

TITLE 5
POLICE REGULATIONS

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CHAPTER 1
POLICE PROTECTION

SECTION:

5-1-1: Contract With County

5-1-1: **CONTRACT WITH COUNTY:** The Osceola County sheriff's department shall provide police protection for the city, pursuant to contract agreement. (1992 Code)



CHAPTER 2

MISCELLANEOUS OFFENSES

SECTION:

- 5-2-1: Criminal Code; Adopted
- 5-2-2: Throwing Missiles; Shooting
- 5-2-3: Noxious Substance Discharges
- 5-2-4: Overhanging Antenna And Radio Wires
- 5-2-5: Barbed Wire Fences
- 5-2-6: Public Urination And Defecation
- 5-2-7: Loitering

5-2-1: CRIMINAL CODE; ADOPTED:

There is hereby adopted that certain code identified as the Iowa criminal code, more particularly volume 55, sections 701 through 728, and as the same may hereafter be revised by the state legislature, or amended by the governing body, and the same is hereby adopted and incorporated as an ordinance of the city as fully as though set forth at length herein.

Three (3) copies of the said state law, together with any revisions or amendments, duly certified by the city clerk, shall be kept on file in the clerk's office for use and examination of and by the public. (1992 Code)

5-2-2: THROWING MISSILES; SHOOTING:

The following shall be unlawful for persons to:

- A. Throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.
- B. Discharge rifles, shotguns, revolvers, pistols, guns or other firearms of any kind, including air rifles and paintball guns, within the city limits except by written authorization of the city council. (Ord. 580-02, 8-12-2002)

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5-2-3: NOXIOUS SUBSTANCE DISCHARGES:

It shall be unlawful to throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property or that is nauseous, sickening, irritating or offensive to any of the senses in, upon or about any theater, restaurant, car, structure, place of business or amusement or any place of public assemblage or to attempt to do any of these acts or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials or peace officers in the discharge of their duties or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup nor to any bank or other messenger carrying funds or other valuables. (1976 Code §2.1-1.0403)

5-2-4: OVERHANGING 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. (1976 Code §2.1-1.0410)

5-2-5: BARBED WIRE FENCES:

It shall be unlawful for a person to use barbed wire to enclose land within the city limits from and after September 1, 1975, without the consent of the council, unless such land consists of five (5) acres or more and is used as agricultural land. (1976 Code §2.1-1.0414)

5-2-6: PUBLIC URINATION AND DEFECATION:

- A. It shall be unlawful for any person to urinate or defecate in or upon any street, alley, public place or in any place open to public view, provided this subsection shall not apply to restrooms or public facilities designated for such purpose. (Ord. 638-12, 9-24-2012)

5-2-7: LOITERING:

It is unlawful for any person or persons to congregate about or upon any stairway, doorway, window or in front of any business house, dwelling house, theater, lecture room, church, corner of streets or elsewhere in the City and by so doing obstruct or

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interfere with persons entering, passing out of or occupying any such building or premises or by their language, conduct, conversation, annoy, insult or disturb persons passing along the streets or alleys or occupying, residing or doing business in any of the said houses, places or premises or passing in or out of the same and any person violating this Section shall be deemed guilty of a simple misdemeanor. (Ord. 695-21, 10-11-2021)

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CHAPTER 3

MINORS

SECTION:

5-3-1: Curfew

5-3-1: **CURFEW:** The council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the city and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

A. Definitions: For use in this section, the following terms are defined:

**EMERGENCY
ERRAND:** Means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.

KNOWINGLY: Knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. This is an objective standard. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

MINOR: Any unemancipated person under the age of eighteen (18) years.

**NONSECURED
CUSTODY:** Custody in an unlocated multi-purpose area, such as a lobby, office or interrogation room

which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adults or for other administrative purposes, but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six (6) hours beyond the initial six (6) hour period.

PUBLIC PLACE: Includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use, and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

RESPONSIBLE ADULT: A parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

UNEMANCIPATED: Unmarried and/or still under the custody or control of a responsible adult.

- B. Curfew Established: A curfew applicable to minors is established and shall be enforced as follows:

1. Unless accompanied by a responsible adult, no minor seventeen (17) years of age or younger shall be in any public place during the following times:

Sunday through Thursday - eleven o'clock (11:00) P.M. to five o'clock (5:00) A.M.

Friday and Saturday - twelve o'clock (12:00) midnight to five o'clock (5:00) A.M.

C. Exceptions: The following are exceptions to the curfew:

1. The minor is accompanied by a responsible adult.
2. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
3. The minor is present at or is traveling between home and one of the following:
 - a. Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end of work;
 - b. Minor's place of religious activity or, if traveling, within one hour after the end of the religious activity;
 - c. Governmental or political activity or, if traveling, within one hour after the end of the activity;
 - d. School activity or, if traveling, within one hour after the end of the activity.
 - e. Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the first amendment of the U.S. constitution, guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end of the activity.
4. The minor is on an emergency errand for a responsible adult.

5. The minor is engaged in interstate travel through the city beginning, ending or passing through the city when such travel is by direct route.

6. The minor's business, trade or occupation, in which the minor is permitted by law to be engaged, requires the presence of the minor in the public place.

D. Responsibility Of Adults: It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the city within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

E. Enforcement Procedures:

1. Determination Of Age: In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a peace officer on the street shall, in the first instance, use his or her best judgment in determining age.

2. Grounds For Arrest; Conditions Of Custody: Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating this section; refuses to provide proper identification or to identify himself or herself, or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

3. Notification Of Responsible Adult: After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

4. Minor Without Adult Supervision: If a peace officer determines that minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the peace officer shall attempt to place the minor with an adult relative

of the minor, an adult person who cares for the child or another adult person who is known to the child.

F. Penalties:

1. Responsible Adult's First Violation: In the case of a first violation by a minor, the Osceola County sheriff's department shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

2. Responsible Adult's Second Violation: Any "responsible adult" as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a simple misdemeanor.

3. Minor's First Violation: In the case of a first violation by a minor, the peace officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.

4. Minor's Second Violation: For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a simple misdemeanor.

G. Notice: Notice of the ordinance codified in this section and its contents may be posted in or about such public or quasi-public places as may be designated by the council or the Osceola County sheriff's department in order that the public may be constantly informed of the existence of such ordinance and its regulations. (Ord. 565-00, 4-24-2000)

CHAPTER 4

ANIMALS AND ANIMAL CONTROL

SECTION:

- 5-4-1: Definitions
- 5-4-2: Prohibited Acts And Conditions
- 5-4-3: Impoundment And Redemption Procedures; Costs
- 5-4-4: Vicious Animals
- 5-4-5: Livestock

5-4-1: **DEFINITIONS:**

- ANIMAL:** All living creatures not human.
- AT LARGE:** Any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle or housed in a veterinary hospital or kennel.
- LIVESTOCK:** An animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in section 481A.1 of the code of Iowa; ostriches, rhea, emus or poultry.
- OWNER:** Any person owning, keeping, sheltering or harboring an animal.
- VICIOUS ANIMAL:** Any animal that, without provocation, bites or attacks humans or any other animals, or in a vicious or terrifying manner approaches any person or other animal in an apparent attack posture, whether or not the attack is consummated; or any animal with a propensity to bite and/or attack human beings or domesticated animals and where such propensity is known or ought reasonably to be known to the

owner; or any dog that has been trained for dog/animal fights, or a dog that is kept for the purpose of dog/animal fighting, or any dog that has been trained as an attack or fighting dog, or any dog that is kept as a guard or attack dog except as otherwise provided by state or local law; or any animal that has been deemed vicious by the court, county board of health, city council, or any other governing body. Any wild animal indigenous to the state of Iowa as defined in chapter 481A, code of Iowa as amended.

The following animals shall be deemed to be vicious per se: cats, including lions, tigers, jaguars, leopards, cougars, lynx, bobcats and ocelots, except those species of cat falling within the categories of ordinarily domesticated house cats; wolves, coyotes and foxes; gorillas, orangutans, baboons, monkeys and chimpanzees; bats; alligators and crocodiles; venomous spiders, scorpions; all snakes and reptiles that are venomous, constrictors, or any non-venomous snake over ten feet (10') in length; Gila monsters, raccoons, black bears, polar bears, grizzly bears, skunks. (Ord. 619-09, 8-24-2009)

5-4-2: **PROHIBITED ACTS AND CONDITIONS:** It shall be unlawful for:

- A. **Cruelty To Animals:** A person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat or cruelly kill any animal or unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather for a period of twenty four (24) hours or drive or work the same when unfit for labor or cruelly abandon the same or carry the same or cause the same to be cruelly carried on any vehicle or otherwise or to commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either maliciously, wilfully or negligently.

- B. Animals Running At Large: An owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city.
- C. Bothersome, Annoying Animals:
1. A person to keep within the city such bothersome animals as bees, cattle, horses, swine and sheep which tend to disrupt the peace and good order of the community.
 2. The owner of a dog or cat to allow or permit such dog or cat to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking or otherwise or by running after or chasing persons, bicycles, automobiles or other vehicles.
- D. Damage To Or Interference With Property: For the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to or interference with the premises.
- E. Animal Fights: A person to keep or use or in any way be connected with or be interested in the management of or receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cat, cock or other creature or to engage in, aid, abet, encourage or assist in any bull, bear, dog, cat or cock fight or a fight between any other creatures. (Ord. 619-09, 8-24-2009)
- F. Animal Waste: It is unlawful for any person or persons who own, house, lead, walk, or otherwise maintain control of any animal or pet which defecates anywhere within the city limits to fail to immediately remove the feces produced by said animal or pet to a garbage or waste receptacle after first placing said feces in a plastic, or other impermeable bag and sealing said bag by tying it securely or using a "twist tie", tape or similar device to prevent the odors from escaping from said bag into the atmosphere. All structures, yards, kennels or pens where any dog, cat, pet or other animal is contained must be kept clean and free from odors caused by animal waste and/or feces. (Ord. 651-15, 8-24-2015)

5-4-3: **IMPOUNDMENT AND REDEMPTION PROCEDURES;
COSTS:**

- A. Impoundment: Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace

officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

B. Redemption And Disposition:

1. Animals which have been impounded will be kept for three (3) days from impoundment. If such animals are not claimed within three (3) days after impoundment, they shall be disposed of in a humane manner as directed by the council. Impounded animals may be recovered by the owner, upon proper identification and payment of impounding costs, at which time the animal will be returned to the owner.

C. Impounding Costs: Animals impounded by the city may be claimed by their owner within three (3) days, upon payment of an impoundment fee of twenty five dollars (\$25.00) per day. The city may contract with another entity to provide impoundment services and if such a contract is entered into, all charges and fees assessed by said entity for said service, including necessary immunizations, shall be paid by the owner of such impounded animal. (Ord. 619-09, 8-24-2009)

5-4-4: **VICIOUS ANIMALS:** It shall be unlawful for any person to harbor or keep vicious animals within the city. Any vicious animal which is found in the city may be seized by the sheriff or any deputy and upon establishment to the satisfaction of the magistrate court in and for Osceola County of the vicious character of said animal, it may be killed by the officer or a licensed veterinarian. (Ord. 619-09, 8-24-2009)

5-4-5: **LIVESTOCK:** It is unlawful for a person to keep livestock within the city except by written consent of the city council or except in compliance with the city's zoning regulations. (Ord. 619-09, 8-24-2009)

CHAPTER 5

ILLEGAL DUMPING

SECTION:

- 5-5-1: Definitions
- 5-5-2: Illegal Dumping Prohibited
- 5-5-3: Violations And Penalties
- 5-5-4: Compliance Required

5-5-1: DEFINITIONS:

AUTHORIZED RECEPTACLE: A storage and collection receptacle designed for containment of litter in covered containers.

DUMPING: To intentionally or unintentionally abandon, deposit, discard, drop, place, scatter, or throw any garbage, litter, refuse, rubbish, rubble, solid waste or waste building materials; and/or to intentionally or unintentionally allow to be abandoned, deposited, discarded, dropped, placed, scattered or thrown any garbage, litter, refuse, rubbish, rubble, solid waste or waste building materials as a result of a person's failure to not properly secure, tie-down or cover said materials while transporting same for disposal.

GARBAGE: Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

LITTER: Litter shall include, but not be limited to garbage, refuse, rubbish, solid waste, waste building materials and other similar solid or semi-solid materials resulting from industrial, commercial, agricultural and domestic activities.

NONPUTRESCIBLE WASTE:	A waste that is not liable to become putrid, decomposed, rotten, and foul smelling.
PUBLIC PLACE:	Any and all City property, sidewalk, street, alley or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, spaces, grounds or buildings. This term also includes any freshwater lake, river, canal, ditch or stream.
PUTRESCIBLE:	A waste that is liable to become putrid, decomposed, rotten and foul smelling.
REFUSE:	Includes all garbage, rubbish, ashes or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.
RUBBISH:	Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.
SOLID WASTE:	Garbage, refuse, rubbish, litter, construction and demolition waste and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste includes but is not limited to: Municipal solid waste, old corrugated cardboard, waste paper, old tires, inoperative and abandoned household appliances, furniture, mechanical equipment, construction and demolition debris, brush or yard waste, abandoned, junked or inoperable vehicles, abandoned, junked or inoperable watercraft, aircraft, equipment, farm machinery, vehicles or vehicle parts, bio-solids, or dead animals.
WASTE BUILDING MATERIALS:	Waste building materials including asbestos, asphalt, concrete, drywall, glass, iron, plastic material, copper wiring, wiring of any type, wood, metals and rubble which result from construction or demolition of structures. (Ord. 669-17, 7-24-2017)

5-5-2: ILLEGAL DUMPING PROHIBITED: No person shall dump any garbage, litter, refuse, rubbish, rubble, solid waste, or waste building materials in or upon any private or public place within the City of Sibley, except in authorized receptacles or in a State licensed sanitary disposal project. (Ord. 669-17, 7-24-2017)

5-5-3: VIOLATIONS AND PENALTIES:

A. The penalty for violating the provisions of this chapter shall be as set forth in the schedule of civil penalties as follows:

1. For any person who engages in the act of illegal dumping in an amount not exceeding ten (10) pounds in weight:

First offense	\$100.00
Second and subsequent offenses	250.00

2. For any person who engages in the act of illegal dumping in amounts exceeding ten (10) pounds but not one hundred (100) pounds in weight:

First offense	\$250.00
Second and subsequent offenses	500.00

3. For any person who engages in the act of illegal dumping in amounts exceeding one hundred (100) pounds but not five hundred (500) pounds in weight:

First offense	\$500.00
Second and subsequent offenses	750.00

4. For any person who engages in the act of illegal dumping in amounts exceeding five hundred (500) pounds in weight:

First offense	\$ 750.00
Second and subsequent offenses	1,000.00

5. For purposes of this section, an offense is considered a second or subsequent offense, if, prior to the person having been convicted of the offense; the offender has ever been convicted under this chapter.

6. Notwithstanding any civil penalties in subsection A1, A2, A3 or A4 of this section, any person who engages in the act of illegal dumping

shall also be responsible for the complete abatement, cleanup, removal and disposal of any items described in this chapter herein including but not limited to cost of any equipment or materials used, any wages paid and any landfill or disposal fees incurred.

7. Each day that a person is in violation of this chapter, said violation shall constitute a separate violation of this chapter. (Ord. 669-17, 7-24-2017)

5-5-4: **COMPLIANCE REQUIRED:** All persons shall be in compliance with the provisions of this chapter. (Ord. 669-17, 7-24-2017)

CHAPTER 5

RESIDENCY REQUIREMENTS FOR SEX OFFENDERS

SECTION:

- 5-5-1: Purpose
- 5-5-2: Definitions
- 5-5-3: Residency Restriction
- 5-5-4: Residency Exceptions
- 5-5-5: Violations

5-5-1: **PURPOSE:** This chapter is a regulatory measure aimed at protecting the health and safety of children in the city of Sibley from the risk that convicted sex offenders may reoffend in locations close to their residences. As recognized by the eighth circuit United States court of appeals in its April 29, 2005, decision of Doe v. Miller, and as recognized by the Iowa supreme court in State v. Seering, decided on July 29, 2005, the city of Sibley finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing the opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools and daycare centers, children congregate or play at child oriented facilities identified in subsection 5-5-3A of this chapter. (Ord. 602-06, 2-27-2006)

5-5-2: **DEFINITIONS:** As used in this chapter and unless the context otherwise requires:

**AGGRAVATED
OFFENSE:**

A conviction for any of the following offenses:

- A. Sexual abuse in the first degree in violation of Iowa Code section 709.2.

B. Sexual abuse in the second degree in violation of Iowa Code section 709.3.

C. Sexual abuse in the third degree in violation of Iowa Code section 709.4, subsection 1.

D. Lascivious acts with a child in violation of Iowa Code section 709.8, subsection 1.

E. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.

F. Burglary in the first degree in violation of Iowa Code section 713.3, subsection 1, paragraph "d".

G. Kidnapping, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.

H. Murder, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.

I. Criminal transmission of human immunodeficiency virus in violation of Iowa Code section 709C.1, subsection 1, paragraph "a".

**CRIMINAL OFFENSE
AGAINST A MINOR:**

Any of the following criminal offenses or conduct:

A. Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by a parent.

B. False imprisonment of a minor, except if committed by a parent.

C. Any indictable offense involving sexual conduct directed toward a minor.

D. Solicitation of a minor to engage in an illegal sex act.

- E. Use of a minor in a sexual performance.
- F. Solicitation of a minor to practice prostitution.
- G. Any indictable offense against a minor involving sexual contact with a minor.
- H. An attempt to commit an offense enumerated in this definition.
- I. Incest committed against a minor.
- J. Dissemination and exhibition of obscene material to minors in violation of Iowa Code section 728.2.
- K. Admitting minors to premises where obscene material is exhibited in violation of Iowa Code section 728.2.
- L. Stalking in violation of Iowa Code section 708.11, subsection 3, paragraph "b", subparagraph (3), if the fact finder determined by clear and convincing evidence that the offense was sexually motivated.
- M. Sexual exploitation of a minor in violation of Iowa Code section 728.12.
- N. Enticing away a minor in violation of Iowa Code section 728.12.
- O. An indictable offense committed in another jurisdiction which would constitute an indictable offense under subsections A through N of this definition.

**OTHER RELEVANT
OFFENSES:**

Any of the following offenses:

- A. Telephone dissemination of obscene materials in violation of Iowa Code section 728.15.

B. Rental or sale of hardcore pornography in violation of Iowa Code section 728.4.

C. Indecent exposure in violation of Iowa Code section 709.9.

D. Incest committed against a dependent adult as defined in Iowa Code section 235B.2 in violation of Iowa Code section 726.2.

E. A criminal offense committed in another jurisdiction which would constitute an indictable offense under subsections A through D of this definition if committed in this state.

PERSON:

A person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor.

RESIDENCE:

The place where a person sleeps, which may include more than one location, and may be mobile or transitory.

**SEXUALLY VIOLENT
OFFENSE:**

Any of the following indictable offenses:

A. Sexual abuse as defined under Iowa Code section 709.1.

B. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.

C. Sexual misconduct with offenders in violation of Iowa Code section 709.16.

D. Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.

E. A criminal offense committed in another jurisdiction which would constitute an indictable offense under subsections A through D of this

definition if committed in this state. (Ord. 602-06, 2-27-2006)

5-5-3: RESIDENCY RESTRICTION:

- A. A person shall not reside within two thousand feet (2,000') of the real property comprising any of the following child oriented facilities:
1. A public park;
 2. A public swimming pool;
 3. A public library; or
 4. A multiuse recreational trail.
- B. The distance shall be measured from the closest boundary line of the residence to the closest boundary line of the child oriented facilities identified in subsection A of this section. (Ord. 602-06, 2-27-2006)

5-5-4: RESIDENCY EXCEPTIONS: A person residing within two thousand feet (2,000') of the real property comprising a child oriented facility identified in subsection 5-5-3A of this chapter does not commit a violation of this chapter if any of the following apply:

- A. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- B. The person is subject to an order of commitment under chapter 229A of the Iowa Code.
- C. The person has established a residence prior to the effective date hereof, or a child oriented facility as identified in subsection 5-5-3A of this chapter is newly located on or after the effective date hereof and the person has established a residence prior to the date of the start of construction of such newly located child oriented facility.
- D. The person is a minor or a ward under a guardianship. (Ord. 602-06, 2-27-2006)

5-5-5: **VIOLATIONS:** Any person who resides within two thousand feet (2,000') of the real property comprising a child oriented facility identified in subsection 5-5-3A of this chapter in violation of this chapter shall be guilty of a misdemeanor punishable by fine or imprisonment as provided in section 1-4-1 of this code or shall be guilty of a municipal infraction punishable as a civil penalty as provided by section 1-4A-2 of this code. (Ord. 602-06, 2-27-2006)