

## CHAPTER 40

### PUBLIC PEACE

40.01 Assault  
40.02 Harrassment  
40.03 Disorderly Conduct

40.04 Unlawful Assembly  
40.05 Failure to Disperse  
40.06 Keeping Of a Disorderly House

**40.01 ASSAULT.** No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.  
(Code of Iowa, Sec. 708.1[1])
2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.  
(Code of Iowa, Sec. 708.1[2])

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonable necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

**40.02 HARASSMENT.** No person shall commit harassment.

1. A person commits harassment, when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:
  - A. Communicates with another by telephone, telegraph, or writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.  
(Code of Iowa, Sec. 708.7)
  - B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.  
(Code of Iowa, Sec. 708.7)
  - C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.  
(Code of Iowa, Sec. 708.7)
  - D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the

information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7)

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

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

1. **Fighting.** Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonable related to that sport.  
(Code of Iowa, Sec. 723.4[2])
2. **Noise.** Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.  
(Code of Iowa, Sec. 723.4[2])
3. **Abusive Language.** Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.  
(Code of Iowa, Sec. 723.4[3])
4. **Disrupt Lawful Assembly.** Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.  
(Code of Iowa, Sec. 723.4[4])
5. **False Report of Catastrophe.** By works or action, or insufficient maintenance of the alarm system, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.  
(Code of Iowa, Sec. 723.4[5])
  - A. For the first violation of this section, the Police Department or Fire Chief shall issue the violating person and the landlord or owner of the premises a written warning.
  - B. When a second violation occurs at the same premises within 90 days, the Police Department or Fire Chief shall issue a written warning to any new violating person, and the Police Department or Fire Chief shall issue a municipal infraction citation to any repeat offenders. Also, the Police Department or Fire Chief shall send a written notification to any landlord or owner of the premises informing the landlord or owner of the second violation, and including a warning that a third violation within 180 days will result in a municipal infraction citation being issued to the landlord or owner of the premises.
  - C. If a third violation occurs at the same premises within 180 days, the Police Department or Fire Chief shall issue a municipal infraction citation to the landlord or owner of the premises. The Police Department may also issue

warnings or citations to a violating person, the same as in the case of a second offence.

D. For each such false report of catastrophe the violating person and the landlord or owner shall be jointly and severally liable for the costs as billed by the Fire Department as a nuisance.

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

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

A. "Deface" means to intentionally mar the external appearance.

B. "Defile" means to intentionally make physically unclean.

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

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

E. "Show disrespect" means to deface, defile, mutilate, or trample.

F. "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

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

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

8. **Funeral or Memorial Service.** Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

A. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

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

C. Disturb or disrupt the funeral, memorial service, funeral procession or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession or burial.

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

**40.04 FAILURE TO DISPERSE.** A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

**40.05 KEEPING OF A DISORDERLY HOUSE.** No person shall permit or allow to continue, without taking legal steps to prevent the same, any quarreling, fighting, or loud or disagreeable noises to the disturbance of the neighborhood or general public upon any premises owned by the person or in the person's possession. For the first violation of this section, the Police Department shall issue the violating person or persons a written warning. When a second violation occurs at the same premises within 180 days, the Police Department shall issue a written warning to any new violating person, and the Police Department shall issue a municipal infraction citation to any repeat offenders. Also, the Police Department shall send a written notification to any landlord or owner of the premises informing the landlord or owner of the second violation, and including a warning that a third violation within 365 days will result in a municipal infraction citation being issued to the landlord or owner of the premises. If a third violation occurs at the same premises within 365 days, the Police Department shall issue a municipal infraction citation to the landlord or owner of the premises. The Police Department may also issue warnings or citations to a violating person, the same as in the case of a second offense.