

ORDINANCE NO. 2370

AN ORDINANCE AMENDING CHAPTER 9: PUBLIC PEACE, MORALS AND SAFETY, AS AMENDED

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA:

The purpose of this Ordinance is to add definitions and outline the regulations in Fort Dodge Municipal Code Chapter 9.04 – Crimes against Public Peace. This ordinance repeals and replaces 9.04.060 – Vagrants – Evidence of reputation.

9.04.060 – PROHIBITED PUBLIC ACTS:

DEFINITIONS:

For the purposes of this chapter, the words used in this section shall have the following meanings:

- (a) “Abandoned Property” – Property that has been left behind by an owner through neglect or intentional relinquishment of its control.

- (b) “Aggressive Solicitation” – The act of making repetitive, unwanted solicitation requests, despite refusals from pedestrian or vehicular traffic, and is in such a manner that a reasonable person would perceive their presence or requests to be alarming, intimidating, disturbing or a threat to the public peace.

- (c) “Interference” (Pedestrian/Vehicular) – The act of interrupting or slowing the normal flow of pedestrian or vehicular traffic in a public right-of-way, for the purpose of solicitation.

- (d) “Loitering” – The act of intentionally standing, sitting, or lying at length in the public right-of-way with no apparent or articulable purpose.

- (e) “Nuisance Property” – For the purposes of this section, nuisance property shall include garbage, junk, or otherwise devoid of all monetary value.

- (f) “Obstruction” – The act of standing, loafing, sleeping anywhere that hinders the public right of way, passage, or entryway, or deters the public from using such right of way.

- (g) “Public Amenity” – Property, which is owned and maintained by the City, and is also accessible by members of the public for limited use. This includes but is not limited to things such as: buildings, structures, benches, tables, trash receptacles, public art, bandshell, parks and equipment, bike racks, water spigot, kiosk, posting pillar, pergola, gazebo, or other temporary shade/shelter structures.

- (h) “Public Camping” – The act of setting up and occupying a makeshift living space within the city, in an area that is not specifically designed, designated, or approved by the city for such purposes.

- (i) "Public Urination/Defecation" – The past or present act of urinating/defecating on or within clear view of public property, businesses, store fronts, parks, roads, alleyways, or a public right-of-way.
- (j) "Rummaging" – The act of foraging through the belongings or property of another in search of resources or items.
- (k) "Shopping Cart" – A basket which is mounted on wheels, or similar device, used for the transport of goods of any kind.
- (l) "Store" or "Stored" – To place, park, set, display, or locate an item(s) of property for a period of time.
- (m) "Unattended Property" – Property that is not currently within eyesight, easy reach, or control of the owner.
- (n) "Unauthorized Residence" – To occupy, shelter or dwell in any abandoned or unmonitored space without the expressed knowledge and consent of the property owner.
- (o) "Vehicle Habitation" – To shelter or dwell within a motor vehicle that is not designed for prolonged habitation.

09.04.061 - LOITERING & OBSTRUCTING:

With the exception of persons who are authorized to use the public right-of-way as defined in chapter 16.08.190 "*Right of Way*", of this Code, no person shall:

1. Congregate, stand, loaf, or loiter upon any street, alley, sidewalk, bridge, trail or crossing so as to obstruct the street, alley, sidewalk, bridge, trail or crossing or hinder or prevent persons passing or attempting or desiring to pass thereon. A violation under this subsection can be proven regardless of whether a person or vehicle is actually hindered or prevented from passing.
2. Congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct such place or hinder or prevent persons walking along or into or out of such place or attempting or desiring to do so. A violation under this subsection can be proven regardless of whether a person is actually hindered or prevented from passing.

09.04.062 – INTERFERENCE & AGGRESSIVE SOLICITATION

It shall be unlawful for any person to publicly solicit within the city limits, in a manner that creates interference with pedestrian or vehicular traffic, or qualifies as aggressive solicitation, as defined by this section.

09.04.063 – USAGE OF PUBLIC AMENITIES

Access to public amenities provided for by the City shall only be used for their designed and intended purposes. It shall be unlawful for any individual or group to utilize, occupy, benefit from, or take advantage of any public amenity beyond its limited intended usage. It shall be unlawful to intentionally modify or damage any City owned public amenity.

09.04.064 – HABITATION RESTRICTIONS

1. It shall be unlawful to occupy or take up unauthorized residence in any abandoned or unmonitored space, without the expressed knowledge and consent of the property owner.
2. The act of public camping shall be unlawful in any area that is not specifically designed, designated, or approved by the city for such purposes.
3. Vehicular habitation within the City limits shall be limited to the following requirements:
 - a. The vehicle must be currently registered.
 - b. The vehicle must be in proper working condition.
 - c. The vehicle must comply with all other City ordinances.

09.04.065 – PERSONAL PROPERTY & PUBLIC STORAGE

Unless otherwise approved by the City, the storage of personal belongings on public property or in the public right-of-way shall be subject to the following guidelines:

1. Abandoned property may be seized and disposed of by the City at any time.
2. Nuisance property that also qualifies as unattended property may be seized and disposed of by the City at any time.
3. Unattended property that has a monetary value may be seized and brought to any City “lost and found” facility.
4. Shopping carts shall not be stored or used on public streets, alleyways, property, or public right-of-way.

09.04.066 – PUBLIC URINATION / DEFECATION

No person may engage in public urination, defecation or other actions that create a sanitary hazard.

09.04.067 – RUMMAGING

1. No person may engage in the act of rummaging on private property, without owners’ consent.
2. No person may engage in the act of rummaging on City owned property, without expressed permission from the City.
3. No person may engage in the act of rummaging through dumpsters or storage containers that are owned or rented by owners of a business, without consent from the business.

09.04.068 – PENALTY

Any person violating the provisions of this ordinance shall be guilty of a municipal infraction and subject to fines and penalties set forth in Chapter 1.20.020 (1) – Penalty of the Fort Dodge Municipal Code.

REPEALER.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SEVERABILITY CLAUSE.

If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

EFFECTIVE DATE.

This Ordinance shall be in full force and effect following passage, approval and publication as by law provided.

The above Ordinance passed and adopted by the City Council of the City of Fort Dodge, Iowa, this 8th day of May 2023.

Passed on first consideration by the City Council of the City of Fort Dodge, Iowa this 10th day of April, 2023.

AYE: Flattery, Nelson, Secor, McCaleb, Alstott, Moehnke and Schuur

NAY: None

OTHER: None

Passed on second consideration by the City Council of the City of Fort Dodge, Iowa this 24th day of April, 2023.

AYE: Flattery, Nelson, Secor, McCaleb, Alstott, Moehnke and Schuur

NAY: None

OTHER: None

Passed on third consideration by the City Council of the City of Fort Dodge, Iowa this 8th day of May, 2023.

Ayes: Nelson, Secor, McCaleb, Alstott, and Schuur

Nays: None

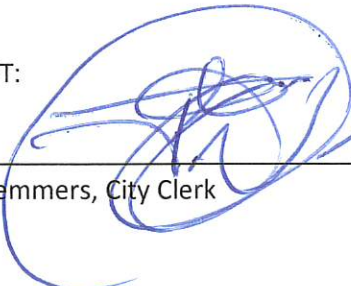
Other: Absent: Flattery and Moehnke

City of Fort Dodge, Iowa



Matt Bemrich, Mayor

ATTEST:



Jeff Nemmers, City Clerk