought to authorize the City to abate or correct the violation and order that the City's costs for such abatement or correction of the violation be entered as a personal judgment against the defendant, or assessed against the property, or both.

(3) Violation of this section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation, \$100 for a person's second violation, and \$250 for a person's third and each succeeding violation.

*(Ord. No. 3707, 4/8/03)*

### **Sec. 17.35. SECOND OR SUBSEQUENT OFFENSES.**

In determining if a violation charged is a second or subsequent offense for purposes of sentencing under this chapter:

(1) Deferred judgments entered pursuant to section 907.3 for violations of any offense listed in this chapter shall be counted as previous offenses.

(2) Convictions or the equivalent of deferred judgments for violations in any other municipality, county, or state under statutes or ordinances substantially corresponding to those offenses contained in this chapter shall be counted as previous offenses.

(3) The courts shall judicially notice the statutes or ordinances of other municipalities, counties or states which define offenses substantially equivalent to the ones defined in this chapter and can therefore be considered corresponding statutes.

(4) Each previous violation on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense.

*(Ord. No. 4023, 2-23-10)*

### **Sec. 17.36. USE OF ELECTRONIC SMOKING DEVICE PROHIBITED IN PUBLIC PLACES**

(1) The use of an electronic smoking device is prohibited, and a person shall not use such device in any of the following:

a. Public places.  
b. All enclosed areas within places of employment including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased or provided by the employer.

(2) In addition to the prohibitions specified in subsection 1, the use of an electronic smoking device is prohibited, and a person shall not use such device in or on any of the following outdoor areas:

a. The seating areas of outdoor sports arenas, stadiums, amphitheaters, and other entertainment venues where members of the general public assemble to witness entertainment events.  
b. Outdoor seating or serving areas of restaurants.  
c. Public transit stations, platforms, and shelters under the authority of the city.  
d. School grounds, including parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor area under the control of a public or private educational facility, including inside any vehicle located on such school grounds.  
e. The grounds of any public buildings owned, leased, or operated under the control of the city.

(3) Definitions.

a. Electronic smoking device: means any product containing or delivering nicotine (e.g. Electronic Nicotine Delivery System ENDS) or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

b. Public place: means an enclosed area to which the public is invited or in which the public is permitted, including common areas, and including but not limited to all of the following:

- i. Financial institutions.
- ii. Restaurants.
- iii. Bars.
- iv. Public and private educational facilities.
- v. Health care provider locations.
- vi. Hotels and motels.
- vii. Laundromats.
- viii. Public transportation facilities and conveyances under the authority of the city, including buses and taxicabs, and including the ticketing, boarding, and waiting areas of these facilities.
- ix. Aquariums, galleries, libraries, and museums.
- x. Retail food production and marketing establishments.
- xi. Retail service establishments.
- xii. Retail stores.
- xiii. Shopping malls.
- xiv. Entertainment venues including but not limited to theaters; concert halls; auditoriums and other facilities primarily used for exhibiting motion pictures, stage performances, lectures, musical recitals, and other similar performances; bingo facilities; and indoor arenas including sports arenas.
- xv. Polling places.
- xvi. Convention facilities and meeting rooms.
- xvii. Public buildings and vehicles owned, leased, or operated by or under the control of the city
- xviii. Service lines.
- xix. Private clubs only when being used for a function to which the general public is invited.
- xx. Private residences only when used as a child care facility, a child care home, or health care provider location.
- xxi. Child care facilities and child care homes.
- xxii. Gambling structures, excursion gambling boats, and racetrack enclosures.
- xxiii. Any other place defined under “public places” in Chapter 142D of the Code of Iowa.

(4) Notwithstanding any provision of this ordinance to the contrary, retail establishments which sell electronic smoking devices as their primary merchandise line are exempt from the use restrictions of this ordinance.

(5) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person’s first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 4249, 02-09-16)*

**Sec. 17.37 (REPEALED)**

*(Ord. No. 4439, 5-25-21)*