

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 1 - PUBLIC OFFENSES

**ARTICLE 1
PUBLIC PEACE**

211-101 ASSAULT. No person shall, without justification do any of the following:

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

(Code of Iowa, 1999, Sec. 708.1 [1])

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

(Code of Iowa, 1999, Sec. 708.1 [2])

3. Dangerous Weapon. Intentionally point any firearm toward another, or display in a threatening manner any dangerous weapon toward another.

(Code of Iowa, 1999, Sec. 708.1 [3])

4. Exceptions. Provided, that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act shall not be an assault.

(Code of Iowa, 1999, Sec. 708.1)

Provided, that where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who

provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, the act shall not be an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

211-102 WILLFUL INJURY. No person shall do any act which is not justified and which is intended to cause and does cause serious injury to another.

(Code of Iowa, 1999, Sec. 708.4)

211-103 HARASSMENT. No person shall with intent to intimidate, annoy, or alarm another person, do any of the following:

1. Communications. Communicate with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, 1999, Sec. 708.7 [1])

2. Simulated Explosive. Place any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.

(Code of Iowa, 1999, Sec. 708.7 [2])

3. Merchandise or Services. Order merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, 1999, Sec. 708.7 [3])

4. False Reports. Report or cause to be reported false information to a law enforcement

authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, 1999, Sec. 708.7 [4])

211-104 WILLFUL DISTURBANCE. No person shall willfully disturb any deliberative body or agency of the state, or subdivision thereof, with the purpose of disrupting the functioning of such body or agency by tumultuous behavior, or coercing by force or the threat of force any official conduct or proceeding.

(Code of Iowa, 1999, Sec. 718.3)

211-105 DISORDERLY CONDUCT. No person shall do any of the following:

1. Disorderly Conduct. It is unlawful for any person to engage in any of the following:
 - A. Fighting or violent behavior in any public place or in or near any lawful assembly of persons; provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport;

(Code of Iowa, 1999, Sec. 723.4 [1])

- B. Makes loud or raucous noise in the vicinity of any residence or public building which causes, or which a person should reasonably expect to cause, unreasonable distress to another, lawfully in the vicinity;

(Code of Iowa, 1999, Sec. 723.4 [2])

- C. Direct abusive epithets or make any threatening gestures during a face-to-face encounter which the person knows or reasonably should know is likely to provoke an immediate violent reaction by either the person or persons to whom the abusive epithets or threatening gestures are directed or by bystanders witnessing such abusive epithets or threatening gestures.

(Code of Iowa, 1999, Sec. 723.4 [3])

As used in this subsection, “face-to-face encounter” means an encounter between the person directing the abusive epithets or threatening gestures and the person or persons to whom individually they are addressed or any witnessing bystanders when any two of these parties are at such close proximity of each other that there is a present ability to inflict physical violence upon each other.

D. Without lawful authority or color of authority, disturb any lawful assembly or meeting by conduct intended to disrupt the meeting or assembly;

E. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless;

F. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense;

G. Strike another person;

H. Without authority or justification obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by another;

I. Urinate or defecate in a public place, excluding a public restroom.

2. Disorderly House. The term “disorderly house” means any structure or any room therein, or any part of the premises adjacent thereto, in or upon which occurs any disorderly conduct as defined in Section 211-105 (1) B or any of the following prohibited activities:

A. The open storage, use, or consumption of a controlled substance as defined in Chapter 124 of the Iowa Code, under which possession of such substance would be an offense;

B. Gambling in violation of Chapter 99B of the Iowa Code;

C. Dispensing, selling, or consumption of an alcoholic beverage in violation of Chapter 123 of the Iowa Code;

D. Acts of prostitution, pimping, or pandering as defined in Chapter 725 of the Iowa Code;

3. Keeping a Disorderly House. It is unlawful for any person to knowingly keep a disorderly house as defined in Section 211-105 (2). For purposes of this section, “keep” means ownership or having the control of a structure or a room therein or any part of the adjacent premises.

4. Frequenting or Being Found in a Disorderly House. It is unlawful for any person to frequent or be found in a disorderly house as defined in Section 211-105 (2).

5. Unlawful Assembly. An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such.

(Code of Iowa, 1999, Sec. 723.2)

6. Riot. A “riot” is defined as three or more persons assembled together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them or any of them against person, or causing property damage. A person who joins in or remains a part of a riot, knowing or having reasonable grounds to believe that it is such, commits a misdemeanor.

(Code of Iowa, 1999, Sec. 723.1)

7. Failure to Disperse. A peace officer may order participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. It is unlawful for any person within hearing distance of such command to refuse to obey.

(Code of Iowa, 1999, Sec. 723.3)

8. Overcrowding. No person, firm, or corporation owning, operating, or conducting any hall, opera house, theater, church, or place of amusement resorted to by the general public, shall cause, suffer, or allow the aisles between the seats or pews in any of the halls, opera houses, theaters, churches, or places of amusement, to become in any manner obstructed with chairs or benches, nor shall such chairs, benches or other obstruction be allowed in the aisles, but the same shall at all times be kept open for the use of the public attending at any time any of the places heretofore in this section mentioned.

9. Violation Penalty. Any person or persons, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished according to the provisions of Section 110-107.

211-106 TERRORISM. No person shall shoot, throw, launch, or discharge a dangerous weapon at or into any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person, and thereby place the occupants thereof in reasonable apprehension of serious injury.

(Code of Iowa, 1999, Sec. 708.6 [1])

211-107 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "Parade" Defined. Parade shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the mayor or chief of police. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit

granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not a Street Obstruction. Any parade for which a permit shall have been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control by Police and Firemen. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of the members of the Police and Fire Departments.

211-108 DISTURBING THE PEACE. It shall be unlawful to disturb the peace and quiet of any street, alley, avenue, public ground, or any religious or public assembly, or building, public or private, or any neighborhood, private family or person, by any device or means whatever.

211-109 NOISE ABATEMENT EQUIPMENT MODIFICATIONS. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle operated upon the streets and highways of Estherville, Iowa, in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured. Muffler cut-outs, bypasses, or other devices which increase sound emitted shall be considered a violation of this article. No person shall operate a motor vehicle upon the streets and highways with an exhaust system or noise abatement device so modified.

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**ARTICLE 2
PUBLIC MORALS**

211-201 PROSTITUTION. No person shall sell or offer for sale his or her services as a partner in a sex act, or purchase or offer to purchase such services.

(Code of Iowa, 1999, Sec. 725.1)

211-202 PIMPING. No person shall solicit a patron for a prostitute, or knowingly take or share in the earnings of a prostitute, or knowingly furnish a room or other place to be used for the purpose of prostitution, whether for compensation or not.

(Code of Iowa, 1999, Sec. 725.2)

211-203 PANDERING. No person shall persuade or arrange for another to become an inmate of a brothel, or to become a prostitute, such person not having previously engaged in prostitution, or to return to the practice of prostitution after having abandoned it, or keep or maintain a brothel or knowingly take a share in the income from a brothel.

(Code of Iowa, 1999, Sec. 725.3)

211-204 LEASING PREMISES FOR PROSTITUTION. No person shall rent or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, when such person knows, or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place.

(Code of Iowa, 1999, Sec. 725.4)

211-205 INDECENT EXPOSURE. No person shall expose his or her genitals or pubes to another not his or her spouse, or commit a sex act in the presence of or view of a third person, if the person knows or reasonably should know that his act is offensive to the viewer.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 1 - PUBLIC OFFENSES*****ARTICLE 3
ADULT ENTERTAINMENT**

211-301 DEFINITIONS. For use in this chapter, the following terms are defined:

1. Adult amusement or entertainment means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

2. Adult book store or gift shop is an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

3. Adult hotel or motel means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the individuals therein.

4. Adult photo studio is an establishment which provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or specified sexual activities, as defined herein.

5. Adult theater is a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the patrons therein.

6. Adult uses includes adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater and massage parlor.

7. Massage parlor is any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician's direction, physical therapist, podiatrist, registered speech pathologist, licensed massage therapist or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

8. Specified anatomical areas means less than completely and opaquely covered human genitalia, pubic region, buttocks: and a female breast below a point above the top of the areola: and human male genitals in a discernibly turgid state even if completely and opaquely covered.

9. Specified sexual activities means patently offensive acts, exhibitions, representations, depictions or descriptions of:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;

- C. Intrusion, however slight, actual or simulated, by an object, of any part of an animal's body or any part of a person's body into the genital or anal openings of any person's body;
- D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
- E. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

211-302 REGULATIONS.

- 1. Location.
 - A. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
 - B. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of federal, state, county, or city governmental offices.
 - C. Adult-oriented establishments shall be prohibited within two thousand (2,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
 - D. Adult-oriented establishments shall be prohibited within two thousand (2,000) feet of any public or private school, regularly scheduled school bus stop, public library or museum.
 - E. Adult-oriented establishments shall be prohibited within two thousand (2,000) feet of any registered daycare home or registered daycare business.
 - F. Adult-oriented establishments shall be prohibited within two thousand (2,000) feet of any public park or playground. For purposes of this section, bike paths, trails, waterways, and boat launches shall not be deemed a public park.
 - G. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.

- H. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any existing restaurant, fast food or food establishment, grocery store, or convenience store catering to family trade.
- I. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises. The 1,000 and 2,000 foot restrictions shall be computed by measurement from the nearest property line of the land used for another adult use or in the case of any regularly scheduled school bus stop, public or parochial school, licensed day care facility, church, public park, or dwelling, by measurement to the nearest entrance of the building in which adult uses are to occur, using a route of direct horizontal distance.

2. Concealment.

Exterior: It shall be unlawful for an owner of an adult-oriented establishment:

- A. To allow the merchandise or activities of the establishment to be visible from any point outside the establishment;
- B. To allow the exterior portion of the adult-oriented establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities.

Signage: The operator shall comply with Article 16 of the Zoning Code.

3. **Minors.** No minor shall be permitted in any establishment in which adult uses are permitted.

4. **Alcohol.** No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to the Code of Iowa. This prohibition applies equally to the proprietor and the patrons of the establishment involved.

5. **Hours of Operation.** An adult-oriented establishment may remain open for business no longer than the hours from between 10:00 a.m. to midnight, seven days a week.

6. All other provisions of Title II, Division 1, Chapter 1, Article 3 of the Code of Ordinances of the City of Estherville, Iowa, and not in conflict herewith, shall remain in full force and effect.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 1 - PUBLIC OFFENSES****ARTICLE 4
PUBLIC HEALTH AND SAFETY**

211-401 RESERVED FOR FUTURE USE.

211-402 RESERVED FOR FUTURE USE.

211-403 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, 1999, Sec. 727.1)

211-404 FIREWORKS. The sale, use, or exploding of fireworks within the city shall be subject to the following:

1. Definition. The term "fireworks" shall mean and include 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 shall include blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance.

(Code of Iowa, 1999, Sec. 727.2)

2. Regulations. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations,

amusement parks and other organizations or groups of individuals approved by city authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts:

- A. Personal Injury: To be determined by the City Council
- B. Property Damage: To be determined by the City Council
- C. Total Exposure: To be determined by the City Council

(Code of Iowa, 1999, Sec. 727.2)

3. Exceptions. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, 1999, Sec. 727.2)

211-405 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. No person shall report or cause to be reported false information to a fire department, law enforcement authority, or other public safety entity knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.

(Code of Iowa, 1999, Sec. 718.6)

211-406 FALSE REPORTS OF DESTRUCTIVE SUBSTANCE. No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered.

(Code of Iowa, 1999, Sec. 712.7)

211-407 IMPERSONATING A PUBLIC OFFICIAL. No person shall falsely hold himself or herself out or assume to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the state or any subdivision thereof, having no authority to do so.

(Code of Iowa, 1999, Sec. 718.2)

211-408 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider, or fire fighter in the performance of any act which is within the scope of the officer's lawful duty or authority, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court.

(Code of Iowa, 1999, Sec. 719.1)

211-409 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

(Code of Iowa, 1999, Sec. 719.2)

211-410 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, 1999, Sec. 718.4)

211-411 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in

the person's possession or control, abandoned or unattended and so accessible to children, commits a simple misdemeanor.

(Code of Iowa, 1999, Sec. 727.3)

211-412 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.

(Code of Iowa, 1999, Sec. 712.5)

211-413 BOMB THREATS. No person shall threaten to place or attempt to place any incendiary or explosive device or material, or any destructive substance or device in any place where it will endanger persons or property.

(Code of Iowa, 1999, Sec. 712.8)

211-414 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires, or television wires to exist over any street, alley, highway, sidewalk, or public property.

(Code of Iowa, 1999, Sec. 364.12 [2])

211-415 BARBED WIRE. It shall be unlawful to place or maintain any barb wire, to enclose in whole or in part, any part, terrace, lot, or parcel of ground fronting on or adjacent to any street, alley or sidewalk, except that barb wire may be installed on the top of a chain link or other fence at a minimum height of six (6) feet above ground level with the prior written consent of the administrative or supervisory person to whom such duty is assigned pursuant to Title I, Chapter 4, Article 4 of this code.

211-416 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or firearms of any kind within the city limits except by authorization of the mayor.

211-417 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles, or other dangerous instruments or toys on or into any street, highway, alley, sidewalk, or public place, except when under proper supervision of persons authorized by the council.

(Code of Iowa, 1999, Sec. 364.12 [2])

211-418 CARRYING WEAPONS. No person shall go armed with a dangerous weapon concealed on or about his person, or shall, within the limits of the city, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or shall knowingly carry or transport in a vehicle a pistol or revolver, provided that this section shall not apply to any of the following:

(Code of Iowa, 1999, Sec. 724.4)

1. Own Premises. A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person.
2. Peace Officer. Any peace officer, when his or her duties require the person to carry such weapons.
3. Armed Forces. Any member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with his or her duties as such.
4. Within Container. Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.
5. Within Vehicle. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

6. Target Practice. Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while engaged in lawful hunting for game in any place designated by local law as a hunting area.

7. Valid Permit. Any person who has in his or her possession and who displays to any peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.

8. Correctional Officer. Any correctional officer, when his or her duties require, serving under the authority of the division of adult corrections.

211-419 UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA. No person shall use or possess with the intent to use drug paraphernalia as defined in 211-420 to plant, cultivate, grow or harvest; manufacture, convert, process or prepare; test, analyze, package, store, conceal, inject, ingest, or otherwise introduce to the human body a substance in violation of Uniform Controlled Substance Acts as codified in Iowa Code Chapter 124. Any person who violates this provision of the ordinance is guilty of a simple misdemeanor.

211-420 DEFINITIONS. Where words and phrases used in this section are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference.

These terms so adopted that need further definition and other words used herein, shall have the following meanings.

term 1. The term “controlled substance” as used in this ordinance shall be defined as the controlled substance as it now exists or is hereinafter amended as set forth in Chapter 124 of the Iowa Code.

2. The term “drug paraphernalia” as used in this ordinance shall mean all equipment, products and materials of any kind which are used or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa. This includes but is not limited to:

A. Kits used and intended for use or designed for planting, growing, harvesting, or packaging any species of plant which is a controlled substance from which a controlled substance may be derived.

B. Kits used or intended or designed for the use in the manufacturing, compounding, converting, processing, preparing, or packaging of a controlled substance.

C. Isomerization devices used or intended for use or designed for use in increasing the potency of any species of plant which is or may be used as a controlled substance or any equipment used in the testing or intended for use or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance, including scales and balances used or intended for use or designed for use in weighing or measuring controlled substances.

D. Separation gins or sifters used or intended for use in separating twigs and seeds from or cleaning of refined marijuana or bowls, blenders or containers, spoons or mixing devices intended for use or designed for use in compounding any controlled substances.

- E. Dilutents and adulterants such as quinine hydrochloride, mannitol, manite, dextrose of lactose, or other chemicals used or intended for use or designed for the use in cutting or dilution of a controlled substance.
- F. Containers or other objects used or intended for use or designed for use in the storing and concealing of controlled substances including capsules, balloons, envelopes, or other containers intended for or designed for the use in packaging small quantities of controlled substance.
- G. Hypodermic syringes, needles, and other objects intended for or designed primarily for injecting controlled substances into the human body or any other object used or intended for use designed for ingesting, inhaling, or otherwise introducing heroine, marijuana, cocaine, hashish or hashish oil, or any other controlled substance
- into the human body such as:
- (1) Metal, wooden, acrylic, glass, plastic, paper, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls or similar items homemade or manufactured;
 - (2) Water pipes, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, ice pipes or chillers, or similar homemade or manufactured devices;
 - (3) Carburetor tubes, devices, and masks, primarily used for smoking or inhaling burning materials or concentrating vapors or chemicals to be inhaled or ingested;
 - (4) Roach clips, main objects, or devices used to hold or altered to hold burning material such as marijuana cigarettes;
 - (5) Miniature or cocaine spoons, cocaine vials, or any other spoons or vials altered or adapted for use of storage or ingesting controlled substances.

3. Determining whether an object is drug paraphernalia for the purpose of enforcing this ordinance, the following factors should be considered in addition to all other logically relevant factors:

- A. Statements made by the owner or by anyone in control of the object concerning its use or any instructions, oral or written, provided with the object concerning its use.
- B. The proximity of the object to controlled substances with the existence of any residue of controlled substances on the object.
- C. Prior convictions, if any, of the owner or anyone in control of such objects under a state or federal law relating to controlled substances or direct or circumstantial evidence of the intent of any owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably intend to use such an object to facilitate a violation of Chapter 124 of the Code of Iowa.
- D. The proximity of the object in time and space to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Iowa Code.
- E. Each item so identified may be deemed a separate violation for purposes of enforcement of 211-419.

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

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**ARTICLE 5
PUBLIC PROPERTY**

211-501 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break, or deface any tree or shrub on public property on any public way by willfully defacing, cutting, breaking, or injuring.

(Code of Iowa, 1999, Sec. 364.1, 364.12 [2])

211-502 INJURING NEW PAVEMENT. It shall be unlawful for a person to injure new pavement in any street, alley, or sidewalk by willfully driving, walking, or making marks on such pavement before it is ready for use.

(Code of Iowa, 1999, Sec. 364.12)

211-503 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds, or parks by willfully defacing, breaking, damaging, mutilating, or cutting.

(Code of Iowa, 1999, Sec. 364.12 [2])

211-504 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement, or notification, set up at any place within the city by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, 1999, Sec. 716.1)

211-505 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.

(Code of Iowa, 1999, Sec. 716.1)

211-506 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any electric railway or apparatus belonging thereto; or any bridge, rail or plank road; or place, or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with, or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, 1999, Sec. 716.1)

211-507 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, courthouse, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.

(Code of Iowa, 1999, Sec. 716.1)

211-508 OBSTRUCTING DRAINAGE. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed, or maintained.

(Code of Iowa, 1999, Sec. 716.1)

211-509 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful.

(Code of Iowa, 1999, Sec. 716.1)

211-510 VEHICLES AND HORSES IN PARKS. It shall be unlawful to operate any motorized vehicle, including motorcycles and snowmobiles, or to ride, or lead any horse in any city park or recreation facility except on such roadways and trails as are designated for such usage by the parks and recreation board of the City of Estherville.

211-511 LOITER IN A MUNICIPAL PARKING LOT. It shall be unlawful for any person or persons to loiter, assemble, or frequent a municipal parking lot between the hours of 6:00 p.m. and 6:00 a.m. For purposes of this section, loitering shall be defined as a person's presence unrelated to the normal activity, use, or business associated with the parking or retrieval of motor vehicles.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 1 - PUBLIC OFFENSES****ARTICLE 6
PRIVATE PROPERTY**

211-601 TRESPASSING PROHIBITED. It shall be unlawful for a person to commit one or more of the following acts:

1. Enter Property Without Permission. Enter upon or in property without justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

(Code of Iowa, 1999, Sec. 716.7 [2a])

2. Fail to Vacate Property When Requested. Enter or remain upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

(Code of Iowa, 1999, Sec. 716.7 [2b])

3. Interfere with Lawful Use of Property. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Code of Iowa, 1999, Sec. 716.7 [2c])

4. Use of Property Without Permission. Be upon or in property and wrongfully use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, 1999, Sec. 716.7 [2d])

211-602 ELECTRONIC AND MECHANICAL EAVESDROPPING. No person, having no right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record, or otherwise intercept a conversation or communication of any kind; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

(Code of Iowa, 1999, Sec. 727.8)

211-603 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface, or otherwise injure any ornamental or shade tree, fence, private building, railing, or other property.

(Code of Iowa, 1999, Sec. 716.1)

211-604 THEFT. No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.

(Code of Iowa, 1999, Sec. 714.1 [1])

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 1 - PUBLIC OFFENSES

**ARTICLE 7
RESERVED FOR FUTURE USE**

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 1 - PUBLIC OFFENSES****ARTICLE 8
PUBLIC ADDRESS SYSTEM**

211-801 DEFINITION. For the purpose of this article "Public Address System" shall mean and include any machine, device, apparatus, horn, loudspeaker, or combinations thereof, operated with word or mouth, phonograph records or radio hookup or in any other manner, for broadcasting purposes.

211-802 PERMIT REQUIRED. A permit shall be required for any person or persons to operate or broadcast from any public address system, on any street, sidewalk, alley or highway, or on any public or private building or structure, within the city.

211-803 APPLICATION FOR PERMIT. The mayor, as the occasion may demand and so far as reasonable and so that all applicants shall be treated as uniformly as possible, taking into consideration the nature and purpose of the broadcast, the time and place thereof and all the circumstances bearing on the matter, may, in his discretion, upon application of one or more interested persons, give permission, in writing, without fee, for the operation of public address systems and broadcasts therefrom, for limited periods of time as may be determined by the mayor.

211-804 EXEMPTIONS. The provisions of this article shall not apply to radio broadcasting stations operating under assigned wave length by the Federal Communications Commission, nor to organizations supported by the city.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 1
GENERAL PROVISIONS**

212-101 TITLE. This chapter may be known and cited as the “Estherville Traffic Code.”

212-102 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference.

Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. “Park or Parking”: shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
2. “Stand or Standing”: shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
3. “Stop”: shall mean when required, the complete cessation of movement.
4. “Stop or Stopping”: shall mean, when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control sign or signal.
5. “Business District”: shall mean the territory contiguous to and including the following designated streets:
 - A. Fifth Street, from First Avenue South to Second Avenue North.
 - B. Sixth Street, from Fourth Avenue North to Fourth Avenue South.

- C. Seventh Street, from Second Avenue North to Second Avenue South.
- D. Eighth Street, from First Avenue North to First Avenue South.
- E. Second Avenue South from South Seventh Street to South Sixth Street.
- F. First Avenue South from South Ninth Street to South Fifth Street.
- G. Central Avenue from Ninth Street to Fourth Street.
- H. First Avenue North from North Eighth Street to North Fourth Street.
- I. Second Avenue North from North Seventh Street to North Fourth Street.

6. "Residence District": shall mean the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty (40) percent or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

(Code of Iowa, 1999, Sec. 321.1 [63])

7. "School District": shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

(Code of Iowa, 1999, Sec. 321.1 [70])

8. "Suburban District": shall mean all other parts of the city not included in the business, school, or residence districts.

(Code of Iowa, 1999, Sec. 321.1 [79])

9. "Peace Officer": shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Code of Iowa, 1999, Sec. 321.1 [50])

10. "Traffic Control Device": shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose or regulating, warning, or guiding traffic.

(Code of Iowa, 1999, Sec. 321.252 et seq.)

11. "Vehicle": shall mean any vehicle in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

(Code of Iowa, 1999, Sec. 321.1 [90])

12. "Controlled Access Facility": shall mean the highways or streets designated by Section 810-204 of the city code.

212-103 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the police chief.

(Code of Iowa, 1999, Sec. 372.13 [4])

212-104 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the Fire Department when at the scene of a fire, is authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require notwithstanding the provisions of the traffic laws.

212-105 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report shall be filed with the city for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa, 1999.

(Code of Iowa, 1999, Sec. 321.273)

212-106 INVESTIGATION OF TRAFFIC ACCIDENTS. The Police Department shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

(Code of Iowa, 1999, Sec. 372.13 [4])

212-107 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, the chief of police and the city planner and construction engineer shall conduct studies of such accidents and propose remedial measures.

(Code of Iowa, 1999, Sec. 372.13 [4])

212-108 FILES MAINTAINED. The police chief shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver during the most recent three (3) year period. Such reports shall be filed alphabetically under the name of the driver concerned.

(Code of Iowa, 1999, Sec. 372.13 [4])

212-109 RESERVED FOR FUTURE USE.

212-110 ANNUAL SAFETY REPORTS. The police chief shall prepare annually a traffic report which shall be filed with the mayor and council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including plans and recommendations for future traffic safety activities.

(Code of Iowa, 1999, Sec. 372.13 [4])

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 2
TRAFFIC CONTROL DEVICES**

212-201 INSTALLATION. The city planning and construction office shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this city or under state law, or to guide or warn traffic. He shall keep a record of all such traffic control devices.

(Code of Iowa, 1999, Sec. 321.254 & 321.255)

212-202 CROSSWALKS. The city planning and construction office is hereby authorized, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, 1999, Sec. 372.13 [4]; 321.255)

212-203 TRAFFIC LANES. The city planning and construction office is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this city. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, 1999, Sec. 372.13 [4], 321.255)

212-204 STANDARDS. Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, 1999, Sec. 321.255)

212-205 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.

(Code of Iowa, 1999, Sec. 321.256)

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 3
GENERAL REGULATIONS**

212-301 VIOLATION OF REGULATIONS. Any person who shall willfully fail or refuse to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who shall fail to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this chapter. These sections of the Code of Iowa, 1999, are:

1. Display of Registration and License to Drive: 321.32, 321.174, 321.190, 321.193, and 321.218 through 321.224.
2. Obedience to a Peace Officer and Responsibility of Public Officers, Emergency Vehicles, and Bicycles to Obey Traffic Regulations: 321.229 through 321.234.
3. Traffic Signs, Signals, and Markings: 321.257 through 321.260.
4. Accidents and Accident Reporting: 321.266 and 321.268.
5. Operation of Motorcycles: 321.275.
6. Reckless Driving, Drag Racing, Speed, Control of Vehicle, and Minimum Speed: 321.277, 321.278, 321.288 through 321.295.
7. Driving on Right, Meeting, Overtaking, Following, or Towing: 321.297 through 321.310.
8. Turning and Starting, Signals on Turning and Stopping: 321.311 through 321.318.
9. Right-of-Way: 321.319 through 321.324.

10. Pedestrian Rights and Safety Zones: 321.325, 321.327, 321.329, 321.330, 321.332 through 321.334 and 321.340.
11. Railroad Crossings: 321.341 through 321.344.
12. Stopping, Standing, Parking: 321.354 through 321.357 and 321.359.
13. Unattended Vehicle, Obstructing Driver's View, Crossing Median, Following Fire Apparatus, or Crossing Fire Hose, and Putting Glass, Etc., on Streets: 321.362 through 321.371.
14. Lighting Equipment Required and Time of Use: 321.384 through 321.409, 321.415, 321.418 through 321.423. In accordance with authorization granted by Section 321.395, Code of Iowa, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from city street lights to reveal any person or object within a distance of five hundred (500) feet upon such street.
15. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.443 and 321.447 through 321.450.
16. Size, Weight, and Load: 321.452 through 321.463, 321.465 and 321.466.

212-302 PLAY STREETS DESIGNATED. The council shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, 1999, Sec. 321.255)

212-303 VEHICLES ON SIDEWALKS. The driver of a vehicle or horse shall not drive upon or within any sidewalk area except at a driveway.

212-304 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the city unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

212-305 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

212-306 SCHOOL BUSES.

(RESERVED FOR FUTURE USE)

212-307 FUNERAL OR OTHER PROCESSIONS.

(RESERVED FOR FUTURE USE)

212-308 TAMPERING WITH VEHICLE. Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a misdemeanor punishable as provided in Section 321.482 of the Code of Iowa.

***212-309 ENGINE BRAKE PROHIBITED.** No truck or motor vehicle operating on any street or highway in the City shall use the engine back-pressure braking system commonly known as engine brake or “jake brakes” unless muffled, or in case of emergency.

212-310 EXCESSIVE ACCELERATION. It shall be unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave skid marks on the pavement, or to cause the front wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

212-311 CARELESS DRIVING. No person shall drive any vehicle in a careless or improper manner.

212-312 OPERATION OF GOLF CARTS.

1. Golf carts may be operated upon the streets of the City of Estherville, Iowa, except as prohibited in subsection 2 of this section, by persons possessing a valid Iowa operator's license.
2. Prohibited Streets. Golf carts shall not be operated upon any city street which is a primary road extension through the city, to-wit: Iowa Highway Number 4 and Iowa Highway Number 9. However, golf carts may cross such a primary road extension.
- *3. Equipment. Golf carts operated upon city streets shall be equipped with a slow-moving vehicle sign or proper motor vehicle lighting if conditions warrant and at all times during operation shall have adequate brakes.
4. Hours. Golf carts may be operated on city streets only between sunrise and sunset.
- *5. Financial Responsibility. The owner or operator of any golf cart upon the city streets within the city limits of the City of Estherville, Iowa, must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B of the Code of Iowa or equivalent coverage.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 4
SPEED REGULATIONS**

212-401 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, 1999, Sec. 321.285)

212-402 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1999, Sec. 321.285 [1])

212-403 RESIDENCE OR SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1999, Sec. 321.285 [2])

212-404 SUBURBAN DISTRICT. A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1999, Sec. 321. 285 [4])

212-405 PARKS, CEMETERIES, AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, alley, cemetery, or parking lot, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1999, Sec. 321.236 [5])

212-406 MINIMUM SPEED. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, 1999, Sec. 321.294)

212-407 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the driver's thereof sound audible signal by bell, siren, or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, 1999, Sec., 321.231)

212-408 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State Department of Transportation, or whenever the council shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system, the council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe thereat.

(Code of Iowa, 1999, Sec. 321.290)

212-409 SPECIAL SPEED LIMITS ESTABLISHED. Pursuant to Section 212.408 the following special speed restrictions have been established:

- *1. On Ninth Street (Iowa State Highway No. 4):
- A. 45 MPH from the south corporate limits to a point 2,580 feet north thereof.
 - B. 35 MPH from the above point, north to a point 600 feet north of the intersection with South First Street of the City of Estherville, Iowa.
 - C. 30 MPH from the above point, north to 14th Avenue North.
 - D. 45 MPH from 14th Avenue North, north to 22nd Avenue North.
 - E. 55 MPH from 22nd Avenue North, north to the north corporate limits of the City of Estherville, Iowa.
2. On South First Street:
- A. 45 MPH from the intersection of Iowa State Highway No. 4 to a point 575 feet southeast of the intersection of South First Street and 2nd Avenue South.
 - B. 30 MPH from the above point northerly to the intersection of South First Street and Iowa State Highway No. 9.
3. On Central Avenue (Iowa State Highway No. 9):
- A. 45 MPH from the west corporate limits to a point 588 feet east thereof.
 - B. 35 MPH from the above point to a point 1,630 feet east thereof.
 - C. 25 MPH from the east boundary of the above 35 MPH zone to a point 4,650 feet east thereof.
 - D. 30 MPH from the east edge of the above 25 MPH zone to a point 2,900 feet east thereof.
 - E. 35 MPH from the east edge of the above 30 MPH zone to a point 1,000 feet east thereof.
 - F. 45 MPH from the east edge of the 35 MPH zone immediately preceding this sentence to a point 3,560 feet east thereof.

- G. 55 MPH from the east limit of the 45 MPH zone immediately preceding this sentence to the east corporate limits.
4. On Park Road: 25 MPH from a point one thousand four hundred twenty (1,420) feet north of the south corporate line to the transition into West South First Street.
 5. On West North Second Street: 25 MPH from the intersection of West North Second and West Fifth Avenue North to the intersection of West North Second Street and West Fourteenth Avenue North.
 6. On West Fourteenth Avenue North: 25 MPH from west corporate line to the intersection of West Fourteenth Avenue North and Emmet County Road N-26.
 7. On Murray Road: 25 MPH from North Twentieth Street to North Thirty-fourth Street.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 5
TURNING REGULATIONS**

212-501 AUTHORITY TO MARK. The council may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(Code of Iowa, 1999, Sec. 321.311)

212-502 "U" TURNS. It shall be unlawful for a driver to make a "U" turn at intersections where there are automatic traffic signals and at the following designated locations:

(Code of Iowa, 1999, Sec. 321.255)

1. Intersection of Third Avenue North and North Sixth Street.
2. At any place on Central Avenue within the city.

212-503 RIGHT TURN ON RED SIGNAL PROHIBITED. Vehicular traffic facing a steady red signal shall not proceed or make a right turn at the following locations when appropriate signs are in place.

(Code of Iowa, 1999, Sec. 321.257 [2])

1. Central Avenue. Vehicles traveling east on Central Avenue shall not turn right on a red signal at Seventeenth Street.

212-504 NO LEFT TURNS PERMITTED. When appropriate signs are in place, no driver shall make a left turn at the following locations.

(Code of Iowa, 1999, Sec. 321.311)

1. Central Avenue. It shall be unlawful for vehicular traffic entering upon Central Avenue from the North-South Alley running through Block Seventy-six (76) of the Original Plat of Estherville, Iowa, to turn left upon Central Avenue.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 6
STOP OR YIELD REQUIRED**

212-601 THROUGH STREETS - STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter before entering an intersection with the following designated through streets.

(Code of Iowa, 1999, Sec. 321.345)

1. Central Avenue, from the west corporate limits to the east corporate limits.
2. 9th Street from 7th Avenue South to Alexander Road.
3. South 1st Street from the south corporate limits to Central Avenue.
4. West North 9th Street from Central Avenue to West 14th Avenue North.
5. North 2nd Street from Central Avenue to 4th Avenue North.
6. North 4th Street from Central Avenue to the north city limits.
- *7. 6th Street from 3rd Avenue North to 22nd Avenue North.
8. 13th Street from 3rd Avenue South to 14th Avenue North.
9. 3rd Avenue South from South 13th Street to Central Avenue.
10. 6th Avenue South from South 9th Street to and including South 13th Street.
11. 2nd Avenue North from North 6th Street to North 9th Street.
12. 3rd Avenue North from North 6th Street to North 9th Street.
13. 4th Avenue North from North 6th Street to North 9th Street.

*Revised 5-5-03; Ord. No. 635

14. 8th Avenue North from North 6th Street to North 9th Street.
15. 1st Avenue North from North 7th Street to North 9th Street.
16. 7th Avenue South from South 13th Street to South 28th Street.

212-602 SPECIAL STOPS REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

1. West North 7th Street. Vehicles traveling on West North 7th Street shall stop at West 6th Avenue North.
2. West North 6th Street. Vehicles traveling south on West North 6th Street shall stop at West 5th Avenue.
3. West South 2nd Street. Vehicles traveling on West South 2nd Street shall stop at West 1st Avenue South.
4. West South 2nd Street. Vehicles traveling on West South 2nd Street shall stop at West 2nd Avenue South.
5. North 5th Street. Vehicles traveling south on North 5th Street shall stop at 4th Avenue North. Vehicles traveling on North 5th Street shall stop at 1st Avenue North.
6. 1st Avenue North. Vehicles traveling on 1st Avenue North shall stop at North 7th Street.
7. South 8th Street. Vehicles traveling on South 8th Street shall stop at 1st Avenue South.
8. Alexander Road. Vehicles traveling west on Alexander Road shall stop at North 7th Street.
9. North 13th Street. Vehicles traveling north on North 13th Street shall stop at 14th Avenue North.

10. North 15th Street. Vehicles traveling south on North 15th Street shall stop at 5th Avenue North.
11. North 17th Street. Vehicles traveling on North 17th Street shall stop at 5th Avenue North.
12. 1st Avenue South. Vehicles traveling on 1st Avenue South shall stop at South 17th Street.
13. 6th Avenue South. Vehicles on the 13 hundred block of 6th Avenue South shall stop at South 13th Street and South 14th Street.
14. 1st Avenue South. Vehicles traveling on 1st Avenue South shall stop at South 18th Street.
15. West North 3rd Street. Vehicles traveling south on West North 3rd Street shall stop at West 1st Avenue North.
16. 1st Avenue North. Vehicles traveling on 1st Avenue North shall stop at North 16th Street.
17. South 7th Street. Vehicles traveling on South 7th Street shall stop at 1st Avenue South.
18. North 7th Street. Vehicles traveling south on North 7th Street shall stop at 22nd Avenue North.
- *19. South 6th Street. Vehicles traveling on South 6th Street shall stop at 1st Avenue South.
- *20. 2nd Avenue South. Vehicles traveling on 2nd Avenue South shall stop at South 6th Street.

212-603 THREE-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated three-way stop intersections:

1. South 13th Street and 3rd Avenue South. Vehicles approaching the intersection of South 13th Street and 3rd Avenue South from the west, south, and east shall stop before entering such intersection.
2. North 2nd Street and 4th Avenue North. Vehicles approaching the intersection of North 2nd Street and 4th Avenue North from the north, east, and west shall stop before entering such intersection.

212-604 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

1. West North 8th Street. Vehicles traveling north on West North 8th Street shall yield at West 6th Avenue North.
2. West North 9th Street. Vehicles traveling north on West North 9th Street shall yield at West 14th Avenue North.
3. West North 2nd Street. Vehicles traveling on West North 2nd Street shall yield at West 14th Avenue North.
4. West North 2nd Street. Vehicles traveling south on West North 2nd Street shall yield at West 2nd Avenue North.
5. West 3rd Avenue North. Vehicles traveling west on West 3rd Avenue North shall yield at West North 2nd Street.
6. West 2nd Avenue North. Vehicles traveling east on West 2nd Avenue North shall yield at West North 1st Street.
7. West 1st Avenue North. Vehicles traveling east on West 1st Avenue North shall yield at West North 1st Street.

8. West 1st Avenue South. Vehicles traveling east on West 1st Avenue South shall yield at West South 1st Street.
9. West 2nd Avenue South. Vehicles traveling east on West 2nd Avenue South shall yield at West South 1st Street.
10. Valley Drive. Vehicles traveling east on Valley Drive shall yield at West South 1st Street.
11. West South 1st Street. Vehicles traveling northwest on West South 1st Street shall yield at Park Road.
12. 1st Avenue South. Vehicles traveling on 1st Avenue South shall yield at South 2nd Street.
13. 2nd Avenue South. Vehicles traveling on 2nd Avenue South shall yield at South 2nd Street.
14. RESERVED FOR FUTURE USE.
15. 7th Avenue North. Vehicles traveling on 7th Avenue North shall yield at North 15th Street.
16. 6th Avenue North. Vehicles traveling on 6th Avenue North shall yield at North 15th Street.
17. 7th Avenue South. Vehicles traveling on 7th Avenue South shall yield at South 28th Street.
18. Dan-Bur Drive. Vehicles traveling north on Dan-Bur Drive shall yield at 22nd Avenue North.
- *19. Murray Road. Vehicles traveling on Murray Road shall yield at the 3rd Avenue intersection and at North 28th Street.

20. North 10th Street. Vehicles traveling on North 10th Street shall yield at 8th Avenue North.
21. Briar Place Drive. Vehicles traveling south on Briar Place Drive shall yield at 2nd Avenue North.
22. North 11th Street. Vehicles traveling on North 11th Street shall yield at 8th Avenue North.
23. Shaw Drive. Vehicles traveling north on Shaw Drive shall yield at 5th Avenue North.
24. North 12th Street. Vehicles traveling on North 12th Street shall yield at 2nd Avenue North.
25. North 14th Street. Vehicles traveling on North 14th Street shall yield at 2nd Avenue North.
26. North 15th Street. Vehicles traveling north on North 15th Street shall yield at 5th Avenue North.
27. North 16th Place. Vehicles traveling on North 16th Place shall yield at 5th Avenue North.
28. North 17th Place. Vehicles traveling on North 17th Place shall yield at 5th Avenue North.
29. North 17th Court. Vehicles traveling on North 17th Court shall yield at 5th Avenue North.
30. North 18th Street. Vehicles traveling on North 18th Street shall yield at 5th Avenue North.
31. North 19th Street. Vehicles traveling on North 19th Street shall yield at 5th Avenue North.

32. 8th Avenue North. Vehicles traveling on 8th Avenue North shall yield at North 15th Street.
33. 2nd Avenue North. Vehicles traveling east on 2nd Avenue North shall yield at North 15th Street.
34. 4th Avenue North. Vehicles traveling on 4th Avenue North shall yield at North 17th Street.
35. 3rd Avenue North. Vehicles traveling on 3rd Avenue North shall yield at North 17th Street.
36. 2nd Avenue North. Vehicles traveling on 2nd Avenue North shall yield at North 17th Street.
37. 1st Avenue North. Vehicles traveling on 1st Avenue North shall yield at North 17th Street.
38. Murray Road. Vehicles traveling west on Murray Road shall yield at North 20th Street.
39. South 18th Street. Vehicles traveling south on South 18th Street shall yield at 7th Avenue South.
40. West North 2nd Street. Vehicles traveling on West North 2nd Street shall yield at West 5th Avenue North.
41. North 5th Street. Vehicles traveling on North 5th Street shall yield at 2nd Avenue North.
42. North 5th Street. Vehicles traveling on North 5th Street shall yield at 8th Avenue North.
43. North 5th Street. Vehicles traveling on North 5th Street shall yield at 9th Avenue North.

44. 9th Avenue South. Vehicles traveling on 9th Avenue South shall yield at South 28th Street.
45. North 7th Street. Vehicles traveling on North 7th Street shall yield at 14th Avenue North.
46. RESERVED FOR FUTURE USE.
47. RESERVED FOR FUTURE USE.
48. North 8th Street. Vehicles traveling on North 8th Street shall yield at 14th Avenue North.
49. North 10th Street. Vehicles traveling on North 10th Street shall yield at 5th Avenue North.
50. North 11th Street. Vehicles traveling on North 11th Street shall yield at 5th Avenue North.
51. North 12th Street. Vehicles traveling on North 12th Street shall yield at 5th Avenue North.
52. North 12th Street. Vehicles traveling on North 12th Street shall yield at 8th Avenue North.
53. North 14th Street. Vehicles traveling on North 14th Street shall yield at 5th Avenue North.
54. North 14th Street. Vehicles traveling on North 14th Street shall yield at 8th Avenue North.
55. North 14th Street. Vehicles traveling on North 14th Street shall yield at 14th Avenue North.
56. North 15th Street. Vehicles traveling on North 15th Street shall yield at 14th Avenue North.

212-605 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring his vehicle to a full stop at a point ten (10) feet from the approached side of the crosswalk marked by an authorized movable school stop sign and thereafter proceed in a careful and prudent manner until the driver shall have passed through such school crossing zone.

(Code of Iowa, 1999, Sec. 321.249)

1. North 6th Street at 4th Avenue North.
- **2. South 13th Street at 1st Avenue South.
3. North 5th Street at 4th Avenue North.

212-606 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter he shall proceed into the sidewalk area only when he can do so without danger to pedestrian traffic and he shall yield the right-of-way to any vehicular traffic on the street into which his vehicle is entering.

(Code of Iowa, 1999, Sec. 321.353)

212-607 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating.

*Revised 11-5-01; Ord. No. 621

**Revised 9-21-09; Ord. No. 691

212-608 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic-control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, 1999, Sec. 321.327)

***212-609 OFFICIAL TRAFFIC CONTROL SIGNALS.** Every driver shall observe and comply with the directions provided by official traffic-control signals at the following intersections:

- *1. RESERVED FOR FUTURE USE.
2. Intersection of 6th Street and Central Avenue.
3. Intersection of North 6th Street and 1st Avenue North.
4. Intersection of North 6th Street and 2nd Avenue North.
5. Intersection of North 7th Street and Central Avenue.
- **6. RESERVED FOR FUTURE USE.
7. Intersection of North 9th Street and Central Avenue.
8. Intersection of 1st Street and Central Avenue.
9. Intersection of West 1st Street and West Central Avenue.
10. Intersection of 13th Street and Central Avenue.
11. Intersection of South 15th Place and Central Avenue.
12. Intersection of 17th Street and Central Avenue.
13. Intersection of 5th Street and Central Avenue.

*Revised 5-5-03; Ord. No. 635

**Revised 1-3-06; Ord. No. 666

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 7
LOAD AND WEIGHT RESTRICTIONS**

212-701 TEMPORARY EMBARGO. If the council declares an embargo when it appears by reason of deterioration, rain, snow, or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, 1999, Sec. 321.471 & 321.472)

212-702 PERMITS FOR EXCESS SIZE AND WEIGHT. The administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law or city ordinance over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance.

(Code of Iowa, 1999, Sec. 321.473. 321E.1)

212-703 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

(NONE)

(Code of Iowa, 1999, Sec. 321.473 & 475)

212-704 LOAD LIMITS ON BRIDGES. Where it has been determined that any city bridge has a capacity less than the maximum permitted on the streets of the city, or on the street serving

the bridge, the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, 1999, Sec. 321.473)

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 2 - TRAFFIC CODE

**ARTICLE 8
PEDESTRIANS**

212-801 WALKING IN STREET. Pedestrians walking in a street shall at all times walk on the left side of the street in such a manner as to not obstruct traffic or create a hazard for vehicles.

(Code of Iowa, 1999, Sec. 321.326)

212-802 RESERVED FOR FUTURE USE.

212-803 HITCH HIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, 1999, Sec. 321.331)

212-804 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, 1999, Sec. 321.328)

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 2 - TRAFFIC CODE

**ARTICLE 9
ONE-WAY TRAFFIC**

212-901 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross-traffic, shall move only in the indicated direction when appropriate signs are in place.

(Code of Iowa, 1999, Sec. 321.236 [4])

1. Alley in Block 76. It shall be unlawful for vehicular traffic to enter upon the alley running in a North-South direction through Block Seventy Six (76) of the Original Plat of Estherville, Iowa, except from First Avenue North.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 10
PARKING REGULATIONS**

212-1001 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, 1999, Sec. 321.361)

212-1002 PARK ADJACENT TO CURB: ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, 1999, Sec. 321.361)

212-1003 DIAGONAL PARKING. Angle or diagonal parking shall be permitted only in the following locations:

(Code of Iowa, 1999, Sec. 321.361)

1. Business District. All streets within the business district as defined in Section 212-102, subsection 5 except along Central Avenue.

212-1004 ANGLE PARKING: MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by

such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, 1999, Sec. 321.361)

212-1005 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes:

(Code of Iowa, 1999, Sec. 321.236 [1])

1. Sale. Displaying such vehicle for sale.
2. Repairing. For commercial washing, greasing, or repairing such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.
5. Storage. Storage or as junk or dead storage for more than twelve (12) hours.

212-1006 PARKING PROHIBITED. No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control device, in any of the following places:

1. Crosswalk. On a crosswalk at an intersection.

(Code of Iowa, 1999, Sec. 321.236 [1] & 321.358 [5])

2. Center Parkway. On the center parkway or dividing area of any divided street.

(Code of Iowa, 1999, Sec. 321.236 [1])

3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

(Code of Iowa, 1999, Sec. 321.236 [1])

4. Sidewalks. On or across a sidewalk.
(Code of Iowa, 1999, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, 1999, Sec. 321.258 [2])
6. Intersection. Within an intersection of any street or alley.
(Code of Iowa, 1999, Sec. 321.358 [3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, 1999, Sec. 321.358 [4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop, or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, 1999, Sec. 321.358 [6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, 1999, Sec. 321.358 [8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, 1999, Sec. 321.358 [9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
(Code of Iowa, 1999, Sec. 321.358 [10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, except trucks and commercial vehicles when calling for and delivering merchandise or when access to the curb is blocked by other vehicles at

the place of calling or delivery, and then only for such length of time as may be necessary to load or unload.

(Code of Iowa, 1999, Sec. 321.358 [11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the city planner and construction engineer may cause curbsings to be painted with a yellow color or erect no parking or standing signs.

(Code of Iowa, 1999, Sec. 321.358 [13])

14. Theatres, Hotels, and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked, or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purposes.

(Code of Iowa, 1999, Sec. 321.360)

15. Alleys. No person shall park a vehicle in any alley and no person shall stop, stand, or park a vehicle within an alley unless said vehicle is parked to deliver goods or services.

16. Controlled Access Facility Approach. On the minor street approach for a distance of thirty-five (35) feet in advance of the stop sign or on the exit side of the minor street for a distance of thirty-five (35) feet beyond the crosswalk of any controlled access facility intersection.

17. School Property. Those places located on property owned by the Estherville Community School District where the District has erected a No-Parking sign or has caused curbsings to be painted with a yellow color.

212-1007 HANDICAPPED PARKING. Parking for the use of the physically handicapped is provided as follows:

1. Designated Spaces. The council, by resolution, may set aside special parking places designated only for parking motor vehicles displaying a special identification device issued in accordance with State law.

(Code of Iowa, 1999, Sec. 321L.5)

2. Unlawful Use. The use of parking spaces which are designated for the handicapped and which are located on public property by a motor vehicle not displaying such a device, or by a motor vehicle displaying such a device but not being used as operator or passenger by the individual to whom the device has been issued or another individual physically handicapped to the extent described by Section 321L.2, Code of Iowa, shall be a misdemeanor.

(Code of Iowa, 1999, Sec. 321L.4)

212-1008 15-MINUTE PARKING ZONES. No person shall park a vehicle at any one time longer than fifteen (15) minutes in any of the following parking stalls which are hereby designated as limited parking stalls:

1. The first two (2) parking stalls east of 7th Street on the north side of Central Avenue.
2. The yellow zone in front of the Gardston Building at 4 North 7th Street.
3. Along the north side of 1st Avenue South from a point thirty (30) feet east of South 9th Street, east a distance of two hundred (200) feet.
4. The eleventh parking stall north of 2nd Avenue North on the west side of North 6th Street.

212-1008-A 15-MINUTE PARKING ZONE - DESIGNATED HOURS. No person shall, between the hours of 8:00 A.M. and 5:00 P.M., except for Sundays, park a vehicle for a period of time longer than fifteen (15) minutes in any of the following limited parking stalls:

1. The second, third, and fourth parking stall east of North 6th Street on the south side of 2nd Avenue North.
2. The first six stalls east of North 6th Street on the north side of 2nd Avenue North.
3. The first two stalls north of 2nd Avenue North on the east side of North 6th Street.

Such stalls shall be plainly marked and signs bearing an appropriate legend shall be placed and maintained at each such location.

212-1009 PARKING TIME LIMITS.

1. City Streets. It shall be unlawful to stop or park any wagon, automobile, truck, machinery, or vehicle on any municipal street for more than eighteen (18) hours unless such parking is exempted elsewhere in this Code.
2. Municipal Parking Lot. It shall be unlawful to stop or park any wagon, automobile, truck, machinery, or vehicle on any municipally owned off-street parking lot for more than twenty-four (24) hours at any one time.

212-1010 NO PARKING ZONES. No one shall stop, stand, or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

1. Central Avenue (Iowa No. 9), on both sides from 4th Street to the west corporate limits.
2. Central Avenue (Iowa No. 9), on both sides from 9th Street to the east corporate limits.

- *3. 1st Avenue North, on the north side from a point one hundred forty-eight (148) feet east of North 17th Place, east a distance of two hundred sixty (260) feet.
1st Avenue North, on the south side, from North 12th Street to North 13th Street and on the north side of 1st Avenue North from North 13th Street to a point forty (40) feet west thereof.
4. 1st Avenue South, on the north side from South 9th Street to a point thirty (30) feet east of South 9th Street.
5. 1st Avenue South, on the south side from South 1st Street to South 2nd Street.
6. 2nd Avenue North, on the south side from North 7th Street to North 9th Street except that parking is authorized on the south side of 2nd Avenue North between North 7th Street and North 8th Street on Sundays only.
7. 2nd Avenue North, on the north side from North 9th Street to a point one hundred fifty (150) feet west of North 9th Street.
8. West 2nd Avenue North, on the south side from West North 1st Street to the east line of McKinley School property.
9. 2nd Avenue North, on the south side from North 13th Street to North 14th Street.
10. 3rd Avenue South, on the north side between South 17th Street and Central Avenue (Iowa Highway No. 9).
11. 5th Avenue North, both sides from 6th Street to 9th Street.
- **12. 5th Avenue North, on the north side from North 9th Street to North 11th Street and from the driveway at 1715 5th Avenue North to the east corporate limits of the City of Estherville, Iowa.
- **12.1 5th Avenue North on the south side from North 18th Street to a point forty (40) feet east thereof.

*Revised 6-18-01; Ord. No. 619

**Revised 9-19-05; Ord. No. 662

13. West 5th Avenue, on the north side from West North 2nd Street to West North 6th Street.
14. West 5th Avenue North, on the south side from intersection of West North 2nd Street to a point one hundred fifty (150) feet west thereof at any time.
15. 6th Avenue North, on the north side from North 15th Street to North 17th Street.
16. West 6th Avenue North, on the north side from West North 6th Street to West North 9th Street.
17. 14th Avenue North, on the south side from 8th Street to 9th Street.
18. South 1st Street, on both sides from South 9th Street (Iowa Highway No. 4) to Central Avenue (Iowa Highway No. 9).
19. West South 1st Street, on the west side from its intersection with the southern right-of-way line of Central Avenue to a point one hundred eighty (180) feet south.
20. West South 1st Street, on the east side from its intersection with the southern right-of-way line of Central Avenue to a point two hundred ninety (290) feet south.
21. West South 1st Street, on the east side from extension of the centerline of West 2nd Avenue South to a point three hundred (300) feet south thereof.
22. West North 2nd Street, on the west side from West 2nd Avenue North to West 5th Avenue North.
23. North 4th Street, on the east side from 9th Avenue two hundred fourteen (214) feet north.
24. North 4th Street, on the west side from a point thirty-six (36) feet north of the north line of 9th Avenue extended north northwest two hundred thirty (230) feet.
25. South 5th Street, on the west side from Central Avenue to 1st Avenue South.
26. North 6th Street, on the east side from 4th Avenue North to the north corporate limits at any time.

27. North 6th Street, on the west side from 9th Avenue North to 10th Avenue North.
28. 9th Street (Iowa Highway No. 4), on both sides from the south corporate limits to the north corporate limits.
29. South 13th Street, on the west side from Central Avenue to 3rd Avenue South.
30. South 13th Street, on the east side from Central Avenue to 1st Avenue South.
31. North 13th Street, on the west side from Central Avenue to a point fifty (50) feet north of Central Avenue.
32. North 13th Street, on the east side from Central Avenue to 14th Avenue North with the exception that during funeral activities at the East Side Cemetery parking will be permitted on the east side of North 13th Street from 5th Avenue North to 7th Avenue North.
33. North 15th Street, on the east side from 1st Avenue North to 5th Avenue North.
34. North 16th Street, on the west side from Central Avenue to 1st Avenue North.
35. North 16th Street, on the west side between 3rd Avenue and North 15th Street.
36. North 20th Street, on the east side, from Murray Road north a distance of 121.6 feet and also on the east side from the intersection of 3rd Avenue North, south a distance of 80 feet.
37. In any municipal parking lot where prohibited by yellow pavement markings or signs.
38. All of West 1st Avenue North on both sides west of the intersection with West North 3rd Street.
39. All of West North 4th Street on both sides south of the south boundary of Woodland Heights 1st Addition to the City of Estherville, Iowa.
40. 3rd Avenue South on the south side from the east entrance to the Iowa Lakes Community College parking lot to the intersection of 3rd Avenue South and Iowa Highway No. 9.

41. The frontage road connecting with 3rd Avenue South, on both sides from the intersection of the frontage road with 3rd Avenue South to the west entrance to the Estherville Plaza Shopping Center.
42. West North 6th Street, on the east side, from West 5th Avenue North to West 6th Avenue North.
43. Central Avenue, on the north side, from North 4th Street to a point 200 feet east thereof.
- *44. 8th Avenue North, on both sides of the street, from North 8th Street to North 9th Street.
- ***45. North 8th Street, on the east side, from 8th Avenue North to a point sixty (60) feet north thereof, and from the diagonal parking spaces adjacent to the hospital, north to 11th Avenue North. Also, on the west side, from 10th Avenue North to a point one hundred fifty (150) feet north thereof.
46. 3rd Avenue South, on the south side, from the driveway at 1320 to South 14th Street.
- *47. 11th Avenue North, on the south side of the street, from North 8th Street to North 9th Street.
- **48. 10th Avenue North, on the south side of the street, from North 7th Street to North 8th Street, and on the north side, from North 8th Street to a point seventy-nine (79) feet west thereof.

212-1011 RESERVED PARKING. No person shall park a vehicle in any of the following areas except as permitted below:

1. The fifth through tenth (5th-10th) parking stalls east of North 6th Street on the south side of 2nd Avenue North shall be reserved for law enforcement vehicle parking only.

212-1012 NO PARKING 2:00 A.M. TO 8:00 A.M. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets between the hours of 2:00 A.M. and 8:00 A.M. of any day from November 1 to April 1.

*Revised 11-18-02; Ord. No. 630

**Revised 8-16-04; Ord. No. 647

Revised 9-19-05; Ord. No. 662; See Subdivision 12 and 12.1 of 212-1010

Revised 7-20-09; Ord. No. 688

***Revised 11-18-02; Ord. No. 630

Revised 7-20-09; Ord. No. 688

1. West North 2nd Street, on the east side, from West 2nd Avenue North to West 5th Avenue North.
2. West 5th Avenue North, on the south side, from a point one hundred fifty (150) feet west of West North 2nd Street to a point eight hundred (800) feet west of West North 2nd Street.
3. North 6th Street, on the west side, from 5th Avenue North to the north corporate limits.

212-1012A NO PARKING 2:00 A.M. TO 5:00 A.M. No person, except those responding to emergency calls, shall park a vehicle on any of the following named streets between the hours of 2:00 A.M. and 5:00 A.M. of any day:

1. North 7th Street on the east side from Central Avenue to 1st Avenue North.
2. South 7th Street on both the east and west side from Central to 1st Avenue South.
3. South 6th Street on both the east and west side from Central Avenue to 1st Avenue South and on the west side only from 1st Avenue South to 2nd Avenue South.
4. North 6th Street on the west side from Central Avenue to 1st Avenue North.
5. South 5th Street on the east side from Central Avenue to 1st Avenue South.
6. Central Avenue on both the north and south sides from 5th Street to 8th Street.
7. 1st Avenue South on both the north and south sides from South 5th Street to South 7th Street.

212-1012B NO PARKING 7:00 A.M. TO 8:00 P.M. EXCEPT SATURDAYS AND SUNDAYS.

No person, except those responding to emergency calls, shall park a vehicle on any of the following named streets between the hours of 7:00 A.M. and 8:00 P.M., Monday through Friday:

1. North 8th Street, on the west side, from a point 113 feet north of 8th Avenue North, to a point 68 feet north thereof.

***212-1013 TRUCK PARKING PROHIBITED.** No person shall park a motor truck, semitrailer, or semi tractor with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery, or panel delivery trucks.

(Code of Iowa, 2005, Sec. 321-236 [1])

1. Business District. (Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise, freight, or cargo) no person shall park or leave unattended such vehicle, on any of the streets within the Central Business District.
When receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. Parking Prohibited. No motor trucks, semitrailer, or semi tractor with trailer attached shall be parked upon any public street or alley for a period of longer than one (1) hour at any time.
3. Parking of Climate-Controlled Vehicles. No person shall operate or allow the running of any auxiliary engines used for heating, cooling, or other purposes on a parked vehicle, truck, or trailer within one hundred (100) feet of any residence, mobile home, or other structure used for residential purposes within the city limits of the City of Estherville, Iowa,
between the hours of nine (9) o'clock P.M. and eight (8) o'clock A.M., Central Standard Time.
"Auxiliary engines" shall be defined in a broad sense to include any noise generating engine, generator or motor, or other device that is used to regulate or control the temperature, humidity, or other climatic conditions of a vehicle, truck, or trailer. This does not include any non-noise emitting device, such as electric engine block heaters, oil plan heaters, radiator heaters, or similar non-noise producing systems.
4. Central Avenue. No such vehicle shall be left unattended or parked at any time on either side of Central Avenue.

*Revised 11-19-07; Ord. No. 679 (All of Section 212-1013)

**5. 9th Street. No such vehicle shall be left unattended or parked at any time on either side of 9th Street, also known as Highway 4.

212-1014 PARKING DURING SNOW REMOVAL.

1. Parking Prohibited. No person, except physicians on emergency calls and drivers of emergency vehicles, shall park or leave parked and unattended any vehicle on any street within the city, during a "Snow Removal Period" as hereinafter defined.
2. Snow Removal Period Defined. The term "Snow Removal Period" shall be a period of time no more than seven (7) days after each snowfall. Such "Snow Removal Period" shall commence eight (8) hours after the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code causes the announcement of its commencement to be made by at least one radio station having a normal operating range covering the city. The "Snow Removal Period" will terminate upon like announcement by a said authorized city employee.

***212-1015 PARKING ON STREET RIGHT-OF-WAY PROHIBITED.** The parking of any vehicles or equipment upon that portion of a street right-of-way between the curb line and the adjacent property line shall be prohibited at any time except under the following conditions:

1. Residential. Parking of pickups or automobiles on said portion of a street right-of-way will be permitted adjacent to a one or two (2) family dwelling as defined in the Uniform Building Code except along Iowa State Highway 9/Central Avenue.
2. Manner of Parking. Where residential parking is permitted on said portion of a street right-of-way, vehicles shall park parallel to the adjacent curb line or edge of roadway.
3. Intersecting Street. No vehicles or equipment shall be permitted to be parked on said portion of a street right-of-way within forty (40) feet of an intersecting street's nearest curb line at any time.

*Revised 5-2-05; Ord. No. 654 (All of Section 212-1015)

**Revised 11-19-07; Ord. No. 679 (All of Section 212-1013)

*4. Iowa State Highway 4/No. & So. 9th Street. In addition to the requirements of 1, 2, and 3 above, vehicles shall park no closer than seven (7) feet to the curb line along North and South 9th Streets only at the following locations:

308 North 9 th Street	1108 North 9 th Street
408 North 9 th Street	1115 North 9 th Street
514 North 9 th Street	1121 North 9 th Street
522 North 9 th Street	1227 North 9 th Street
602 North 9 th Street	208 South 9 th Street
608 North 9 th Street	302 South 9 th Street
609 North 9 th Street	603 South 9 th Street
614 North 9 th Street	

The existing diagonal parking on the right-of-way in front of the two (2) business properties located at 808 and 814 North 9th Street may continue to be maintained under this ordinance.

212-1016 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the city code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the city planner and construction engineer to erect or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When parking is prohibited for a distance of fifty (50) feet or less along a street or parking lot, yellow curb or pavement markings will be sufficient notification of regulations. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, 1999, Sec. 321.255 & 321.256)

*Revised 5-2-05; Ord. No. 654 (All of Section 212-1015)

212-1017 TWO-HOUR PARKING ZONE. No person shall park a vehicle at any one time longer than two (2) hours in any of the following parking stalls which are hereby designated as limited parking stalls:

1. The first two (2) parking spaces north of Central Avenue on the east side of North 7th Street.
2. The first six (6) parking spaces south of 3rd Avenue North on the east side of North 6th Street.
3. The first ten (10) parking spaces north of 2nd Avenue North on the west side of North 6th Street.
4. The first six (6) parking spaces west of North 6th Street on the north side of 2nd Avenue North.

212-1018 EXEMPTIONS. The following sections:

- 212-1003 Diagonal Parking
- 212-1004 Angle Parking
- 212-1005 Parking For Certain Purposes Illegal
- 212-1006 (5) Parking Prohibited
- 212-1008 15-Minute Parking Zones
- 212-1009 Parking Time Limits
- 212-1013 Truck Parking Limited
- 212-1205 (4) Eighteen-Hour Parking Period

pertaining to parking regulations shall be exempt from enforcement from noon on Saturdays until 8:00 A.M. on Mondays and on all legal holidays in the following areas only:

1. 2nd Avenue North between 5th Street and 6th Street
2. 1st Avenue North between 5th Street and 6th Street

3. The south half of South 6th Street between 1st Avenue South and 2nd Avenue South
4. The west half of 2nd Avenue South between 6th Street and 7th Street

212-1019 EXCEPTIONS TO EXEMPTIONS. The foregoing sections shall not be exempt from enforcement during any "Snow Removal Period" as defined in 212-1014 of this Code.

212-1020 CENTRAL BUSINESS DISTRICT. The Central Business District of the City of Estherville, Iowa, is hereby declared to encompass the following streets and platted lots fronting thereon:

1. 2nd Avenue North from the westerly line of North 6th Street to the easterly line of North 7th Street.
2. 1st Avenue North from the westerly line of the first platted alley west of North 6th Street to the easterly line of North 7th Street.
3. Central Avenue from the easterly line of 5th Street to the westerly line of 8th Street.
4. 1st Avenue South from the westerly line of South 6th Street to the easterly line of South 7th Street.
5. 6th Street from the northerly line of 2nd Avenue North to the northerly line of 2nd Avenue South.
6. 7th Street from the northerly line of 2nd Avenue North to the southerly line of 1st Avenue South.

***212-1021 TRAILER PARKING.** It shall be a parking violation to store any trailer, boat, motor home, utility trailer, travel trailer, or cart of any kind on the streets of the city for a period of more than twelve (12) hours.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE*****ARTICLE 11
NOISE CONTROL**

212-1101 PURPOSE. The purpose of this chapter is to prevent excessive noise which is a serious threat and hazard to public health and welfare and to preserve the quiet and peaceful enjoyment of the property of the citizens of the City of Estherville.

212-1102 DEFINITIONS. For purposes of this chapter, all words and phrases used in this chapter not defined below shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) and its successor bodies.

1. "Decibel" means a logarithmic and dimensionless unit of measure often used in the amplitude of sound. Decibel is denoted as dB.
2. "Emergency vehicle" means a motor vehicle used in response to a (public) calamity or to protect persons or property from imminent danger.
3. "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent danger.
4. "Gross vehicle weight" means the value specified by the manufacturer as the loaded weight of a vehicle.
5. "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

6. "Sound level meter" means an instrument, including a microphone, amplifier, output meter and weighting networks, that is sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publications SI 4-1971, or its successor publication.
7. "Weighted sound level (sound level)" means the sound pressure level in decibels as measured on a sound level meter using the A weighted network. The level so read shall be designated dB(A) or dBA.

212-1103 MEASUREMENT OF NOISE AND SOUND. The measurement of sound and noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A weighted, slow response sound level.

212-1104 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINATION AND CLASSIFICATION OF SOUND.

1. No person shall engage or participate in the making and creating of any excessive or unusually loud sound or noise within the city heard and measured in the manner prescribed below except for the exceptions to this chapter as set forth in Section 6.
2. It shall be the duty of the party who owns, possesses, or controls the premises to prevent such premises from being the site of activities producing sound levels in excess

of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.

3. It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings, and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure to perform such duty shall constitute a violation of this section.

4. For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:

A. The sound shall be measured at the property line of the complainant lying between the sound source and the complainant.

B. Where no property line exists between the sound source and the complainant, the sound shall be measured at a distance of at least twenty-five (25) feet from the sound source.

C. The sound shall be measured on a sound level meter of standard design and quality operated on the "A" slow response weighting scale.

D. A sound measured or registered in excess of maximum permitted levels according to the following table is declared to be excessive and unusually loud and is unlawful.

Character of Complainant Property	Maximum Number of Decibels Permitted
Residential	60 from 7:00 a.m. to 10:00 p.m. 50 from 10:00 p.m. to 7:00 a.m.

212-1105 VEHICLE NOISE LIMITS. It is unlawful for any person to operate or for the owner to cause or permit to be operated within the city any motor vehicle which emits or is capable of emitting a noise in excess of the dB (A) level established in this section.

*Revised 7-2-07; Ord. No. 677 (New article created)

1. The maximum allowable noise levels for motor vehicles are listed in the following table:

Type of Vehicle	Maximum Number of Decibels Permitted	Minimum Measurement Distance from Vehicle
Motor vehicles weighing 10,000 pounds or less, gross vehicle weight	84 dB (A)	25 feet
Motor vehicles weighing more than 10,000 pounds, gross vehicle weight	93 dB (A)	25 feet
Motorcycles, ATV's and Snowmobiles	93 dB (A)	25 feet
All motor vehicles not listed	84 dB (A)	25 feet

2. This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter.

3. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle or operate any such vehicle or device in the city in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicles in excess of levels established by this section.

4. No person shall operate a motor vehicle capable of emitting noise in excess of the prescribed noise levels set forth in this section.

5. The sound shall be measured on a sound level meter of standard design and quality operated on the "A" slow response weighing scale.

212-1106 PERMITS. Application for a permit for relief from the provisions of this chapter may be made to the City Council pursuant to the following procedures:

1. All permits must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date, and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity.

2. Permits granted shall state with reasonable specificity the dates, locations, times, nature of the sound devices permitted, number of people in attendance, and the persons responsible for the activity.
3. Permits shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise-producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.
4. The City Administrator or Code Enforcement Officer may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.
5. Applicants shall supply the Estherville Police Department with a copy of the permit no less than 12 hours before the planned event.

212-1107 MAXIMUM SOUND TO BE PERMITTED. When a permit has been issued pursuant to this chapter, the sound levels in the following table shall be the maximum levels permitted. The appropriate duration for each level shall not be exceeded.

Sound Level Limit dB (A)*	Duration
80	24 hours
83	12 hours
86	6 hours
89	3 hours
92	1.5 hours
95	45 minutes
98	22 minutes
101	11 minutes
105	5 minutes
*The sound level shall be measured at a distance of fifty (50) feet from the sound source.	

Sound emitted in excess of 105 dB (A) shall at all times be considered unlawful.

*Revised 7-2-07; Ord. No. 677 (New article created)

212-1108 EXCEPTIONS. The requirements, prohibitions, and terms of this chapter do not apply to the following:

1. Emergency work or to any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
2. The emission of sound for the purpose of alerting persons to the existence of an emergency.
3. Activities including, but not limited to, parades, fireworks displays, and community events.
4. Athletic contests.
5. The following activities, between 6:00 a.m. and 9:30 p.m.: all construction work; garbage collection; use of domestic power tools; use of motor-powered, muffler-equipped lawn, garden and tree-trimming equipment; and vehicle repairs.
6. Church and school bells and sirens for governmental meetings.

212-1109 ENFORCEMENT. Upon receipt of a complaint of excessive or unusually loud sound, or upon an officer's own volition, a law enforcement officer shall measure the sound as described herein. If the sound is excessive or unusually loud, as shown on the sound level meter, the officer may request the person in the position of ownership, possession, or control of the premises, or such person's agent, to immediately reduce the sound level to within lawful limits. The failure or refusal of a test request or failure to reduce and maintain the sound level to within lawful limits shall be a simple misdemeanor.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 2 - TRAFFIC CODE****ARTICLE 12
ENFORCEMENT PROCEDURES**

212-1201 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter, such officer may:

1. Immediate Arrest. Immediately arrest such person and take him before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quadruplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, a copy to the defendant and retain the fourth copy for the records of the city.

(Code of Iowa, 1999, Sec. 321.485, Chapter 805)

212-1202 PARKING VIOLATIONS. Violations of any parking restrictions imposed by this chapter shall be charged by citation or complaint and shall bear the following fines:

1. Snow Removal Period parking violations and street parking over eighteen (18) hours - Thirty dollars (\$30) per offense.
2. All other parking violations - Fifteen dollars (\$15) per offense.

212-1203 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

212-1204 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner

was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of this chapter, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

212-1205 IMPOUNDING VEHICLES. A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(Code of Iowa, 1999, Sec. 321.236 [1])

2. Illegally Parked Vehicle. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, 1999, Sec. 321.236 [1])

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during a snow removal period.
4. Parked Over Eighteen Hour Period. When any vehicle is left parked upon a street for a continuous period of eighteen (18) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, he shall be given an opportunity to remove the vehicle.

(Code of Iowa, 1999, Sec. 321.236 [1])

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

(Code of Iowa, 1999, Sec. 321.236 [1])

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 3 - BEER AND LIQUOR CONTROL****ARTICLE 1
GENERAL PROVISIONS**

213-101 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference.

Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "Person of Good Moral Character": shall mean any person who meets all of the following requirements:

(Code of Iowa, 1999, Sec. 123.3 [26])

- A. Has such financial standing and good reputation as will satisfy the council and the director that the person will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances, and regulations applicable to his operations under state law.
- B. Does not possess a federal gambling stamp.
- C. Is not prohibited by the provisions of Section 213-225 from obtaining a liquor license or beer permit.
- D. Is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.
- E. Has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit,

and if his rights of citizenship have been restored by the Governor, the director may determine that he is a person of good moral character notwithstanding such conviction.

F. If such person is a corporation, partnership, subsection shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of such person. For the purpose of this provision, an individual and his spouse shall be regarded as one person.

the 2. "Club": shall mean any nonprofit corporation or association of individuals, which is owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

(Code of Iowa, 1999, Sec. 123.3 [10])

3. "Commercial establishment": shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the ordinances of the city.

(Code of Iowa, 1999, Sec. 123.3 [11])

4. "Grocery store": shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.

(Code of Iowa, 1999, Sec. 123.129)

5. "Pharmacy": shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded and sold by a registered pharmacist.

(Code of Iowa, 1999, Sec. 123.129)

6. "Hotel or Motel": shall mean a premise licensed by the State Department of Agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.

(Code of Iowa, 1999, Sec. 123.3 [15])

7. "Legal age": shall mean twenty-one (21) years of age or more.

8. "Administrator": shall mean the administrator of the Alcoholic Beverages Division of the Department of Commerce or his designee.

(Code of Iowa, 1999, Sec. 123.3 [3])

9. "Division": shall mean the Alcoholic Beverages Division of the Department of Commerce.

(Code of Iowa, 1999, Sec. 123.3 [2])

213-102 ILLEGAL KEEPING OF INTOXICANTS. It shall be unlawful for a person to operate or conduct or allow to be operated, a place where intoxicating liquor is illegally kept, sold, or given away.

(Code of Iowa, 1999, Sec. 123.2)

213-103 LIQUOR STORE: LOCATION. No liquor store shall be located within three hundred (300) feet of a public or private educational institution.

213-104 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe him to be under legal age and no person or persons under legal age shall individually or jointly have alcoholic liquor, wine, or beer in his or their possession or control, except in the case of liquor, wine, or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by either a physician or dentist for medicinal purposes and except to the

extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of his or her employment by a liquor control licensee or beer permittee under state laws.

(Code of Iowa, 1999, Sec. 123.47)

213-105 PUBLIC CONSUMPTION OR INTOXICATION. It is unlawful for any person to use or consume alcoholic liquor, wine, or beer upon the public streets or highways, or alcoholic liquor in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquor, wine, or beer on any public school property or while attending any public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12).

(Code of Iowa, 1999, Sec. 123.46)

***213-106 OPEN CONTAINER IN PUBLIC PLACES.** It shall be unlawful for any person to possess an open container of alcoholic liquor in any public place in the City of Estherville, Iowa, except premises covered by a liquor control license, or to possess an open container of wine or beer upon Library Square, Thoreson Park Complex, or the public streets or highways of the City of Estherville, Iowa, provided however, that wine or beer may be consumed at the Thoreson Park Complex only during special events where prior permission for such consumption has been granted by the Park and Recreation Board of the City of Estherville, Iowa. Such permission may be granted by the Parks and Recreation Board of the City of Estherville, Iowa, only for specific events held at the Thoreson Park Complex on a case-by-case basis.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 3 - BEER AND LIQUOR CONTROL****ARTICLE 2
BEER AND LIQUOR PERMITS**

213-201 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer, or keep for sale alcoholic liquor or beer without first securing a liquor control license or beer permit in accordance with the provisions of this chapter and state law.

(Code of Iowa, 1999, Sec. 123.2)

213-202 NATURE OF LICENSE OR PERMIT. A liquor control license or beer permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the administrator may in his discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.

(Code of Iowa, 1999, Sec. 123.38)

213-203 BEER PERMITS - CLASSES. Beer permits shall be classed as follows:

1. Class "B" Permit: shall allow establishments such as bars and restaurants the privilege of selling on premises beer or carry out beer.
2. Class "C" Permit: shall allow establishments such as grocery stores, convenience stores, and pharmacies the privilege of selling carry out beer with no sales on premises.

3. Class "D" Permit: shall allow establishments such as bars and restaurants the privilege of selling on premise beer and carry out beer and wine.
4. Class "E" Permit: shall allow establishments such as grocery stores, convenience stores, and pharmacies the privilege of selling carry out beer and wine with no sales on premises.
5. Sunday Sales Privilege: shall allow establishments the privilege of selling and/or serving beer and/or wine on Sundays. Sunday Sales Privileges are not required of Class E Liquor Licenses as such licenses automatically carry a Sunday Sales Privilege.
6. Seasonal Permits: Seasonal permits may be issued for 14 days, 6 months, or 8 months. A two-month period must elapse after the expiration of a seasonal permit before another seasonal permit can be issued to the same premises.

(Code of Iowa, 1999, Sec. 123.124, 123.129 & 123.130)

213-204 LIQUOR LICENSES AND WINE PERMITS - CLASSES. Liquor control licenses and wine permits shall be classed as follows:

1. Class "A" Liquor License: shall allow establishments such as nonprofit clubs the privilege of selling on premises beer, wine, or liquor to members and guests. No carry out sales shall be allowed.
2. Class "B" Liquor License: shall allow establishments such as hotels and motels with a minimum of 20 rooms the privilege of selling on premises beer, wine and liquor, and carry out beer.
3. Class "B" Wine Permit: shall allow establishments such as wine stores and grocery stores the privilege of selling carry out wine only.
4. Class "C" Liquor License: shall allow establishments such as bars and restaurants

with a minimum of 25 tables/chairs the privilege of selling on premises beer, wine or liquor, and carry out beer.

5. Special Class "C" Liquor License: shall allow beer and wine establishments the privilege of selling on premises beer and wine and carry out beer.

6. Class "F" Liquor License: shall allow regular commercial establishments the privilege of selling on premises beer, wine and/or liquor and carry out beer and wine.

7. Class "G" Liquor License: shall allow beer and wine establishments the privilege of selling on premises beer and/or wine and carry out beer and/or wine.

8. Class "H" Liquor License: shall allow hotels and motels of 20 rooms or more the privilege of selling on premises beer, wine and/or liquor, and carry out beer and wine.

9. Seasonal Licenses/Permits: seasonal licenses and/or permits may be issued for 14 days, 6 months, or 8 months. Seasonal licenses and permits cannot be renewed.

213-205 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license or a beer permit shall be filed at such time, in such number of copies and in such form as the administrator shall prescribe, on forms prescribed by him.

(Code of Iowa, 1999, Sec. 123.31)

213-206 BOND FILED. The application shall be accompanied by the required fee and bond and be filed with the council for approval or disapproval. The bond to be submitted shall be in a form prescribed by the administrator of the Division of Alcoholic Beverages of the Department of Commerce.

(Code of Iowa, 1999, Sec. 123.32)

213-207 CONDITIONS. No liquor control license or beer permit shall be approved unless:

1. Character of Applicant. The applicant is a person of good moral character as defined by this chapter and in the case of a club, corporation, or partnership, the

officers of the club or corporation and the partners of a partnership are of good moral character as defined by this chapter.

(Code of Iowa, 1999, Sec. 123.30 [1])

2. Right of Entry. The applicant gives consent in writing on the application that members of the fire and police departments may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

(Code of Iowa, 1999, Sec. 123.30 [1])

3. Access to Residential or Sleeping Quarters. No interior access to residential or sleeping quarters is permitted or maintained unless permission is granted by the director in the form of a living quarters permit.

(Code of Iowa, 1999, Sec. 123.30 [2])

4. Location of Premises. The premises are located within areas where such businesses are, or hereafter are, permitted by a valid zoning ordinance.

(Code of Iowa, 1999, Sec. 123.128 [1b])

5. Seating Capacity. The premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

(Code of Iowa, 1999, Sec. 123.128 [1b])

6. Conform to Applicable Laws. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.

(Code of Iowa, 1999, Sec. 123.128 [2])

213-208 CIVIL LIABILITY. Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department.

(Code of Iowa, 1999, Sec. 123.92)

(IAC, 1999, 185-5.9 [123])

213-209 RESERVED FOR FUTURE USE.

213-210 SEPARATE LOCATIONS - CLASS "B" OR "C". Every person holding a class "B" or class "C" beer permit having more than one place of business where such beer is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.

(Code of Iowa, 1999, Sec. 123.140)

213-211 RESERVED FOR FUTURE USE.

213-212 LICENSE AND PERMIT FEES. The fees for the various beer and/or wine permits and liquor licenses shall be the same as the fees fixed for such licenses and permits by the Alcoholic Beverages Division of the Iowa Department of Commerce. Schedules reflecting the various fees shall be on file in the Office of the City Clerk and are available for inspection by the public during regular business hours.

213-213 RESERVED FOR FUTURE USE.

213-214 ACTION BY COUNCIL. Action taken by the council shall be so endorsed on the application and thereafter the application, fee, and bond shall be forwarded to the department for such further action as is provided by law.

(Code of Iowa, 1999, Sec. 123.32 [2])

213-215 EXPIRATION OF LICENSE OR PERMIT. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. Sixty (60) days notice of such expiration must be given in writing by the administrator or as otherwise provided by law.

(Code of Iowa, 1999, Sec. 123.34)

213-216 REFUNDS. Any such licensee or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city by itself in the case of a retail beer permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows: If surrendered during the first three (3) months of the period for which said license or permit was issued, the refund shall be three-fourths of the amount of the fee; if surrendered more than three (3) months but not more than six (6) months after issuance, the refund shall be one-half of the amount of the fee; if surrendered more than six (6) months but not more than nine (9) months after issuance, the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for a liquor control license or beer permit surrendered for more than nine (9) months after issuance. No refund shall be made to any licensee or permittee, upon the surrender of his license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him with a violation of this chapter or provisions of the Iowa beer and liquor control act. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his license or permit, to receive a refund as herein provided. But if his license or permit is revoked or suspended upon such hearing, he shall not be eligible for the refund of any portion of his license or permit fee. No refund shall be made for seasonal licenses or permits.

(Code of Iowa, 1999, Sec. 123.38)

213-217 TRANSFERS. The council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the

premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of fifteen dollars (\$15).

(Code of Iowa, 1999, Sec. 123.38)

213-218 RESERVED FOR FUTURE USE.

213-219 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or beer permit nor his agents or employees shall do any of the following:

1. Intoxicated Persons. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.

(Code of Iowa, 1999, Sec. 123.49 [1])

2. Hours of Operation. Sell or dispense any alcoholic liquor or beer on the premises covered by a license or permit, or permit the consumption thereon, between the hours of 2:00 a.m. and 6:00 a.m. on any weekday and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday and 12:00 p.m. on Sunday and 6:00 a.m. on the following Monday.

(Code of Iowa, 1999, Sec. 123.49 [2] [b])

3. Credit Sales. Sell alcoholic liquor or beer to any person on credit, except with bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

(Code of Iowa, 1999, Sec. 123.49 [2c])

4. Employment of Minors. Employ a person under 18 years of age in the sale or serving of alcoholic liquor, wine, or beer for consumption on the premises where sold.

(Code of Iowa, 1999, Sec. 123.49 [2f])

5. Selling of Alcoholic Beverage to Minors. Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing, or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer.

(Code of Iowa, 1999, Sec. 123.49 [2h])

6. Mixing of Alcoholic Beverage. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business.

(Code of Iowa, 1999, Sec. 123.49 [2i])

7. Soliciting and Disorderly Conduct. Knowingly permit any solicitors for immoral purposes or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, 1999, Sec. 123.49 [2a])

8. Beer Brand Signs Prohibited. Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.

(Code of Iowa, 1999, Sec. 123.51 [1])

9. Public Indecent Exposure Prohibited. Allow or permit any of the following:

(Code of Iowa, 1999, Sec. 728.5)

A. The actual or simulated public performance of any sex act upon or in such licensed premises.

B. The exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

C. The exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

D. Any person to remain in or upon the licensed premises who exposes to public view his or her genitals, pubic hair, or anus.

E. The displaying of moving pictures, films, or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

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

F. Advertising that any activity prohibited by this section is allowed or permitted in such place of business.

213-220 OPTIONAL SUSPENSION REVOCATION. Following a written notice and hearing, as provided by this article, a liquor license or beer permit may be suspended by the council for a period up to one year, the license or permit may be revoked, or a civil penalty imposed not to exceed one thousand dollars (\$1,000) per violation for violations of the city code, for any of the following causes:

1. Misrepresentation. Misrepresentation of any material fact in the application for such license or permit.

(Code of Iowa, 1999, Sec. 123.39 [1])

2. Violations. Violations of any of the provisions of the Iowa beer and liquor control act.

(Code of Iowa, 1999, Sec. 123.39 [2])

3. Change in Ownership. Any change in the ownership or interest in the business operated under a class “A”, class “B”, or class “C” liquor control license, or any beer permit which change was not previously reported to and approved by the city and the department.

(Code of Iowa, 1999, Sec. 123.39 [3])

4. Original Disqualifications. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.

(Code of Iowa, 1999, Sec. 123.39 [4])

5. Sale or Transfer. Any sale, hypothecation, or transfer of such license or permit.

(Code of Iowa, 1999, Sec. 123.39 [5])

6. Payment of Taxes. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the department under the state law.

(Code of Iowa, 1999, Sec. 123.39 [6])

7. Commission of Prohibited Sale or Act. The conviction of any liquor control licensee or beer permittee for a violation of any of the provisions of Section 213-219 shall, subject to Section 213-221, be grounds for the suspension or revocation of the license or permit by the department or the city.

(Code of Iowa, 1999, Sec. 123.50 [2])

213-221 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the City Council in accordance with the following:

1. Sale to Minors or “Spiking.” If any licensee, beer permittee, or employee of such licensee or permittee shall be convicted of a violation of Section 213-219, subsection 5, or a retail beer permittee shall be convicted of a violation of subsection 6 of said section, the city shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:

A. Upon a first conviction, the violator's liquor control license, wine permit, or beer permit shall be suspended for a period of fourteen (14) days. However, if the conviction is for a violation of Section 123.49, subsection 2, paragraph "h", the violator's liquor control license or wine or beer permit shall not be suspended, but the violator shall be assessed a civil penalty in the amount of five hundred dollars (\$500). Failure to pay the civil penalty as ordered will result in an automatic suspension of the license or permit for a period of fourteen (14) days.

(Code of Iowa, 1999, Sec. 123.50 [3a])

B. Upon a second conviction within a period of two (2) years, the violator's liquor control license or beer permit shall be suspended for a period of thirty (30) days. However, if the conviction is for a violation of Section 213-219 (5) of this Code of Ordinances, the violator shall also be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500).

(Code of Iowa, 1999, Sec. 123.50 [3b])

C. Upon a third conviction within a period of five (5) years, the violator's liquor control license or beer permit shall be suspended for a period of sixty (60) days. However, if the conviction is for a violation of 213-219 (5), the violator shall also be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500).

(Code of Iowa, 1999, Sec. 123.50 [3c])

D. Upon a fourth conviction within a period of five (5) years, the violator's liquor control license or beer permit shall be revoked.

(Code of Iowa, 1999, Sec. 123.50 [3d])

2. Gambling, Solicitation, Disorderly Conduct, Use of Containers. If any liquor control licensee is convicted of any violation of Code of Iowa, 1999, Sec. 123.49 (2, a, d, or e), or any beer permittee is convicted of a violation of subsection (2), paragraph "A" of said section, the liquor control license or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond of the license or permit holder shall be forfeited to the department.

(Code of Iowa, 1999, Sec. 123.50 [2])

213-222 HEARING ON SUSPENSION OR REVOCATION. The council shall conduct a hearing on each suspension or revocation in the following manner:

(Code of Iowa, 1999, Sec. 322.13 [5])

1. Notice. The permit holder, and the surety on his bond, shall be served with written notice containing a copy of the complaint against him, the ordinance provisions or state statutes allegedly violated, and the date, time, and place for hearing on the matter.
2. Hearing. The council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.
3. Rights of Permit Holder. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross-examine adverse witnesses.
4. Evidence. The council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.

5. Criminal Charges. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

6. Record and Determination. The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

213-223 DEPARTMENT NOTIFIED. When the City Council revokes or suspends a liquor license or beer permit, the Alcoholic Beverages Division of the Department of Commerce shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

213-224 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the director or city disapproving, suspending, or revoking issuance of a liquor control license or beer permit may, provided he has exercised his right of appeal to the hearing board as provided by state law, appeal from said decision within ten (10) days to the district court of the county wherein the premises covered by the application are situated. The city may appeal a decision of the hearing board within ten (10) days to the district court of the county wherein the premises covered by the application are situated.

(Code of Iowa, 1999, Sec. 123.32 [4 & 5])

213-225 EFFECT OF REVOCATION. Any liquor control licensee or beer permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.

(Code of Iowa, 1999, Sec. 123.40)

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 4
POLICE DEPARTMENT**

214-1 DEPARTMENT ESTABLISHED. The Police Department of the city is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the city.

214-2 ORGANIZATION. The department shall consist of the police chief and such other law enforcement officers and personnel, whether full or part-time, as may be authorized by the council.

214-3 PEACE OFFICER QUALIFICATIONS. In no case shall any person be recruited, selected, or appointed as a police officer unless such person:

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.
2. Age. Is at least twenty (20) years of age.
3. Driver's License. Has a current active Iowa driver's license or must obtain such license upon appointment.
4. Language. Is able to read and write the English language.
5. Alcohol and Drugs. Is not a drug addict or a drunkard.
6. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state, and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.

7. Conscientious Objector. Is not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill his duties.
8. Education. Has received at least a two-year post high school degree in the law enforcement area, or received certification from the Iowa Law Enforcement Academy.
9. Vision. Has an uncorrected vision of not less than 20/100 in either eye, correctable to 20/20 and normal color vision.
10. Hearing. Has normal hearing in each ear as determined by an examining physician.
11. Oral Interview. Has participated in an oral interview held by the city, or its representative, to determine such things as appearance, background, and ability to communicate.
12. Health. Has been examined by a physician to determine if free from physical, emotional, or mental condition which might adversely affect the performance of duties.
13. Written Exam. Has attained a satisfactory grade in a pre-employment written examination.

214-4 REQUIRED TRAINING. All police officers shall have received the minimum training required by law at an approved law enforcement training school within one (1) year of employment. Each officer, prior to training, shall enter into a law enforcement training reimbursement agreement with the City of Estherville whereby the officer shall reimburse the City for all or a portion of training costs incurred if such officer leaves employment of the City before a tenure of four (4) years.

(Code of Iowa, 1999, Sec. 80B.11 [2])

214-5 OATH. Every police officer, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 110-201 of the city code.

214-6 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the council.

214-7 PEACE OFFICERS APPOINTED. The police chief shall be appointed by the mayor from the chief's civil service eligible list as provided by the Code of Iowa. Other members of the department shall be appointed by the police chief after recommendation of the Civil Service Commission as provided by the Code of Iowa.

214-8 POLICE CHIEF: DUTIES. The police chief shall have the following powers and duties subject to the approval of the council.

(Code of Iowa, 1999, Sec. 372.13 [4])

1. General. Perform all duties required of the police chief or marshal by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances, and regulations, and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to him.
4. Accident Reports. Report all motor vehicle accidents investigated to the state department of public safety.

(Code of Iowa, 1999, Sec. 321.266)

5. Assist Officials. When requested, provide aid to other city officers, boards, and commissions in the execution of their official duties.
6. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
7. Record of Arrests. Keep a record of all arrests made in the city by showing whether said arrests were made under provisions of state law or city ordinance, the offense charged, who made the arrest and the disposition of the charge.
8. Reports. Compile and submit to the mayor and council an annual report as well as such other reports as may be requested by the mayor or council.

9. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles, equipment, and materials of the department.

214-9 DEPARTMENTAL RULES. The police chief shall establish such rules, not in conflict with the city code, and subject to the approval of the council, as may be necessary for the operation of the department including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of the department during regular and off-duty hours.
2. Uniform. The wear and care of uniforms.
3. Weapons. The care, use, and practice of side arms and other police weapons.
4. Training. The nature, time, and attendance requirements for inservice training of members of the department.
5. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the council.
6. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.
7. Penalties. The penalties which may be imposed for violation of established departmental rules by members.
8. Notice. The police chief shall give written notice to any member charged with a violation of departmental rules specifying the rule violated, the nature of the violation, and the penalty to be imposed.
9. Appeal. A member of the department charged with a violation of rules may request a hearing before the council by filing notice of appeal with the clerk within ten (10) days of

receipt of notice of violation. The council, at its next meeting shall review the facts and affirm, modify, or revoke the action of the police chief.

214-10 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid him or her in making the arrest.

(Code of Iowa, 1999, Sec. 804.17)

214-11 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within his or her control to be disposed of according to law.

(Code of Iowa, 1999, Sec. 804.18)

214-12 DISCHARGE OF CHIEF OF POLICE. The mayor shall have the power and authority to temporarily suspend the chief of police from his position and to recommend his removal from office by written order. The order shall give the reasons for such suspension and recommended removal from office, be filed in the Office of the City Clerk, and a copy shall be sent by certified mail to the chief of police who shall, upon request, be granted a public hearing before the City Council of the City of Estherville, Iowa, on all issues connected with the removal as provided by law then in effect. The chief of police may be removed from office only upon the affirmative vote of a majority of the membership of the City Council.

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 5 - BICYCLES

**ARTICLE 1
BICYCLE REGULATIONS**

215-101 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-102 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, 1999, Sec. 321.234)

215-103 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-104 SINGLE FILE REQUIRED. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-105 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-106 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-107 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-108 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-109 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk except in accordance herewith:

1. Business District. No person shall ride a bicycle upon a sidewalk within a business district.

(Code of Iowa, 1999, Sec. 321.236 [10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, 1999, Sec. 321.236 [10])

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such

person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-110 TOWING. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the city.

215-111 FOLLOWING FIRE TRUCK. No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

215-112 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operation or others.

215-113 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-114 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Nighttime Use. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(Code of Iowa, 1999, Sec. 321.236 [10])

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(Code of Iowa, 1999, Sec. 321.236 [10])

3. Brakes Required. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-115 RESERVED FOR FUTURE USE.

215-116 SPECIAL PENALTY. Any person violating the provisions of this article may, in lieu of the standard penalty provided for violations of the city code, suffer his bicycle to be impounded by the city for not less than seven (7) days for the first offense, fourteen (14) days for a second offense, and thirty (30) days for a third offense.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 5 - BICYCLES****ARTICLE 2
BICYCLE LICENSING**

215-201 BICYCLE LICENSES. A person who resides within this city may license his or her bicycle as hereafter listed.

(Code of Iowa, 1999, Sec. 321.236 [10])

1. License Application. Application for a bicycle license and license plate may be made upon a form provided by the city and shall be made to the Police Department. A license fee of fifty (50) cents shall be paid to the city before each license is granted.

(Code of Iowa, 1999, Sec. 321.236 [10])

2. Issuance of License. The Police Department upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective immediately.

(Code of Iowa, 1999, Sec. 372.13 [4])

3. Transfer of License. Upon the sale or other transfer of ownership of a licensed bicycle the license shall be transferred to the new owner and the records of the city changed to reflect the new ownership upon request and the payment of twenty-five (25) cents transfer fee.

(Code of Iowa, 1999, Sec. 321.236 [10])

215-202 LICENSE PLATES OR DECALS. License plates or decals are required as follows:

1. Issued. The Police Department upon issuing a bicycle license shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the city.

(Code of Iowa, 1999, Sec. 372.13 [4])

2. Attached to Bicycle. The Police Department shall cause such license plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly visible from the rear.

(Code of Iowa, 1999, Sec. 321.236 [10])

3. Removal. No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city.

(Code of Iowa, 1999, Sec. 321.236 [10])

4. Lost License. In the event a license plate or decal shall be lost, destroyed or stolen, the owner shall report such to the Police Department immediately. A new license shall be issued upon payment of a fee of fifty (50) cents.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 6
SNOWMOBILES**

216-1 SNOWMOBILE DEFINED. For use in this chapter the term “snowmobile” shall mean any self-propelled vehicle weighing less than one thousand (1,000) pounds which utilizes wheels with low pressure tires and is designed to operate on land or ice or is equipped with sled-type runners or skis, endless belt-type tread, or any combination thereof, and is designed for travel upon snow, land, or ice, except any vehicle registered as a motor vehicle under state law.

(Code of Iowa, 1999, Sec. 321.G.1 [18])

216-2 PLACE OF OPERATION. The operators of snowmobiles shall observe the following limitations as to where snowmobiles may be operated:

1. Unplowed Streets. Snowmobiles may be operated upon streets which have not been plowed during the snow season.

(Code of Iowa, 1999, Sec. 321.G.9 [4a])

2. Prohibited Streets. Snowmobiles may not be operated on the following designated streets except when the same have not been plowed during the snow season and are impassable:

(Code of Iowa, 1999, Sec. 321.G.9 [4a])

- *A. Central Avenue (except along the south sidewalk from South 1st Street to West South 1st Street).
- B. 9th Street.
- C. 6th Street, from 8th Avenue North to 2nd Avenue South.

*D. Upon any street within the area bounded by and including 2nd Avenue on the north; 7th Street on the east; 1st Avenue South on the south; and 4th Street on the west.

3. Other Streets. Snowmobiles may be operated on any other street within the city for the sole and exclusive purpose of using the most direct roadway for the ingress to and egress from the city. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.

(Code of Iowa, 1999, Sec. 321.G.9 [4a])

*4. Parks and Other Public Land. Snowmobiles shall not be operated in city parks, playgrounds, or upon any publicly-owned property except as authorized by this chapter or with the expressed permission of the governing body thereof.

5. Private Property. No snowmobile shall be operated upon private property without the express consent of the owner thereof.

6. Sidewalk or Parking. No snowmobiles shall be operated upon the public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

*7. Designated Snowmobile Routes. Snowmobiles may be operated on the following designated routes during time of sufficient snow cover, unless a publicized thaw ban has been declared, for purposes of ingress and egress to the city only on the following routes:

A. South 1st Street from the intersection of Highway 4, north (as posted) to Central Avenue.

- B. East side of Highway 4, north from 14th Avenue North to the city limits of the city of Estherville.
- C. Along a designated route from 7th Avenue South, north along the former railroad right-of-way to 2nd Avenue South.
- D. Along the south ditch of Highway 9 from South 28th Street west to the intersection of Central Avenue and 3rd Avenue South.
- E. Within 50 feet of the west bank of the West Fork of the Des Moines River through Joe Hoye, Riverside, and Mickelson Parks. Snowmobiles may deviate from the 50-foot zone solely for the purpose of most direct route ingress/egress to parking or designated snowmobile routes.

216-3 MANNER OF OPERATION. No person shall operate a snowmobile in the city except as hereafter provided:

1. Registration. No snowmobile shall be operated in the city unless registered pursuant to state law and unless the identifying number set forth in the registration is displayed on each side of the snowmobile.

(Code of Iowa, 1999, Sec. 321.G.3 & 321.G.5)

- *2. Equipment. All snowmobiles shall be equipped with the original equipment manufactured muffler and exhaust systems or their equivalent not to exceed manufacturer's original noise emissions specifications, lights, and other equipment may be required by law or ordinance.

(Code of Iowa, 1999, Sec. 321.G.2, 21.G.11, & 321.G.12)

3. Traffic Code. Snowmobile operators shall observe all state and local traffic-control regulations and devices.

(Code of Iowa, 1999, Sec. 321.256)

4. Speed. Snowmobiles shall not be operated on streets at a speed in excess of that posted nor at any time at a rate of speed greater than reasonable and proper under all existing circumstances.

(Code of Iowa, 1999, Sec. 321.G.13 [1])

5. Careless Operation. No person shall operate a snowmobile in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

(Code of Iowa, 1999, Sec. 321.G.13 [2])

6. Intoxicated. No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(Code of Iowa, 1999, Sec. 321.G.13 [3])

7. Lights. No person shall operate a snowmobile without a lighted headlight and taillight when required for safety.

(Code of Iowa, 1999, Sec. 321.G.13 [4])

8. Unattended. No operator or owner shall leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with keys in the ignition switch.

*9. RESERVED FOR FUTURE USE.

10. Direct Crossing. A snowmobile may make a direct crossing of a prohibited street or highway provided:

(Code of Iowa, 1999, Sec. 321.G.9 [2])

- A. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and
- B. The snowmobile is brought to a complete stop before crossing the shoulder or main traveling way of the street or highway;
- C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

11. Minors. No person under sixteen (16) years of age shall operate a snowmobile on or across a public street unless he has in his possession a valid safety certificate issued to him by the state conservation commission nor shall the owner or operator of any snowmobile having an engine rating of three hundred (300) cubic centimeters or more permit any person under twelve (12) years of age to operate such a snowmobile at any time except when accompanied by a responsible person of at least eighteen (18) years of age.

(Code of Iowa, 1999, Sec. 321.G.9 [6] & 321.G.20)

*12. Hours of Operation. Snowmobiles shall not be operated anywhere within in the city limits of the city of Estherville, Sunday night through Thursday night between the hours of 11:30 P.M. and 5:00 A.M. nor during the overnight hours of 1:00 A.M. and 5:00 A.M. on Saturday and Sunday mornings. The only permitted operation during these hours will be to directly unload and load snowmobiles from a truck or trailer.

13. Thaw Ban. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.

(Code of Iowa, 1999, Sec. 321.G.2)

14. Single File. Snowmobiles shall be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

15. Towing. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

16. Dead Man Throttle. No snowmobile shall be operated within the city unless equipped with a "dead man" throttle which when pressure is removed from the accelerator or throttle causes the engine to be disengaged from the drive mechanism.

*17. Financial Responsibility. The owner or driver of the snowmobile within the city limits of Estherville must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B of the Code of Iowa 1999.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 7
SUPPLEMENTAL ESTHERVILLE TRAFFIC CODE**

E-321 TITLE. This chapter shall be known and cited as the “Supplemental Estherville Traffic Code,” and this chapter shall in no manner repeal the existing traffic code of the City of Estherville, Iowa.

(Code of Iowa, 1999, Chapter 321)

E-321.1 OFFENSES. All sections of the state statutory law, rules of the road, Chapter 321 of the Code of Iowa, the offense of which constitutes a simple misdemeanor, are hereby adopted and incorporated by this reference the same as if set forth in full herein into the Code of Ordinances of the City of Estherville, Iowa, and the violation of such applicable state statutory laws of the road shall be a violation of this chapter if the offense occurs within the territorial city limits of the City of Estherville.

(Code of Iowa, 1999, Sec. 321.236)

E-321.2 CITING OFFENSE. Citations issued under this chapter shall bear the prefix letter “E” and the applicable corresponding state statutory section of Chapter 321 of the Code of Iowa. The citing officer may at his discretion cite traffic offenses under either this chapter or Chapter 2, Title II, Division 1 of the Code of Ordinances of the City of Estherville, Iowa.

(Code of Iowa, 1999, Sec. 321.236)

E-321.3 SEVERABILITY. If any provision, clause, or section of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other

provisions or applications of this chapter which can be given effect without the invalid provision, clause or section, and to this and the provisions of this chapter are declared to be severable.

(Code of Iowa, 1999, Sec. 321.236)

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 8
RESERVE POLICE FORCE**

218-1 There is hereby created and established the Estherville Reserve Police Force.

218-2 Membership in said Reserve Police Force shall be as prescribed in the reserves bylaws, rules, and regulations and shall be subject to the approval of the mayor and chief of police. Additionally, each applicant for said Reserve Police Force shall meet the following criteria:

1. A full check of the applicant's background personal history shall be conducted and approved by the chief of police.
2. Each applicant must pass a physical agility test to determine the fitness of the applicant for law enforcement duty.
3. Each applicant shall undergo a psychological examination to determine their mental and emotional capacity for law enforcement.
4. Each applicant must receive a passing score on the SRA examination offered by the Iowa Law Enforcement Academy.
5. No member of the Estherville Reserve Police Force shall at any time be authorized to carry a firearm unless they have received certification by the Iowa Law Enforcement Academy including proper training for the use and carrying of a night stick, the use and carrying of mace, and a minimum of thirty (30) hours of firearm instruction.

6. No member of the Estherville Reserve Police Force shall at any time be authorized to drive any vehicle owned, leased, or under the control of the City of Estherville, Iowa, until they have successfully completed a defensive driving course offered by the Iowa Law Enforcement Academy.
7. Each candidate shall be subject to a probationary period of not less than six (6) months.

The above criteria 5 and 6 may be waived by the mayor or a member of the Estherville Police Department if they reasonably believe an emergency or dangerous condition exists and direct the police reservist to act. When the emergency or dangerous condition has ceased, the above criteria shall again apply.

218-3 The members of the Reserve Police Force shall be appointed by and shall serve at the discretion of the mayor and chief of police of the City of Estherville, Iowa, and may be removed by either of said officials at any time without cause. Membership in the Reserve Police Force shall be limited in size to no more than ten (10) reservists unless otherwise directed by the mayor and the chief of police in time of emergency.

218-4 Members of the Reserve Police Force shall only perform such duties and have such authority as may be delegated to them from time to time by a direct lawful order of a member of the Estherville Police Department or the mayor of the City of Estherville, Iowa, provided, however, that in performance of any assigned duties the power to arrest of the members of the Reserve Police Force shall be limited to those powers lawfully possessed by other citizens of the State of Iowa.

218-5 Members of the Reserve Police Force shall be considered employees of the city during those periods when they are performing police duties as authorized and directed by the chief of police, and they shall receive a salary of one dollar (\$1) per year. However, said reserve members shall not be entitled to any benefits or obligations of police retirement benefits, labor agreement or civil service, except workmen's compensation insurance stature.

218-6 RESERVED FOR FUTURE USE.

218-7 RESERVED FOR FUTURE USE.

218-8 RESERVED FOR FUTURE USE.

TITLE II - COMMUNITY PROTECTION**DIVISION 1 - LAW ENFORCEMENT****CHAPTER 9
*ALL-TERRAIN VEHICLES OR ATV**

219-1 ALL-TERRAIN VEHICLES (ATV) DEFINED. For use in this chapter the term “all-terrain vehicle” (hereinafter referred to as ATV) shall mean a motorized flotation-tire vehicle with not less than three (3) low pressure tires, with not more than six (6) low pressure tires, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and a total drive weight of less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

219-2 PLACE OF OPERATION. ATVs may be operated upon the streets of the City of Estherville, Iowa, except as prohibited in Subsection 1 of this section, by persons possessing a valid Iowa Driver’s License.

1. Prohibited Streets. ATVs shall not be operated upon any city street which is a primary road extension through the city, to wit:

Iowa Highway No. 4 and Iowa Highway No. 9.

However, ATVs may cross such primary road extensions.

2. Parks and Other Public Lands. ATVs shall not be operated off-road in city parks, playgrounds, or upon any publicly-owned property.

3. Private Property. ATVs may only be operated upon private property with express consent of the owner thereof or while engaged in snow removal, landscaping, or other maintenance activities.

- **4. Sidewalk or Parking. No ATV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities (except along the south sidewalk from South First

*Revised 4-7-03; Ord. No. 633 (New chapter created)

**Revised 4-17-06; Ord. No. 668

Street to West South First Street) nor shall they be operated upon that portion of the street located between the curb line and sidewalk or property line commonly referred to as the “parking” except for purposes of snow removal, maintenance, or landscaping activities.

219-3 MANNER OF OPERATION. No person shall operate an ATV in the City of Estherville except as hereinafter provided:

1. License. No person shall operate an ATV on the public streets of the City of Estherville, Iowa, without a valid motor vehicle operator’s license.
2. Equipment. All “All-Terrain Vehicles” shall be equipped with the original manufacturer’s muffler and exhaust system or their equivalent, not to exceed the manufacturer’s original emission specification, each vehicle additionally must be equipped with lights and safety equipment required of motor vehicles by law or ordinance.
3. Traffic Code. All ATV operators must observe all state and local traffic control regulations and devices and shall not operate at a speed in excess of that posted nor at any time operate at a rate of speed greater than is reasonable and proper under the existing conditions.
4. Careless Operation. No person shall operate an ATV in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
5. Intoxicated. No person shall operate an ATV in the city limits of the City of Estherville, Iowa, while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
6. Lights. No person shall operate an ATV without a lighted headlamp and taillight when required for safety.

7. Unattended. No owner or operator of an ATV shall leave an unattended vehicle on public property while the motor is running or with keys in the ignition switch.
8. Parking. The operators must obey all parking regulations in the City of Estherville when parked on a public street or thoroughfare.
9. Hours of Operation. ATVs shall not be operated anywhere within the city limits of the City of Estherville, Iowa, Sunday night through Thursday night between the hours of 11:30 p.m. and 5:30 a.m. nor during the overnight hours of 1:00 a.m. through 5:00 a.m. on Saturday and Sunday mornings. The only permitted operation during these hours shall be for routine snow removal.
10. Financial Responsibility. The owner or driver of the ATV within the city limits of Estherville, Iowa, must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B of the Code of Iowa.
11. Registration. The owner or driver of an ATV within the city limits of the City of Estherville, Iowa, must maintain a current registration as provided by Iowa law.
- **12. Fines. Any person operating an ATV in violation of this Chapter of the Code of Ordinances may be charged with violation of State Motor Vehicle Laws or violation of this local Ordinance. In the event that said violator is charged under this Ordinance, the first offense shall be a fine of not less than one hundred dollars (\$100); the second offense a fine of not less than two hundred dollars (\$200); and the third offense a fine of not less than five hundred dollars (\$500). For each additional offense after a third violation, the fine shall be not less than five hundred dollars (\$500).

*Revised 4-7-03; Ord. No. 633 (New chapter created)

**Revised 9-4-07; Ord. No. 678

TITLE II - COMMUNITY PROTECTION**DIVISION 2 - FIRE SAFETY****CHAPTER 1
FIRE DEPARTMENT**

221-1 ESTABLISHMENT AND PURPOSE. A volunteer Fire Department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls within the City of Estherville for which there is no other established agency.

221-2 ORGANIZATION. The department shall be under the control and supervision of the council and shall consist of the fire chief and such other officers and personnel as may be authorized by the council.

221-3 MEMBERSHIP QUALIFICATIONS. In no case shall any person be recruited, selected, or appointed as a member of the department unless such person:

1. Resident Citizen. Is a citizen of the United States and a resident of the city.
2. Age. Is at least twenty-one (21) years of age.
3. Driver's License. Has a current active Iowa driver's license.
4. Alcohol and Drugs. Is not a drug addict or an alcoholic.
5. Character. Is of good moral character as determined by a thorough investigation.

221-4 RESERVED FOR FUTURE USE.

221-5 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

221-6 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the council.

(Code of Iowa, 1999, Sec. 372.13 [4])

221-7 FIRE CHIEF APPOINTED. The council shall appoint the fire chief for a term of two (2) years or to fill a vacancy. The council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the city clerk.

(Code of Iowa, 1999, Sec. 372.13 [4])

221-8 FIRE CHIEF: DUTIES. The fire chief shall have the following powers and duties:

(Code of Iowa, 1999, Sec. 372.13 [4])

1. General. Perform all duties required of the fire chief by law or ordinance.
2. Fire Prevention. Promote fire safety, educational, and prevention programs.
3. Command. Be charged with the duty of maintaining the efficiency, discipline, and control of the Fire Department. The members of the Fire Department shall, at all times, be subject to the direction of the fire chief.
4. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment, and other property used by or belonging to the Fire Department.
5. Investigations. Investigate the cause, origin, and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever he finds that bodily injury or property damage of fifty dollars (\$50) or more was caused by such fire, or if he suspects arson, he shall report his finding to the state fire marshal in writing within ten days following the end of the month after the fire. When death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, he shall notify the state fire marshal's division immediately.

(Code of Iowa, 1999, Sec. 100.2 & 100.3)

6. Right of Entry. Have the right, during reasonable hours to enter any building or premises within his jurisdiction for the purpose of making such investigation or inspection which under law or ordinance he may consider necessary to be made and is reasonably necessary to protect the public health, safety, and welfare.

(Code of Iowa, 1999, Sec. 100.12)

7. Recommendation. Make such recommendations and orders to owners, occupants, caretakers, or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, 1999, Sec. 100.13)

8. Assist State Fire Marshal. At the request of the state fire marshal, and as provided by law, aid said marshal in the performance of his duties by investigating, preventing, and reporting data pertaining to fires.

(Code of Iowa, 1999, Sec. 100.4)

9. Records. Cause to be kept records of the Fire Department personnel, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type, and location of buildings.

10. Reports. Compile and submit to the mayor and council an annual report of the status and activities of the department as well as such other reports as may be requested by the mayor or council.

11. Fire Zone. The fire chief may prescribe the limits, in the vicinity of the fire, within which no person, except those admitted by him or his subordinate, shall be permitted to come.

12. Removal of Structures or Trees. The fire chief shall have power, when in his judgment it becomes necessary to check or control any fire, to order any fence, building structure, or trees and bushes of any kind to be cut down and removed.

13. Interference with Work; Utilities. The fire chief or his representative, shall have the power to cause the disconnection and/or removal of any utility service whenever the same interferes with the work of the Fire Department.

14. Authority to Barricade. The fire chief or other authorized officer of the fire department in charge of a fire scene may place or erect ropes, guards, barricades, or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, 1999, Sec. 102.3)

221-9 DEPARTMENTAL RULES. The fire chief shall establish such rules, not in conflict with the city code and subject to the approval of the council, as may be necessary for the operation of the department including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of the department during regular and off-duty hours.
2. Communication. The procedures, use, and care of the radio and other communication systems.
3. Training. The nature, time, and attendance requirements for inservice training of members of the department.
4. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the council.
5. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.

6. Penalties. The penalties which may be imposed for violation of established departmental rules by members.

7. Notice. The fire chief shall give written notice to any member charged with a violation of departmental rules specifying the rule violated, the nature of the violation, and the penalty to be imposed.

221-10 CONSTITUTION. The Company shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the council.

221-11 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

(Code of Iowa, 1999, Sec. 85.2, 85.61, and Sec. 410.18)

221-12 LIABILITY INSURANCE. The council shall contract to insure against liability of the city or members of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the city.

(Code of Iowa, 1999, Sec. 670.2 & 517A.1)

221-13 CALLS OUTSIDE THE CITY. The department shall answer calls to fires and other emergencies outside the city limits if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits.

(Code of Iowa, 1999, Sec. 364.4 [2 & 3])

221-14 MUTUAL AID. Subject to approval by resolution of the council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the clerk.

(Code of Iowa, 1999, Sec. 364.4 [2 & 3])