

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.2)

41.04 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.

No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

41.05 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider or fire fighter, 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. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 727.3)

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

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

41.08 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

41.09 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or other firearms of any kind within the City limits except by written consent of the Police Chief.
2. No person shall intentionally discharge a firearm in a reckless manner.

41.10 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles, BB guns or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Police Chief.

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

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

41.12 OPEN BURNING.

1. Prohibited. No person shall ignite, cause to be ignited, permit to be ignited, or allow or maintain any fire for the purpose of burning or consuming yard waste, refuse, garbage or other waste material, except for the following:

A. Recreational Fires. Fires for cooking, heating and recreation. All such fires must use only charcoal; clean, dry, untreated wood; natural gas; or propane. All such fires shall be within a non-combustible container device, structure or fire ring designed for the purpose of containing a fire. Provided, however, such burning shall be within the limits for emission of visible air contaminants established by the State of Iowa, and provided further that such burning is attended to by an adult person.

B. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of a community disaster period in cases where an officially declared emergency exists.

C. Training Fires. Fires set and used for the purpose of bona fide instruction and training of public institutional or industrial employees in the methods of fire fighting, providing that such burning is conducted in compliance with applicable State regulations.

D. Incinerators. Incinerators operated by permit issued by the Iowa Department of Natural Resources, when operated in accordance with the permit.

E. Open Burning by Permit. Such open burning activities for which an open burning permit has been requested from and issued by the Director of Public Works. Open burning activities for which a permit may be issued include: ceremonial fires for

groups or organizations; prescribed landscape fires for the maintenance of native prairie grasses and agricultural areas; operation of a commercially manufactured incinerator for which a permit issued by the Iowa Department of Natural Resources is not required and which is located in a nonresidential zoning district; and such other open burning activities as are deemed necessary and appropriate and authorized by the Council.

2. Open Burning Permits. Any person who desires to accomplish open burning in the City pursuant to the provisions of paragraph E of subsection 1 above may submit an application for approval of an open burning permit. No application fee is required. Upon receipt of such an application, the Director of Public Works shall request that the Fire Chief of the Spirit Lake Community Fire Department investigate the application and shall, upon recommendation of the Fire Chief, determine whether the permit should be denied or granted, and if granted, under what conditions or limitations, and submit to the Council if required. In approval of an open burning permit, the Fire Chief or Council shall consider potential damage to property or persons, potential adverse effects of smoke and other products of combustion, alternative disposal methods available and the relative costs of alternative disposal methods.

3. Authority of Public Officers. The Fire Chief and City police officers may require that any open burning activity in the City be immediately discontinued if any such officer determines the activity to be in violation of the provisions of this section.

41.13 SMOKING PROHIBITED. It is unlawful for any person to smoke upon the facilities such as parks, playgrounds and other recreational facilities of the City located between Erie Avenue and Hill Avenue and 23rd Street and 28th Street if notice is posted on the facility. *(Ord. 01-05 – Oct. 07 Supp.)*

41.14 OUTDOOR WOOD-FIRED HEATING SYSTEMS.

1. Purpose. It is the purpose of this section to regulate the construction and operation of outdoor wood-fired heating systems (hereinafter defined) in the City for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the City and its inhabitants. It is recognized that the types of fuel used and the scale and duration of the unregulated burning by such systems can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that can be detrimental to citizens health and can deprive neighboring residents of the enjoyment of their property or premises.

2. Definitions.
 - A. “Allowable fuels” means:
 - (1) Clean wood;
 - (2) Wood pellets made from clean wood; and
 - (3) Manufacturer approved fuels (e.g. biomass), provided they are not prohibited fuels.
 - B. “Clean wood” means wood that has been cut and allowed to dry for at least nine months; and has not been painted, stained, coated, pressure treated with preservatives; and does not contain glues as in plywood or other composite woods.
 - C. “Outdoor wood boiler” (also referred to as hydronic heaters) means any device or structure that:
 - (1) Is designed, intended or used to provide heat and/or hot water to any residence or other structure;
 - (2) Operates by the burning of wood or any other allowable fuel; and
 - (3) Is not located within a residence or other structure it is intended to heat.
 - D. “Outdoor wood-fired forced air heating system” means any device or structure that:
 - (1) Is designed, intended, or used to provide heat to any residence or other structure by means of forced air heat exchange;
 - (2) Operates by the burning of wood or any other allowable fuel; and
 - (3) Is not located within the residence or other structure it is intended to heat.
 - E. “Outdoor wood-fired heating system” shall refer to any outdoor wood boiler or any outdoor wood-fired forced air heating system.
 - F. “Prohibited fuels” means:
 - (1) Any wood other than Clean Wood.
 - (2) Garbage
 - (3) Tires
 - (4) Lawn clippings or yard waste

- (5) Materials containing plastic
- (6) Materials containing rubber
- (7) Waste petroleum products
- (8) Paints and paint thinners
- (9) Chemicals
- (10) Glossy or colored papers
- (11) Construction or demolition debris
- (12) Plywood
- (13) Particle board
- (14) Manure
- (15) Animal carcasses
- (16) Asphalt products
- (17) Materials containing asbestos
- (18) Materials containing lead, mercury, or other heavy toxic metals
- (19) Coal

3. Prohibition. It shall be unlawful to install or to operate a non-compliant outdoor wood-fired heating system and to cause or permit the installation of such heating systems within the City after the effective date of the ordinance. No person shall burn any of the prohibited fuels in an outdoor wood-fired heating system, regardless of EPA or emission qualifications.

4. Existing Uses. This section shall not be deemed as specific authorization for the use of any pre-existing outdoor wood-fired heating system and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage to nuisance caused by the use of an outdoor wood-fired heating system.

5. Permitted Uses.

A. Outdoor wood-fired heating system located on property that is zoned A-1 Agriculture and C-2 Highway Commercial:

(1) The owner shall not operate the outdoor wood-fired heating system during the period starting May 15 and ending September 15.

(2) The outdoor wood-fired heater shall have a permanent stack that extends two feet higher than the peak

of any roof structure that is located within 300 feet of the residential heater not served by the residential heater but no less than 15 feet above ground level and need be no greater than 25 feet above ground level.

B. Outdoor wood-fired heating system located on property that is in an I-1 or I-2 zoning district:

(1) The owner shall not operate the outdoor wood-fired heater during the period starting May 15 and ending September 15.

(2) If the outdoor wood-fired heater is within 500 feet of an occupied structure not served by the heater, the heater shall have a permanent stack that extends 25 feet above ground level.

C. Storage of fuels related to outdoor wood-fired heating systems shall have solid screening from adjacent properties and be kept free of any noxious insects or rodents.

D. All outdoor wood-fired heating systems shall be installed, operated and maintained in accordance with the manufacturer's specification and instructions.

E. In addition to meeting applicable regulations of the City, County, or State, outdoor wood-fired heating systems shall be subject to a Conditional Use Permit to ensure proper placement on a property and proper notification of adjacent property owners.

(Ord. 9-2012 – Apr. 16 Supp.)

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