

## CHAPTER 41

### PUBLIC HEALTH AND SAFETY

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

*(Code of Iowa, Sec. 727.1)*

**41.02 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.** No person shall do any of the following:

*(Code of Iowa, Sec. 718.6)*

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

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

*(Code of Iowa, Sec. 719.2)*

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

*(Code of Iowa, Sec. 718.4)*

**41.05 ABANDONED OR UNATTENDED REFRIGERATORS.** No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

*(Code of Iowa, Sec. 727.3)*

**41.06 ANTENNA AND RADIO WIRES.** It is unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, public way, public ground or public building without written consent of the Council.

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

**41.07 DISCHARGING WEAPONS.**

1. It is unlawful for a person to discharge a rifle, shotgun, revolver, pistol, gun or other firearm of any kind within the City limits except by written consent of the Council or Mayor. This section does not apply to peace officers acting in the course of their duties.

*(Ord. 01-15 – Aug. 01 Supp.)*

2. No person shall intentionally discharge a firearm in a reckless manner.

3. It shall be unlawful for any person to carry or otherwise have in his or her possession in a public place, or in the passenger compartment of any vehicle, in a public place or on a public street, an air or gas operated BB or pellet gun or pistol, or paint ball gun or a replica of a firearm. This prohibition shall not apply when the air or gas operated BB or pellet gun or pistol or paint ball gun or replica of a firearm is carried or transported inside a trunk, cargo area or luggage compartment of a vehicle where the same will not be readily accessible to any person riding in the vehicle.

4. It shall be unlawful for any person to sell an air or gas operated BB or pellet gun or pistol or paint ball gun or replica of a firearm to a person under eighteen years of age unless he or she is accompanied by a parent, guardian or other person having the care and custody of said under aged person.

*(Ord. 09-12 – Aug. 09 Supp.)*

**41.08 THROWING AND SHOOTING.** It is unlawful for a person to throw a stone, brick or missile of any kind or to shoot a rubber gun, slingshot, air rifle, BB gun or other dangerous instrument or toy on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council or Mayor. *(Ord. 01-15 – Aug. 01 Supp.)*

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

**41.09 BOW AND ARROW HUNTING.** No person shall shoot any arrow within the City limits except:

1. Properly licensed bow hunters within deer or turkey season upon private property with the signed, written permission of the owner and provided no arrow is shot within 200 yards of any residence (except residence of the owner of the property). Prior to engaging in any hunting activity, any person desiring to hunt deer or turkey with a bow and arrow shall obtain a permit from the Marion Police Department. The permit application shall require a showing of a valid State of Iowa hunting license, a state issued identification and the signed, written permission of the property owner to engage in hunting. The written permission from the landowner shall include the date and location that the applicant desires to hunt. In addition, applicants may be required to produce their hunting equipment for inspection and submit to a test of their shooting proficiency. All hunters shall clean up and remove from the premises any residue from field dressing of any deer or turkey.

*(Ord. 09-20 – Dec. 09 Supp.)*

2. Upon a person's own property at a target properly protected to prevent an arrow from escaping the property.

3. At a target practice range.

*(Ord. 04-18 – Feb. 05 Supp.)*

**41.10 URINATING AND DEFECATING.** It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

**41.11 FIREWORKS PERMIT.** 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:

1. Personal Injury: .....\$250,000.00 per person.
2. Property Damage:.....\$ 50,000.00.
3. Total Exposure: .....\$1,000,000.00.  
(Code of Iowa, Sec. 727.2)

#### 41.12 SWITCH-BLADE KNIVES.

1. A “switch-blade” knife as herein referred to includes any instrument or weapon having a blade which opens, projects or swings into any open position automatically:
  - A. By a force of a spring or other device; or
  - B. By hand pressure applied to a button or other device in the handle of the instrument or weapon; or
  - C. By operation of inertia, gravity, or both; or
  - D. By any combination of two or more of the forces or methods set out above.
2. This section shall include, but is not limited to, what is commonly know as a switch-blade knife.
3. No person shall manufacture, sell, offer for sale, give or lend to any other person or to the general public any type of switch-blade knife or other similar instrument.
4. No person shall have in his custody, care, control or possession, whether concealed upon his person or not, any type of switch-blade knife or other similar instrument, regardless of the length of the blade.  
(Ord. 02-11 – May 02 Supp.)

**41.13 POSSESSION OF FIREWORKS.** It is unlawful for any person to possess, store, to offer for sale, sell at retail, use, ignite or explode any fireworks not permitted by State law, within the City limits unless that person is the holder of a valid fireworks permit therefore or an employee of such permittee.  
(Ord. 03-06 – Feb. 03 Supp.)

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