

CHAPTER 40

PUBLIC PEACE

40.01 Assault

40.02 Harassment

40.03 Disorderly Conduct

40.04 Unlawful Assembly

40.05 Failure to Disperse

40.06 Public Exposure

40.07 Loitering

40.08 Disorderly House

40.01 ASSAULT. No person shall, without justification, commit 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, 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, Sec. 708.1 [2])

However, 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 is not an assault. Provided, 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 is not 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.

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. “Deface” means to intentionally mar the external appearance.

B. “Defile” means to intentionally make physically unclean.

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

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

- E. “Show disrespect” means to deface, defile, mutilate or trample.
- F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle or animal to tread upon.

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

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

8. Funeral or Memorial Service. A person shall not do any of the following within five hundred (500) feet of the building or other location where a funeral or memorial service is being conducted, or within five hundred (500) feet of a funeral procession or burial:

- A. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession.
- B. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
- C. Disturb or disrupt the funeral, memorial service, funeral procession or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession or burial.

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

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.
(Code of Iowa, Sec. 723.2)

40.05 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.
(Code of Iowa, Sec. 723.3)

40.06 PUBLIC EXPOSURE. Except as hereinafter provided, no person shall expose those parts of his or her body hereinafter listed to another person in any public place, in any privately owned place open to the public, or in any place where such exposure is seen by another person located in any public place. This section does not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or such other places where such exposure occurs incident to the prescribed use of those facilities:

- 1. A woman’s nipple, the areola of a woman’s breast, or full breast, except as necessary in the breast feeding of a baby.
- 2. The pubic hair, pubes, perineum or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

This section does not apply to exposures occurring in live stage plays, live theatrical performances or live dance performances conducted in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

40.07 LOITERING. No person shall loiter upon or otherwise obstruct or interfere with the passage of persons upon a public street, avenue, road, alley, bridge, sidewalk, highway or any public way or place used for the passage of persons, if the obstruction or interference continues to commence after police have ordered the person or persons so doing to cease and desist or to move on. For the purpose of this section, “loiter” means to linger, delay, be dilatory, stand, sit, saunter, lag behind, move slowly about, loaf or spend time idly.

40.08 DISORDERLY HOUSE.

1. Definition.

A. Any room, house, building, structure, place or premises wherein or upon any unlawful or illegal acts are committed in violation of local, State or Federal law, or which are kept in such a manner as to disturb, annoy or scandalize the public generally, or persons within a particular neighborhood is hereby declared to be a disorderly house.

B. Any room, house, building, structure, place or premises which are kept, maintained, used, erected, established or run for any of the following purposes is hereby declared to be a disorderly house, provided, however, that this shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Prostitution, pandering or public indecency as those terms are defined in the statutes of Iowa;
- (2) Unlawful manufacture, cultivation, growth, production, processing, sale, distribution, storage, use or possession for any unlawful manufacture, or use of any controlled substance as that term is defined in the statutes of Iowa;
- (3) Gambling as that term is defined in the statutes of Iowa, or the keeping of gambling devices as that term is defined in the statutes of Iowa;
- (4) Acts of disturbing the peace or disorderly conduct as those terms are defined elsewhere in this Code of Ordinances;
- (5) The reception, retention or disposition of stolen moveable property of another;
- (6) Clairvoyance, fortune telling or divination;
- (7) Consumption of alcohol by any person under the age of twenty-one (21).

2. Prohibited; Nuisance. It is unlawful for the owner, lessee, renter, proprietor or any other person or persons to keep, run or maintain a disorderly house, or to knowingly collect or permit to be collected therein persons who are engaging in any unlawful act or to knowingly make, cause or permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood. A disorderly house is declared to be a public nuisance.

3. Inmate; Visiting; Prohibited. It is unlawful for any person to become or remain an inmate of any disorderly house, or to frequent or visit with knowledge of, and participation in, the illegal activities occurring therein.