

TITLE III

LAW ENFORCEMENT

ARTICLE 0

ENFORCEMENT PROCEDURES

30.1 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, §805.6, 321.485)

30.2 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.

30.3 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.

30.4 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, §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 of movement of traffic. [Code of Iowa, 1999, §321.236 (1)]

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Forty eight Hour Period. When any vehicles left parked upon a street for a continuous period of forty-eight (48) 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, §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, §321.236 (1)]

ARTICLE 1

PUBLIC PEACE

31.1 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, §708.1 (1)]

2. Threat of Pain or Injury. Any act that 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, §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, §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, §708.1)

31.2 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, §708.7 (1)]

2. Simulated Explosive. Place a simulated explosive or simulated incendiary device in or near a 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. Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent. [Code of Iowa, 1999, §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 report the alleged occurrence of a criminal act, knowing the act did not occur. (Code of Iowa, 1999, §708.7 (4))

5. Personal Contact. Purposefully and without legitimate purpose have personal contact with another person with the intent to threaten, intimidate, or alarm that other person. "Personal contact" means an encounter in which two or more people are in visual or physical proximity to each other and does not require a physical touching or oral communication, although it may include these types of contacts. [Code of Iowa, 1999, §708.7(4) (b)]

31.3 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, §718.3)

31.4 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 or persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport. [Code of Iowa, 1999, §723.4(1)]

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building that intentionally, knowingly, or recklessly causes unreasonable distress to the occupants thereof. [Code of Iowa, 1999, §723.4 (2)]

3. Abusive Language. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another. [Code of Iowa, 1999, §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, 1999, §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, 1999, §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 a public offense. [Code of Iowa, 1999, §723.4 (6)]

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, 1999, §723.4 (7)]

8. Squealing Tires. Drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.

31.5 RIOT. It shall be unlawful for three (3) or more persons to assemble 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 another person, or causing property damage. No person shall willingly join in or remain part of a riot, knowing or having reasonable grounds to believe that it is such. (Code of Iowa, 1999, §723.1]

31.6 UNLAWFUL ASSEMBLY. It shall be unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent matter, 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, §723.2)

31.7 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, 1999, §723.2)

31.8 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 or 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 there for. 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 not withstanding 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.

31.9 RESTRICTING CERTAIN ACTIVITIES WITHIN THE BUSINESS DISTRICT

A) Restrictions. It shall be unlawful for any person to do any of the following within the Business District of the City of New Hampton:

- 1) No person shall sit or stand upon the hood, fenders, roof, truck lid, bumpers, pickup box, or truck bed of any motor vehicle parked upon the streets, alleys, or public parking areas.
- 2) No person shall sit or stand upon any motorcycle, motorized bicycle, scooter, skateboard, or any other similar self-propelled device while the same is parked upon the streets, alleys, sidewalks, or public parking areas.
- 3) No person shall sit upon the streets, alleys, or public parking areas, and no person shall stand upon the streets, alleys, or public parking areas after being directed to disperse by an owner, resident, or employee of the adjacent property. Anyone who has been advised by a police officer that he or she is acting in violation of this ordinance and is seen by any police officer within six months thereafter acting as prohibited herein shall be in violation of this subsection.
- 4) No person shall sit upon the sidewalk or curb, and in so doing, allow any part of the human body to rest upon the streets, alleys, sidewalks, or public parking areas.
- 5) No person shall sit upon or lean upon a building façade, steps, or other similar structures or attachments.
- 6) No person shall stand upon the sidewalk or entryways of structures between the hours of 9:00 p.m. to 6:00 a.m., after being directed to disperse by an owner, resident, or employee of the adjacent property. Anyone who has been advised by a police officer that he or she is acting in violation of this ordinance and is seen by any police officer within six months thereafter acting as prohibited herein shall be in violation of this subsection.

B) EXCEPTIONS. The restrictions of Section A shall not apply during the following occasions:

- 1) During parades or civic activities when streets, alleys, sidewalks, and public parking areas are closed to regular vehicular traffic.
- 2) During the regular course of employment of the person if said employment calls for such activity.
- 3) With written approval of the Mayor of Council.

ARTICLE 2

PUBLIC HEALTH AND SAFETY

32.1 SPITTING. It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

32.2 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

32.3 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, §727.1)

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

1. Definitions

- a. "Consumer fireworks" includes first-class and second-class consumer fireworks, as those terms are defined in Section 100.19 of the Iowa Code.
- b. "Display fireworks" includes any explosive composition, or combination of explosive compositions, or articles prepared for the purpose of producing a visible or audible effect by combustions, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other devices containing any explosive substance. "Display fireworks" does not include novelties or consumer fireworks.

2. USE OF CONSUMER FIREWORKS. An adult person may possess, use, or explode "consumer fireworks" only when in full compliance with the limitations of Section 727.2 of the Iowa Code.

3. DISPLAY FIREWORKS. No person or organization may use or explode any display fireworks, unless the City has granted a permit therefore. An organization or individual may file a written application for a permit for the display of fireworks which will indicate the type of display, the location of display, time of day of display, and the name of the competent operator who will supervise the activity. The City Clerk is authorized to issue a permit if the Fire Chief or his designee approves the location and plans for the display upon receipt of a permit fee of \$50.00, and upon receipt of proof of liability insurance covering the display in the following minimum amounts:

- a. Personal Injury: \$250,000.00 per person

- b. Property Damage: \$50,000.00
- c. Total Exposure: \$1,000,000.00

- 4. SALES. No one shall sell fireworks within the City, unless the State Fire Marshall has issued the seller a consumer fireworks seller license.
- 5. Anyone who violates any provisions of the fireworks regulations is guilty of a simple misdemeanor and shall be punished by a fine of not less than \$250.00.

32.5 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. No person shall report or cause to be reported false information to a fire department or a law enforcement authority, 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, §718.6)

32.6 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, §712.7)

32.7 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, §718.2)

32.8 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer or firefighter, where paid or volunteer, 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, §719.1)

32.9 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, §719.2)

32.10 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer or employee's duty. (Code of Iowa, 1999, §718.4)

32.11 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, 1999, §727.3)

32.12 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, §712.5)

32.13 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. 6364.12 (2)]

32.14 BARBED WIRE. It shall be unlawful for a person to use barbed wire to enclose land within the city limits without the consent of the council unless such land consists of ten (10) acres or more and is used as agricultural land.

32.15 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 council.

32.16 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, §364.12(2)]

32.17 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, §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 and 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.

32.18 URINATE IN PUBLIC. No person shall urinate upon any public street, alley, sidewalk or other public place, except proper facilities in public rest rooms.

32.19 SHOOTING ARROWS. No person shall shoot arrows within the corporate limits of the City of New Hampton, Iowa, provided that this Section shall not apply to persons shooting arrows on land owned or possessed by the person when taking the following precautions:

1. Backyard. Arrows may be discharged only in the backyard of any lot, either as determined by the location of the principal building on the lot or with reference to the backyard setback line as set by the zoning ordinances of the City of New Hampton.

2. Barrier. Arrows may be shot only at a barrier of at least ten feet by ten feet in size and of solid construction such that an arrow could not penetrate to the opposite side.

3. Position. A person shooting arrows must stand between a side or back property line and the barrier with his back to the property line.

4. No Hunting. No person shall hunt with a bow and arrow within the corporate limits of the City of New Hampton, Iowa.

32.20 DRUG PARAPHERNALIA. No person shall use, possess with intent to use, manufacture, or deliver drug paraphernalia. The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in the 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, as that term is used in Chapter 124 of the Iowa Code. It includes, but is not limited to, growing kits, processing kits, inomerization devices, and testing equipment intended to identify or analyze the strength, effectiveness, or purity of controlled substances: scales intended to be used for or designed for use in weighing or measuring controlled substances; dilutents used or intended for use or designed for use in cutting controlled substances; separation gins and sifters used or intended for use in removing twigs or seeds from or otherwise cleaning or refining marijuana; mixing devices used or intended for use in compounding controlled substances; capsules, balloons, envelopes, and other containers used or intended for use or designed for use in packaging small quantities of controlled substances; containers or other objects designed for use in storing or concealing controlled substances; syringes, needles, or other objects used to inject controlled substances in the human body; objects used or intended for use in ingesting, inhaling, or otherwise introducing controlled substances or the derivatives into the human body, including, but not limited to, metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, water pipes, carburization tubes, smoking and carburization masks, roach clips, miniature cocaine spoons, and cocaine bottles, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, and icepipes or chillers.

In determining whether an object is drug paraphernalia, the following factors shall be considered in addition to all other logically relevant factors:

- 1) statements by an owner or any one in control of the property concerning its use;
- 2) prior convictions, if any, of the owner or of anyone in control of the object under any state or federal law relating to controlled substances;
- 3) the proximity of the object in time and space to a direct violation of Chapter 124 of the Iowa Code or any federal drug regulatory law;
- 4) the proximity of the object to a controlled substance;
- 5) the existence of any residue of a controlled substance on the object;
- 6) direct or circumstantial evidence of the intent of the owner or anyone in control of the object delivered to persons whom the owner knows or should reasonably know intend to use the object to facilitate a violation of federal or state drug laws;
- 7) instructions, oral or written, provided with the object concerning its use;
- 8) descriptive materials accompanying the object which explain or depict its use;
- 9) national or local advertising concerning its use;
- 10) the manner in which the object is displayed for sale;
- 11) whether the owner or anyone in control of the object is a legitimate supplier of like or related items such as a licensed distributor or dealer of tobacco products;
- 12) the existence and scope of legitimate uses for the objects in the community;
- 13) expert testimony concerning its use in subsection two.

Any violation of this chapter shall constitute simple misdemeanor and may also constitute a nuisance or immiscible infraction and may be abated under applicable provisions of the City Code.

32.21 SOCIAL HOST ORDINANCE.

32.21 (1) PURPOSE The purpose of this ordinance is to prohibit the consumption of alcoholic beverages and controlled substances by person under the age of 21, and to prohibit gatherings where persons knowingly allow or permit upon property that they own or control the consumption of controlled substances or alcoholic beverages by person under the age of twenty-one (21) years.

32.21 (2) DEFINITIONS

- a) “Controlled Substance” means a drug, substance, or immediate precursor as specified in Chapter 124 of the Code of Iowa.
- b) “Alcoholic Beverages” means any alcoholic beverage as specified in Iowa Code Section 123.3(4)
- c) “Event, gathering, or party” means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.
- d) “Parent” means any person having legal custody of a juvenile as a parent or guardian
- e) “Premises” means any home, yard, field, land, apartment, condominium, hotel, or motel room or other dwelling unit, or hall or meeting, park or any other place of assembly. “Premises” does not include property that is licensed to sell or serve alcoholic beverages.
- f) “Social Host” means any person, partnership, corporation, or association of one or more individual who aids, allows, entertains, organizes supervises, controls, or permits an event, gathering, or party. This includes but is not limited to (1) the person(s) who owns, rents, leases or otherwise has control of the premises where the event, gathering or party takes place, (2) the person in charge of the premises, or (3) the person(s) who organized the event, gathering or party.
- g) “Underage person” means any individual under the age of twenty-one (21).
- h) “Juvenile” means a person under the age of eighteen (18).

Section 32.21 (3) PROHIBITED ACTS. It is unlawful for any social host of any event, gathering or party on the social host’s premises to knowingly permit or allow underage persons to consume controlled substances and/or alcoholic beverages or knowingly permit or allow underage persons to possess controlled substances and/or alcoholic beverages on the premises. A social host that is present on the premises of the event, gathering, or party where consumption of controlled substances and /or alcoholic beverages is actually occurring is presumed to know the prohibited acts are occurring. This presumption is rebuttable.

A social host has an affirmative defense if the social host took reasonable steps to prevent the possession or consumption of controlled substances and/or alcohol, or notifies law enforcement and allowed law enforcement to enter the premises under the dominion and control of the social host for which the social host has authority to give consent to enter

for the purpose of stopping the illegal activities.

Section 32.21 (4) EXCEPTIONS. This Ordinance does not apply to: (1) conduct solely between an underage person and his or her parents while present at the parents' household, (2) actions permitted under Section 123.47 (2) of the Iowa Code (2011), (3) legally protected religious observances, or (4) situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

Section 32.21 (5) VIOLATIONS. Violations of this Ordinance are a civil infraction under the City Code of Ordinances and are subject to a civil penalty of \$250.00 for the first violation and \$500.00 for each subsequent violation occurring within two years of the first conviction. A violation of this Ordinance may also be considered by the City if a Social Host or an entity controlled by the Social Host applies for a license to sell alcoholic beverages.

ARTICLE 3 PROPERTY

33.1 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring. [Code of Iowa, 1999, §364.1, 364.12 (2)]

33.2 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, §364.12)

33.3 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)]

33.4 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, §716.1)

33.5 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, §716.1)

33.6 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 or 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 anyway 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 systems 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, §716.1)

33.7 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, court house, or other public buildings, 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 §716.1)

33.8 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. 717.1)

33.9 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, §716.1)

33.10 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, §716.7 (2a)]

2. 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, §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, §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, §716.7 (2d)]

33.11 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, §727.8)

33.12 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, §716.1)

33.13 THEFT. No person shall commit theft, as defined in Section 714.1 of the Iowa Code.

33.14 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the city for any private purpose and for personal gain, to the detriment of the city. [Code of Iowa, 1999, 721.2 (5)]

ARTICLE 4 GENERAL TRAFFIC REGULATIONS

34.1 TITLE. This chapter may be known and cited as the "New Hampton Traffic Code".

34.2 DEFINITIONS. Where state law defines words and phrases used in this chapter, 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 any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or receiving or discharging 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, within and including the following designated streets:

- A. Spring Street from Water Avenue to Linn Avenue.
- B. Prospect Street from Water Avenue to Linn Avenue.
- C. Main Street from a point eighty-three (83) feet east of the former Railway Track (Highway Station 979+00) to Linn Avenue.
- D. Water Avenue from Prospect Street to Spring Street.
- E. Linn Avenue from Prospect Street to Spring Street.
- F. Block 30 of the Original Plat to the City of New Hampton, Iowa.

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, §321.1 (58)]

7. "School District": School district shall mean the territory contiguous to and including the highway for a distance of two hundred (200) feet in either direction from a school house in the City. [Code of Iowa, 2005, 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, §321.1 (60)]

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, §321.1 (45)]

10. "Traffic Control Device": shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic. [Code of Iowa, 1999, §321.1 (62)]

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, §321.1 (1)]

12. "School Zone": School zone shall mean the easterly 60 feet of the New Hampton Community School District's High School parking lot where vehicular through traffic has been permitted by practice, and also the access area to the upper level of the high school that adjoins Main Street.

34.3 ADMINISTRATION AND ENFORCEMENT. The police chief shall enforce provisions of this chapter and the Iowa law relating to motor vehicles and law of the road. [Code of Iowa, 1999, §372.13 (4)]

34.4 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.

34.5 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, §321.271 & 321.273)

34.6 INVESTIGATION OF TRAFFIC ACCIDENTS. A member of 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, §372.13(4)]

34.7 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, the chief of police shall conduct studies of such accidents and propose remedial measures. [Code of Iowa, 1999, §372.13 (4)]

34.8 FILES MAINTAINED. The police chief shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints resorted 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, §372.13 (4)]

34.9 HABITUAL TRAFFIC VIOLATORS. The police chief shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law. (Code of Iowa, 1999, §321.201 321.215)

34.10 ANNUAL SAFETY RECORDS. The police chief shall prepare annually a traffic report that 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, §372.13 (4)]

34.11 EXCEPTION FOR LICENSE EXAMINATION. No person taking an examination to obtain a license to operate a motor vehicle within the State of Iowa shall be charged with any violation of this chapter for parking or for any act committed under the direction

of the examiner.

34.12 INSTALLATION. The police chief 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, §321.254 & 321.255)

34.13 CROSSWALKS. The police chief is hereby authorized, subject to approval of the council by resolution, 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, §372.13 (4); 321.255]

34.14 TRAFFIC LANES. The police chief 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, §372.13 (4), 321.255]

34.15 STANDARDS. Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways, or any other current state manual of specifications. (Code of Iowa, 1999, §321.255)

34.16 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, §321.256)

34.17 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 321.244.
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 any Minimum Speed: 321.277, 321.278, 321.285, 321.288, and 321.294.
 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. Rail road 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, Height and Load: 321.452 through 321.463, 321.465 and 321.466.
 17. Seat Belt and Child Restraint Devices: 321.445 and 321.446.
- 34.18 PLAY STREETS DESIGNATED. The mayor 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, §321.255)

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

34.20 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 in the back or bed of a pickup or truck or on a trailer, except when said vehicle is manufactured with seats for the same, and except during a parade or when necessary during employment or moving personal property. 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, skateboard, rollerblades, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

34.21 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device. (Code of Iowa, 1999, §321.436)

34.22 NOISE LIMITATIONS.

- (a) 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.
- (b) SEMI-TRACTORS PROHIBITED NOISES. Within the City Limits of New Hampton, it shall be unlawful for any person to make or cause to be made loud or disturbing noises with any mechanical devices operated by compressed air and used for the purpose of assisting braking on any semi-tractor, commonly referred to as jake braking. The scheduled fine for violation of said ordinance shall be \$50.00.

34.23 SCHOOL BUSES. The following school bus safety regulations shall apply within the city:

1. Signals. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction. [Code of Iowa, 1999, §321.372 (1)]

2. Lights On. The driver of a school bus shall, while carrying passengers, have its headlights turned on. [Code of Iowa, 1999, §321.372 (1)]

3. Discharging Pupils. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver. [Code of Iowa, 1999, §321.372 (2)]

4. Passing Prohibited. The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen (15) feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed. [Code of Iowa, 1999 §321.372 (3)]

5. Stop When Meeting. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until the stop arm is retracted after which driver may proceed with due caution. [Code of Iowa, 1999, §321.372 (3)]

6. Multilane Roads. The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus that is traveling in the opposite direction even though said school bus has stopped. [Code of Iowa, 1999, §321.372(4)]

34.24 FUNERAL OR OTHER PROCESSIONS. The following regulations shall apply to funeral or other processions with the city:

1. Identified. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police chief. [Code of Iowa, 1999, §321.234A (3)]

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe. [Code of Iowa, 1999, §321.234A (3)]

3. Yielding to Funeral Procession. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals from devices while participating in the procession unless the operation is reckless. [Code of Iowa, 1999, §321.234A (3)]

34.25 TAMPERING WITH VEHICLES. It shall be unlawful for any person who, either individually or in association with one or more persons, willfully injures or tampers with any vehicle or removes any part or parts thereof from the vehicle without the consent of its owner.

34.26 CARELESS DRIVING. A person commits careless driving by intentionally operating a motor vehicle on a public street in any of the following ways:

- a) Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping;
- b) Simulates a temporary race;
- c) Causes any wheel or wheels to unnecessarily lose contact with the ground;
- d) Causes the vehicle to unnecessarily turn abruptly or swerve. [§321.277A, Code of Iowa, 1999] [§34.26 of the City Code]

34.27 AUTHORITY TO MARK. The police chief 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 by 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, §321.311)

34.28 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection, provided, however, that "U" turns are prohibited at the following designated intersections and at intersections where there are automatic traffic signals. (Code of Iowa, 1999, §321.255)

1. Main Street and Linn Avenue.
2. Main Street and Walnut Avenue.
3. Main Street and Chestnut Avenue.
4. Main Street and Locust Avenue.
5. Main Street and Water Avenue.

34.29 RIGHT TURN ON RED SIGNAL PROHIBITED. Vehicular traffic facing a steady red signal shall not make a right turn at the following locations when appropriate signs are in place. [Code of Iowa, 1999, §321.257 (3)]

1. Intersection of Main Street and Linn Avenue.

34.30 ONE WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

- 1) The portion of the alley in Block 10 of the original plat that borders City Hall and the Community Center shall have traffic proceed in a westerly and southerly direction only.

- 2) The alley in Block 23 of Railroad Addition, which is bordered by Prospect Street on the South and Court Street on the north, shall have traffic proceed in a northerly direction only.

34.31 TURNING IN BETWEEN INTERSECTIONS. Other than as permitted at certain intersections, it shall be unlawful for a driver of a motor vehicle to turn so as to proceed in the opposite direction or to turn for the purpose of crossing the centerline and parking on the opposite side of the street from the direction in which the vehicle was traveling.

34.32 TRAFFIC PROHIBITED FOR SCHOOL SAFETY. Whenever school is in session at the New Hampton Elementary/Middle School, no motor vehicle, other than school buses and emergency vehicles, shall be driven on South Broadway Avenue between Main Street and Spring Street for a period of time that is thirty (30) minutes before and ten (10) minutes after the school session begins at the elementary/middle school in the morning and ten (10) minutes before and thirty (30) minutes after the school session ends at the elementary/middle school in the afternoon. School personnel shall place appropriate signage at the entrances to this street whenever this prohibition is in effect.

34.33 ONE-WAY TRAFFIC. Whenever school is in session at the New Hampton Elementary-Middle School and during the period of time that is 30 minutes before the school session begins at the school in the morning and ten minutes before and 30 minutes after the school session ends at the school in the afternoon, motor vehicle traffic shall proceed in a northerly direction only on South Broadway Avenue between Spring and Hamilton Streets, and in a westerly direction only on West Spring Street between Broadway and Maple Avenues. School personnel shall place appropriate signage at the entrances to these streets whenever this directional limitation is in effect.

ARTICLE 5 SPEED REGULATIONS

35.1 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, §321.285)

35.2 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, §321.285(1)]

35.3 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, §321.285(2)]

35.4 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, §321.285 (4)]

35.5 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of ten (10) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful. [Code of Iowa, 1999, §321.236 (5), 714.23]

35.6 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, §321.294)

35.7 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to an authorized emergency vehicle when responding to an emergency call and the driver there of sounds an 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, §321.231)

35.8 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, §321.290)

35.9 SPECIAL SPEED ZONES. A speed in excess of that specified herein shall be unlawful on any of the following designated streets or parts thereof:

- 1) Iowa Highway 24 (West Milwaukee Street) – 35 miles per hour from Linn Avenue west to a point 1,100 feet west of Canty Avenue.
- 2) Iowa Highway 24 (West Milwaukee Street) – 45 miles per hour from a point 1,100 feet west of Canty Avenue west to the western most corporate limits at Kenwood Avenue.
- 3) U. S. No. 63; 40 (40) miles per hour from the north corporate line to Highway Station 41+00 (being a point approximately five hundred (500) feet north of the intersection of North Linn Avenue and Milwaukee Street.
- 4) U. S. No. 63; thirty-five (35) miles per hour from Highway Station 41+00 to Prospect Street.
- 5) U. S. No. 63; twenty-five (25) miles per hour from Prospect Street to a point two hundred (200) feet south of Hamilton Street.

- 6) U. S. No. 63; thirty-five (35) miles per hour from a point two hundred (200) feet south of Hamilton Street to Cleveland Street.
- 7) U. S. No. 63; forty-five (45) miles per hour from Cleveland Street to the south corporate line.
- 8) Iowa No. 24; twenty (20) miles per hour from the junction of U. S. No. 63 to a point eighty-three (83) feet east of the Chicago Great Western Railway Tracks (Highway Station 979+00)
- 9) Iowa No. 24; thirty-five (35) miles per hour from Highway Station 979+00 to the east corporate line.

35.10 REDUCED SPEED AND YIELD DURING FIRE EMERGENCY. Every driver of a southbound motor vehicle on Linn Avenue who is within 604 feet of the centerline of the fire station's south driveway and every driver of a northbound motor vehicle who is within 826 feet of the centerline of the fire station's south driveway shall reduce speed to 20 miles per hour or less when the posted amber warning light is flashing and shall yield to fire trucks and other emergency vehicles that are exiting the fire station.

ARTICLE 6 STOP OR YIELD REQUIRED

36.1 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 street. (Code of Iowa, 1999, §321.345)

1. Linn Avenue in its entirety.
2. Main Street in its entirety.
3. West Milwaukee Street from Linn Avenue to the west corporate line.
4. Prospect Street from Linn Avenue to North Pleasant Hill Avenue.
5. Spring Street from Linn Avenue to Water Avenue.
6. North Pleasant Hill Avenue in its entirety.
7. Logan Street in its entirety.
8. Washington Street in its entirety.
9. West Hamilton Street from Linn Avenue to the West Corporate Limits.

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

1. Broadway Avenue. Vehicles traveling on Broadway Avenue shall stop at Hale Street.

2. Spring Street. Vehicles traveling east on Spring Street shall stop at Water Avenue.
3. Spring Street. Vehicles traveling on Spring Street shall stop at South Broadway Avenue.
4. Water Avenue. Vehicles traveling north on Water Avenue shall stop at Washington Street.
5. Hale Street. Vehicles traveling on Hale Street shall stop at Locust Avenue.
6. Maple Avenue. Vehicles traveling on Maple Avenue shall stop at Hale Street, at Hamilton Street, and at Garfield Street.
7. Cleveland Street. Vehicles traveling east on Cleveland Street shall stop at Locust Avenue.
8. Pleasant Hill Avenue. Vehicles traveling south on Pleasant Hill Avenue shall stop at Hamilton Street.
9. Third Avenue. Vehicles traveling on Third Avenue shall stop at Hamilton Street.
10. Hamilton Street. Vehicles traveling east on Hamilton Street shall stop at Fourth Avenue.
11. Industrial Avenue: Vehicles travelling either direction on Industrial Avenue shall stop before crossing the railroad tracks at a point approximately parallel with the stop sign that is posted.
12. Rural Street. Vehicles traveling on Rural Street shall stop at Fourth Avenue.
13. South Walnut Avenue. Vehicles traveling on South Walnut Avenue shall stop at Hamilton Street.
14. South Chestnut Avenue. Vehicles traveling on South Chestnut Avenue shall stop at Hamilton Street.
15. South Locust Avenue. Vehicles traveling on South Locust Avenue shall stop at Hamilton Street.
16. North Walnut Avenue. Vehicles traveling on North Walnut Avenue shall stop at Court Street.
17. North Chestnut Avenue. Vehicles traveling on North Chestnut Avenue shall stop at Court Street.

18. Court Street. Vehicles traveling on Court Street shall stop at Water Avenue.
19. Hamilton Street. Vehicles traveling west on Hamilton Street shall stop prior to entering the school zone at the New Hampton Community High School.
20. School Zone. Vehicles traveling south in the school zone area of the New Hampton School district shall stop prior to turning onto Hamilton Street. Vehicles leaving the parking area of the School District property adjacent to Hamilton Street shall stop before entering Hamilton Street. Vehicles traveling north in the school zone area of the School District property shall stop prior to turning onto Main Street. Vehicles traveling in the semi-oval access area on the upper level of the high school property shall stop prior to entering Main Street.
21. Lakeview Court. Vehicles traveling on Lakeview Court shall stop at Hamilton Street.
22. West Wilson Street. Vehicles traveling west on West Wilson Street shall stop at Western Avenue.
23. Jefferson Street. Vehicles traveling west on Jefferson Street shall stop at Locust Avenue
24. First Avenue: Vehicles traveling north on First Avenue shall stop at Hamilton Street.

36.3 FOURWAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated fourway stop intersections:

1. Court Street and Maple Avenue. All vehicles approaching the intersection of Court Street and Maple Avenue shall stop before entering such intersection.
2. South Fourth Avenue and Spring Street. All vehicles approaching the intersection of South Fourth Avenue and Spring Street shall stop before entering such intersection.
3. East Spring Street and South Pleasant Hill Avenue. All vehicles approaching the intersection of East Spring Street and South Pleasant Hill Avenue shall stop before entering such intersection.
4. South Water Avenue and East Hamilton Street. All vehicles approaching the intersection of South Water Avenue and East Hamilton Street shall stop before entering such intersection.
5. South Sheakley Avenue and West Hamilton Street. All vehicles approaching the intersection of South Sheakley Avenue and West Hamilton Street shall stop before entering such intersection.

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

1. Logan Street. All vehicles approaching Logan Street on any intersecting street shall yield to vehicles on Logan Street.
2. Washington Street. All vehicles approaching on Washington Street on any intersecting street shall yield to vehicles on Washington Street except where Water Avenue, Maple Avenue, Linn Avenue, and Broadway Avenue intersect with Washington Street.
3. Hale Street. Vehicles traveling on Sherman Avenue shall yield at Hale Street.
4. Court Street. Vehicles traveling on Sherman Avenue shall yield at Court Street.
5. Sheakley Street. Vehicles traveling on Court Street and Prospect Street shall yield at Sheakley Street.
6. Western Avenue. Vehicles traveling on Court Street and Prospect Street shall yield at Western Avenue.
7. Maple Avenue. Vehicles traveling on Jefferson Street and Washington Street shall yield at Maple Avenue.
8. Maple Avenue. Vehicles traveling on Prospect Street shall yield at Maple Avenue.
9. Locust Avenue. Vehicles traveling on East Court Street shall yield at Locust Avenue.
10. Bigelow Avenue. Vehicles traveling on Spring Street shall yield at Bigelow Avenue.
11. Broadway Avenue. Vehicles traveling on Prospect Street, Court Street, Washington Street, and Jefferson Street shall yield at Broadway Avenue.
12. Spring Street. All vehicles approaching Spring Street on any intersecting street east of Bigelow Avenue shall yield to the vehicles on Spring Street except where a stop has been posted, in which case they shall stop. In addition, vehicles travelling on Maple Avenue shall yield at Spring Street.
13. All vehicles traveling south on First Avenue shall yield to vehicles on Hamilton Street.
14. Fourth Avenue. All vehicles traveling on Sunrise Street and Sunset Street shall yield at Fourth Avenue.
15. First Avenue. All vehicles traveling on Sunrise Street and Sunset Street shall yield at First Avenue.
16. Garfield Street. All vehicles traveling on Sheakley Avenue shall yield at Garfield Street.

17. Milwaukee Street. Vehicles traveling on Homestead Circle, Foley Avenue and Locust Avenue shall yield at Milwaukee Street.

18. Sheakley Avenue: Vehicles traveling on Spring Street shall yield at Sheakley Avenue.

36.5 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 approach side of the crosswalk marked by an authorized school stop sign or an official traffic control signal and thereafter proceed in a careful and prudent manner until the driver has passed through such school crossing zone. (Code of Iowa, 1999, §321.249)

1. West Main Street at Broadway Avenue.
2. North Broadway at West Hale Street.
3. West Hale Street at North Maple Avenue.
4. West Main Street approximately 67 west of the east property line of the New Hampton High School and Middle School property.

36.6 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 way to any vehicular traffic on the street into which his vehicle is entering. (Code of Iowa, 1999, §321.353)

36.7 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.

36.8 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, §321.327)

36.9 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

1. Intersection of Main Street and Linn Avenue.
2. Intersection of Main Street and Walnut Avenue.
3. Intersection of Main Street and Chestnut Avenue.
4. Intersection of Main Street and Locust Avenue.
5. Intersection of Prospect Street and Linn Avenue.
6. Intersection of Hamilton Street and Linn Avenue.
7. Intersection of Hale Street and Linn Avenue.

36.10 Stop for Crossing Guards. Every driver of a vehicle shall obey the hand-held stop sign of school personnel acting as a crossing guard and shall remain stopped until the crossing guard and all pedestrians have cleared the roadway.

36.11 PLACE OF STOPPING. All stops required by a sign shall be made not more than ten (10) feet from the sign.

ARTICLE 7 PARKING REGULATIONS

37.1 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, §321.361)

37.2 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, §321.361)

37.3 DIAGONAL PARKING. Angle or diagonal parking shall be permitted only in the following locations: (Code of Iowa, 1999, §321.361)

1. Locust Avenue on the West Side, from Spring Street to Main Street.
2. Locust Avenue on the East Side, from Main Street to Prospect Street.
3. Chestnut Avenue on the West Side, from Spring Street to Prospect Street.
4. Walnut Avenue on the west side, from a point 28 feet south of the south boundary line of Main Street to Spring Street.
5. Walnut Avenue on the East Side, from Main Street to Prospect Street.
6. Court Street, on the south side, from Chestnut Avenue to Locust Avenue.
7. Locust Avenue, on the West Side, from Court Street to Prospect Street.
8. Prospect Street, on the north side, from Locust Avenue to Chestnut Avenue.
9. Broadway Avenue, on the West Side, from Court Street to Hale Street.

10. Maple Avenue, on the East Side, from Hale Street to Washington Street.

11. Maple Avenue on the West Side from Court Street to Hale Street.

37.4 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 a forty-five (45) degree angle to the curb or edge of the roadway as indicated by such signs and markings, with the front of the vehicle facing the curb. 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, §321.361)

37.5 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, §321.236 (1)]

1. Sale. Displaying such vehicle for sale.
2. Repairing. For commercial washing, greasing or repairing such vehicle except such repairs as is necessitated by an emergency.
3. Advertising. Displaying advertising, without a permit issued by the city clerk.
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, junkage or dead storage for more than forty-eight (48) hours.

37.6 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, §321.236 (1) & 321.358 (5)]
2. Center Parkway. On the center parkway or dividing area of any divided street. [Code of Iowa, 1999, §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, §321.236 (1)]
4. Sidewalks. On or across a sidewalk. [Code of Iowa, 1999, §321.358 (1)]
5. Driveway. In front of a public or private driveway, except that property owners and

their employees or persons with their consent shall be allowed to park in front of their own private driveways. [Code of Iowa, 1999, §321.358 (2)]

6. Intersection. Within, or within twenty (20) feet plus one-half (1/2) the width of the street of an intersection of any street or alley, measured from the centerline of the existing street. [Code of Iowa, 1999, §321.358 (3)]

7. Fire Hydrant. Within five (5) feet of a fire hydrant, measured from the point on the curb nearest the hydrant. [Code of Iowa, 1999, §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, §321.358 (6)]

9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing and the curb running perpendicular to such rail crossing for such distance of fifty (50) feet shall be painted yellow in color by the city or its designated officers or agents. If there has been no curb constructed or installed, then the edge of the street where the curb would normally be placed, shall be painted yellow in color as provided herein. [Code of Iowa, 1999, §321.358 (8)]

10. Excavations. Along side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic. [Code of Iowa, 1999, §321.358 (10)]

11. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street in such a manner so as to block or obstruct all or any part of the traveled portion of said street. [Code of Iowa, 1999, §321.358 (11)]

12. 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 chief of police may cause curbing to be painted with a yellow color and erect no parking or standing signs. [Code of Iowa, 1999, §321.358 (13)]

13. Theaters, Hotels and Auditoriums. A space not to exceed ninety (90) feet is hereby reserved at the side of the street in front of any theater, auditorium, hospital, nursing home, taxi-cab 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 purpose. (Code of Iowa, 1999, §321.360)

14. Alleys. The alleys in the central business district, located in the blocks adjacent to Main Street on the north between Locust Avenue and North Walnut Avenue and adjacent to Main Street on the south between Water Avenue and Linn Avenue, also known as Blocks 10, 18, 19, 24, 25 and 33 of Block 10 of Bigelow's Addition to the City of New Hampton, Iowa, are hereby designated as fire lanes in the interest of the protection of the

people of the City of New Hampton, in their health and welfare and under the police powers of the City of New Hampton, 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 reasonably necessary for such purpose and such motor vehicle shall be left in such a manner that it is operable and movable by the peace officer or a duly constituted agent, so that said vehicle may be removed from said alley in case of emergency.

15. Obstruct Traffic. In any manner which would tend to obstruct the free flow of traffic on the traveled portions of a street.

37.7 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, §601E.6 (2)]
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 601E.6, Code of Iowa, shall be a misdemeanor, punishable by a \$100.00 fine. [Code of Iowa, 1999, §601E.6 (2)]

37.8 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. [Code of Iowa, 1999, §321.276 (1)]

1. Walnut Avenue on the West Side, from Spring Street to Hamilton Street.
2. Chestnut Avenue on the West Side, from Spring Street to Hamilton Street.
3. Locust Avenue on the West Side, from Spring Street to Hamilton Street.
4. The south eighty-eight (88) feet of Locust Avenue on the east side between Main Street and Spring Street.
5. Water Avenue, on the West Side, from the southeast corner of Block 11, Original Plat of New Hampton, north a distance of thirty (30) feet.
6. Spring Street. South side of Spring Street between the center line of Pleasant Hill Avenue at its intersection with Spring Street and a point on Spring Street 250 feet west of its intersection with the center line of Pleasant Hill Avenue.

7. Chestnut Avenue on the west side, commencing at the northeast corner of Lot 6, Block 26, Original Plat of New Hampton, to the southeast corner of Lot 5 of said Block 26, except that persons having business at the U.S. Post Office shall be allowed to park at specifically designated areas in front of the said post office for not to exceed ten (10) minutes.
8. Hamilton Street, from Linn Avenue to Broadway Avenue.
9. Linn Avenue in its entirety.
10. Milwaukee Street, from Foley Avenue to the West corporate line.
11. Hamilton Street, on the south side, from Linn Avenue to Locust Avenue.
12. North Pleasant Hill Avenue north of Main Street and south of the right way of the Chicago, Milwaukee, St. Paul and Pacific Railroad.
13. Hamilton Street, from Bigelow Avenue to the Chicago, Northwestern Railway Company tracks.
14. Logan Street, on the north side, from Linn Avenue to the east corporate line.
15. Sherman Avenue, on the east side, from Hamilton Street north to a point where the Chicago, Milwaukee, St. Paul and Pacific Railway Company's tracks cross over the said Sherman Avenue.
16. Hale Street, on the north side, from Sherman Avenue to Maple Avenue.
17. Hamilton Street, from Maple Avenue west one hundred (100) feet and east one hundred thirty (130) feet from Sherman Avenue.
18. Hale Street, on the north side, from Broadway Avenue to Linn Avenue.
19. Lot 4, Block 11. From the northwest corner of Lot 4, Block 11, Original Plat, east a distance of thirty (30) feet.
20. Lot 8, Block 11. From the southeast corner of Lot 8, Block 11, Original Plat, west a distance of thirty (30) feet.
21. Lot 8, Block 18. From the northeast corner of Lot 8, Block 18, Original Plat, south a distance of ninety (90) feet.
22. Spring Street, on the north side, from Water Avenue west thirty-six (36) feet.
23. Hamilton Street, on the north side a distance of sixty-six (66) feet east and on the south side a distance of one hundred thirty-two (132) feet east, from Bigelow Avenue.

24. Sherman Avenue, from Milwaukee Street to the Chicago, Milwaukee, St. Paul and Pacific Railroad right-way.
25. Maple Avenue, from Milwaukee Street to the Chicago, Milwaukee, St. Paul and Pacific Railroad right-way.
26. Hamilton Street, on the north side, from Linn Avenue to Walnut Avenue.
27. Washington Street, from the East boundary of Water Avenue a distance of 16 feet on the North side and 132 feet on the South side, and from the West boundary of Water Avenue, a distance of 53 feet on the North side and 35 feet on the South side.
28. Prospect Street, on the south side, from Linn Avenue to Broadway Avenue.
29. Cauty Avenue, on each side, north of Milwaukee Street.
30. Bailey Avenue, on each side, south of Milwaukee Street.
31. Spring Street, on the north side from Broadway Avenue to the alley in the middle of the block.
32. South Pleasant Hill Avenue, on the East side from Main Street to Spring Street
33. East Hamilton Street on the south side, from Water Avenue to Melrose Court.
34. South Fourth Avenue, on the East side, from the campground driveway to the South City limits.
35. Spring Street, on the North side, from a point 88 feet West of the Southeast Corner of Block 33 of the Original Plat, West a distance of 20 feet.

37.9 SCHOOL LOADING ZONES. No person shall stop, stand or park a vehicle, except school buses owned and operated by the New Hampton Community School District while such buses are loading and unloading passengers or except vehicles owned or operated by persons stopping momentarily for the sole purpose of boarding or discharging students enrolled in the New Hampton Community School System, in the following designated locations:

1. Broadway Avenue on the East Side, from Main Street to Hamilton Street.
2. Broadway Avenue on the west side, from Main Street to Hamilton Street between the hours of 8:00 a.m. and 5:00 p.m. on school days.
3. West Main Street from Linn Avenue to the west corporate line. Whenever school is in session at the New Hampton Elementary/Middle School, however, parking shall be

permitted for not more than fifteen (15) minutes in front of said school building in designated parking areas immediately east and west of the east walkway that provides access to the school building.

4. The south five (5) parallel parking stalls on the east side of North Locust Avenue between Court Street and Hale Street between 6:00 am to 6:00 pm, Monday through Friday, are allowed for 'Drop off and Pick up' only.

37.9A SCHOOL NO PARKING ZONES. No person shall stop, stand, or park a vehicle between the hours of 8:00 am and 5:00 pm on days when the New Hampton Community School District is in session at the following designated locations.

1. On Ash Drive
2. On the south side of Spring Street between Maple Avenue and Broadway Avenue.
3. On the west side of Maple Avenue between Main Street and Spring Street.

37.10 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, or a person displaying advertising pursuant to a permit issued by the city clerk, shall park a vehicle on any of the following named streets for a period of time longer than thirty (30) minutes between the hours of three (3) o'clock a.m. and six (6) o'clock a.m. on any day. [Code of Iowa, 1981, §321.236 (1)]

1. Main Street, from the Chicago Great Western right-way to Linn Avenue.
2. Prospect Street, from Locust Avenue to Walnut Avenue.
3. Spring Street, from Locust Avenue to Walnut Avenue.
4. Walnut Avenue, from Spring Street to Prospect Street.
5. Chestnut Avenue, from Spring Street to Prospect Street.
6. Locus Avenue, from Spring Street to Prospect Street.

37.11 TRUCK AND BUS PARKING LIMITED. No person shall park a bus, motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick-up, light delivery or panel delivery trucks. [Code of Iowa, 1999, §321.236(1)]

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on Main Street between Linn Avenue and Water Avenue or one-half (1/2) block in either direction from Main Street on Locust Avenue, Chestnut Avenue or Walnut Avenue. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner that will not interfere with other traffic.

2. Parking Lots. No such vehicle, or bus, shall be left unattended or parked in any of the city owned parking lots.

3. Residential Streets. No person shall park a motor truck, implement of husbandry, special mobile unit, bus, van or other vehicle used for the carrying of freight or persons on any residential street in the city, except when making a delivery or picking up persons or freight on said street and when doing so shall park only for a length of time reasonably necessary to perform said function.

37.12 LIMITED TIME PARKING. It shall be unlawful to park any vehicle for a continuous period of more than ten (10) minutes between the hours of seven (7) o'clock a.m. and six (6) o'clock p.m. upon the following designated streets: [Code of Iowa, 1999, §321.236 (1)]

1. Chestnut Avenue commencing at the Southwest corner of Block 17, Original Plat, North a distance of 78 feet, and commencing at the Southeast corner of Block 26, Original Plan, North a distance of 99 feet, except that Southerly portion thereof in the drive access area to the Post Office drive through where no parking is allowed.

2. For more than five minutes between 8:00 a.m. and 5:00 p.m. on Spring Street on the north side, commencing 96 feet east of the east edge of South Locust Avenue and continuing east a distance of 40 feet.

3. For more than 30 minutes between 8:00 a.m. and 5:00 p.m. in the second parking space immediately east of the southeast corner of the intersection of Chestnut Avenue and Prospect Street.

37.13 PARKING LIMITED TO TWENTY-FOUR HOURS. It shall be unlawful to park any vehicle for a continuous period of more than twenty-four (24) hours upon any of the following designated streets:

1. Prospect Street, from Locust Avenue to Water Avenue, except for that portion, which is designated as a No Parking Zone, which is described as: Commencing at the northwest corner of Lot 4, Block 11, Original Plat, west a distance of thirty (30) feet.

2. Spring Street, from Locust Avenue to Water Avenue.

3. Spring Street, from Walnut Avenue to Linn Avenue.

4. Spring Street, on the south side, along the north side of Lot 8, Block 34, between Linn Avenue and Walnut Avenue.

5. Spring Street, commencing at the southeast corner of Lot 5, Block 33, Original Plat, westward a distance of one hundred thirty-two (132) feet.

6. Prospect Street, commencing at the northeast corner of Lot 8, Block 32, west a distance of one hundred ninety-eight (198) feet.
7. Prospect Street, commencing at the southeast corner of Lot 5, Block 31, Original Plat, west a distance of one hundred ninety-eight (198) feet.
8. Prospect Street, from Walnut Avenue to Linn Avenue.

37.14 CITY OWNED PARKING LOTS. Motor vehicles, other than trucks or buses with a gross weight of six thousand (6,000) pounds or over, may be parked in city parking lots subject to the following:

1. No one who is a dealer engaged in the business of buying, selling, or exchanging motor vehicles shall park an unlicensed vehicle on a city street or in a city parking lot.
2. No vehicle shall be allowed to stand unmoved for a period of time to exceed twenty-three (23) hours in the city owned parking lot located on Lots 5 and 6 of Block 19 of the Original Plat, which is the city owned parking lot located adjacent to the northwest corner of Spring Street and Locust Avenue, except that no parking shall be permitted in said Lot from 3:00 a.m. until 6:00 a.m. on Friday of each week.
3. No vehicles shall be allowed to stand unmoved for a period of time to exceed 23 hours in the City owned parking lot located on part of Block Five of Bigelow's Addition and the adjoining parcel of real estate between Block Five of Bigelow's Addition and Fairview Addition, which is the City owned parking lot located adjacent to South Water Avenue, except that no parking shall be permitted in said lot from 3 a.m. until 6 a.m. on Wednesday of each week.

37.15 SNOW REMOVAL. At any time when there is an accumulated snowfall of any measurable amount on the streets in the City of New Hampton, the following provisions shall apply:

1. Parking Prohibited. It shall be unlawful for any person to park, abandon or leave unoccupied or unattended any vehicle on the streets of the City of New Hampton except for Main Street between Linn Avenue and Water Avenue, between the hours of 6:00 p.m. on the day of said snow fall until 7:00 a.m. the following day or until the streets have been completely plowed from curb to curb.
2. Completely Plowed Defined. For the purposes of this section the term "completely plowed" shall mean that snowfall accumulation from curb to curb on the said streets shall have been removed or plowed as closely to the curbs as the prior accumulated snow would allow.
3. Obstruction a Nuisance. Any vehicle parked or abandoned or left unoccupied or unattended in violation of subsection 1 hereof is hereby declared to be an obstruction to the public streets and a public nuisance.

4. Removal by Police Chief Authorized. In the event that any vehicle is so parked or abandoned or left unoccupied or unattended in violation of subsection 1 hereof, the chief of police, is hereby authorized to remove or cause to be removed the said vehicle from the aforementioned residential streets and to tow or have towed or otherwise remove the said vehicle to any public or private garage or parking area, and to have said vehicle stored in such garage or outdoor parking area, until claimed by the owner thereof as hereinafter provided.

5. Notice to Owner. Within twenty-four (24) hours after the removal of any vehicle as provided in subsection 1 hereof, the chief of police shall notify in writing the owner of said vehicle as shown by the registration thereof of the following facts:

A. A General description of the vehicle, together with license number.

B. The time and reasons for removal and place to which removed.

C. The charge for removal.

D. Said notice from the chief of police to the owner shall be addressed to the registered owner and deposited in the post office in New Hampton, Iowa, within twenty-four (24) hour after such removal.

6. Cost to be Paid. Before any vehicle so removed and stored shall be reclaimed, the owner or other claimant shall satisfactorily identify himself and establish his right, title or interest in said vehicle and shall further pay all costs or charges in connection with the removal and storage of the vehicle, and the notice thereof. It shall be unlawful for any person to reclaim the vehicle so removed and stored, without first paying all of said costs or charges.

37.16 EXCEPTIONS. Notwithstanding the restrictions on parking contained in this article, or in any other ordinance it shall be lawful to temporarily stop, stand or park a vehicle owned by the City of New Hampton, or by any utility licensed or franchised to provide service to residents of New Hampton, for so long as it is necessary to provide service to adjacent property or to service distribution lines or appurtenant facilities owned by the City of New Hampton, or any licensed or franchised utility.

37.17 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 police chief 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 the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs, except that no signs need be erected to give notice of the parking prohibitions contained in Section 37.16 of this Code. (Code of Iowa, 1999, §321.255 & 321.256)

37.18 FINES FOR PARKING VIOLATIONS. Any person who violates any section of Chapter 37 (Title III, Article 7) of the City Code of the City of New Hampton with regard to parking regulations may, after a notice of fine is given as provided for hereafter, admit such violation by the payment of the fine as follows:

- a) If such fine is paid within five days after the date shown on the notice of fine, the fine shall be \$10.00.
- b) If such fine is paid within five days after the date shown on the notice of fine for a snow removal violation, the fine shall be \$25.00
- c) If such fine is paid within 30 days after the time shown on the notice of fine, the fine shall be \$15.00 for all violations other than snow removal violations and shall be \$30.00 for snow removal violations.
- d) If such fine is not paid within 30 days after the time shown on the notice of fine, the fine shall be \$25.00 for all fines other than snow removal fines and shall be \$40.00 for snow removal violations.
- e) A fine not paid after 30 day shall be considered a contested violation and cited in the same manner as all other traffic violations.

37.19 NOTICE OF FINE. An officer finding a vehicle in violation of the parking violations of this code may give a notice of fine to the violator personally or by conspicuously affixing the notice of fine to the vehicle. Violations of the parking regulations shall be charged on a notice of fine. Said notices shall be serially numbered and shall be in substantially the following form:

City of New Hampton, Iowa Notice of Parking Violation

No.

Defendant

Vehicle	License #	State	Year
Date	Time	Location	
Violation			
Ordinance #	Officer's Signature		

Schedule of Fines:

Within 48 Hours \$10.00	Within 30 Days \$15.00	After 30 Days \$25.00
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You may pay this fine at the New Hampton Police Department. If this fine is not paid within 30 days, the violation shall be deemed denied and may be prosecuted in Magistrate Court in the same manner as other traffic violations. If a notice of fine is given and such fine as prescribed is not paid within 30 days after the date set forth on such notice, then such violation shall be deemed denied, and the violation shall be charged and proceeded with as a simple misdemeanor under this code in Magistrate Court in the same manner as other simple misdemeanor traffic violations.

ARTICLE 8

PEDESTRIANS

38.1 USE SIDEWALKS. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

38.2 WALKING IN STREET. Where sidewalks are not provided pedestrians shall at all times when walking on or along a street, walk on the left side of the street. (Code of Iowa, 1999, §321.326)

38.3 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, §321.331)

38.4 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, §321.328)

ARTICLE 9

PUBLIC MORALS

39.1 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, §725.1)

39.2 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, §725.2)

39.3 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, §725~3)

39.4 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 knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place. (Code of Iowa, 1999, 725.4)

39.5 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: (Code of Iowa, 1999, Sec 709.9)

1. Sexual Desire. The person does so to arouse or satisfy the sexual desires of either party; and
2. Offensive. The person knows or reasonably should know that his act is offensive to the viewer.

39.6 (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.

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

- A. "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.
- B. "Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
- C. "Minor" for the purpose of this ordinance only, means any unemancipated person under the age of sixteen (16) years.
- D. "Nonsecured custody" means custody in an unlocked multipurpose 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 law enforcement 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 adult 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 hours beyond the initial six-hour period.
- E. "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

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.

- F. "Responsible adult" means 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.
- G. "Unemancipated" means unmarried and/or still under the custody or control of a responsible adult.

39.6(2) CURFEW ESTABLISHED. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City during that part of each day as follows:

1. Commencing at 11:00 p.m. each Sunday, Monday, Tuesday, Wednesday, and Thursday and ending the following 5:00 a.m.
2. Commencing at 12:30 a.m. each Saturday and Sunday and ending the following 5:00 a.m.

39.6 (3) EXCEPTIONS The following are exceptions to the curfew:

- A. The minor is accompanied by a responsible adult.
- B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resided and adult responsible or the minor has given permission for the minor to be there.
- C. The minor is present at or is traveling between home and one of the following:
 1. Minor's place of employment is 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.
 2. Minor's place of religious activity or, if traveling, within one hour after the end of the religious activity;
 3. Governmental or political activity or, if traveling, within one hour after the end of the activity;
 4. Any local school activity, within one hour after the end of the activity, and any non-local school activity within one hour after allowing for a reasonable drive time to return to the City.
 5. 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 US 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.
- D. The minor is on an emergency errand for a responsible adult;
- E. The minor is engaged in interstate travel through the City beginning, ending or

passing through the City when such travel is by direct route.

- F. 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.

39.6(4) 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.

39.6(5) ENFORCEMENT PROCEDURES.

- A. 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 law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.
- B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself; 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 non-secured 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.
- C. 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.
- D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement 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.

39.6(6) PENALTIES.

- A. Responsible Adult's First Violation. In the case of the first violation by a minor, the law enforcement officer 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 again both the responsible adult and minor, with applicable penalties.

B. 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 provision of this section is guilty of a simple misdemeanor.

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

D. 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, with applicable penalties.

39A.1 GOLF CARTS AND UTILITY / ALL-TERRAIN VEHICLES. The purpose of this ordinance is to permit and regulate the operation of golf carts, utility vehicles and all-terrain vehicles on streets within the City of New Hampton.

39A.2 DEFINITIONS. For the use in this section, the following terms are defined.

1. "Golf Cart" means a four wheeled recreational vehicle generally used for the transportation of persons in the sport of golf.
2. "Utility Vehicle" means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of a bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
3. "All-Terrain vehicle" means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designated to be straddled by the operator and handlebars for steering control.
4. "Operate" means to ride in or on, other than as a passenger, use, or control the operation of a golf cart, a utility vehicle, or an all-terrain vehicle in any manner whether or not the golf cart, utility vehicle is moving.
5. "Operator" means a person who operates or is in actual physical control of a golf cart, utility vehicle or an all-terrain vehicle.
6. "Roadway" means that portion of a highway or street improved, designated, ordinarily used for vehicular travel.
7. "Street" or "Highway" means the entire width between the property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular travel.

39A.3 OPERATION ON STREETS. Except as provided hereafter, golf carts, utility vehicles and all-terrain vehicles may be operated on the streets of New Hampton Day or Night.

39A.4 REGULATIONS FOR USE.

1. Golf carts, utility vehicles and all-terrain vehicles that are operated on City streets shall be equipped with an OPERATIONAL headlight at all times, tail and brake light, horn and rear view mirror.
2. All operators of golf carts and utility vehicles and all-terrain vehicles on City streets shall have a valid driver's license and shall be at least 18 years of age.
3. All registered golf carts, utility vehicles and all-terrain vehicles shall carry VALID proof of insurance.
4. Operators and passengers are required to wear seat belts if the golf carts, utility vehicles or all-terrain vehicles were equipped with them from the original manufacturer. No more persons shall ride on the vehicle than it was designed to carry.
5. All general traffic regulations for motor vehicles apply to the operation of golf carts, utility vehicles and all-terrain vehicles.

39A.6 PENALTY. A person who violates this ordinance is guilty of a simple misdemeanor.

39A.7 MOTOR VEHICLES ON TRAILS. No one shall operate a motorcycle, utility vehicle, moped, snowmobile, golf cart, or motor vehicle of any kind on any recreational trail, except as may be necessary to cross a trail to gain access to private property and except as may be necessary to repair and maintain a recreational trail by persons who have City authorization to do so.