



Agenda

Public Safety Committee

Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa

5:30 PM

September 14, 2026

Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Matt Weber

Council Members: Tony Cannon, Anthony Ricchio, Lynda Payne, Jason Gearhart, Renee Cantrell

Pledge of Allegiance

Discussions

- [1.](#) Consideration of a motion to review the proposed curfew ordinance.
- [2.](#) Consideration of a motion to review the proposed scooter ordinance.

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



**OELWEIN POLICE DEPARTMENT
CITY OF OELWEIN, IOWA
MEMORANDUM**

TO: City Administrator Dylan Mulfinger

DATE: August 3, 2026

FROM: Jeremy P. Logan, Chief of Police

SUBJECT: Proposal for Juvenile Curfew Ordinance

The proposed juvenile curfew ordinance is intended to provide the City of Oelwein with a reasonable and preventive means of addressing unsupervised minors who remain in public places during limited late-night and early-morning hours.

The ordinance is not designed to criminalize ordinary juvenile behavior or authorize officers to detain young people simply because they are outside after dark. Its purpose is to protect minors from victimization and unsafe circumstances, promote reasonable parental supervision, reduce opportunities for late-night unlawful activity, and give officers a clear process for determining whether a minor needs assistance, transportation, parental contact, or enforcement action.

Late-night juvenile contacts may involve more than misconduct. Officers may encounter missing or runaway children, minors experiencing abuse or neglect, young people without safe transportation, or juveniles at an increased risk of becoming victims or participants in unlawful activity. A carefully drafted curfew ordinance provides a lawful framework for assessing those circumstances and arranging an appropriate and safe response.

LEGAL AUTHORITY AND SAFEGUARDS

Iowa law grants cities broad home-rule authority to enact ordinances protecting public peace, safety, health, and welfare. Iowa law also expressly recognizes municipal juvenile curfew ordinances and provides that violations are prosecuted as simple misdemeanors outside the delinquency jurisdiction of juvenile court.

The proposed ordinance has been drafted to comply with applicable Iowa law, including the citation and limited-custody requirements of Iowa Code section 805.16. When formal enforcement is appropriate, officers will generally issue a citation rather than make a custodial arrest. Any custody



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based solely upon the curfew offense is limited to circumstances authorized by state law and must be nonsecure.

The ordinance also addresses the constitutional concerns identified by the Iowa Supreme Court in prior juvenile-curfew litigation. It contains specific protections for employment, school and community activities, religious and political activity, peaceful assembly, interstate and intrastate travel, emergencies, parental errands, military and public-service programs, and circumstances involving homelessness, abuse, neglect, delayed transportation, severe weather, or other conditions outside the minor's control.

The ordinance therefore does not impose a blanket prohibition against minors being outside at night. It is narrowly written to restrict only conduct that falls outside legitimate, protected, or necessary activities.

AGE-APPROPRIATE HOURS

The proposed curfew hours recognize differences between younger and older juveniles.

Minors aged 15 and younger would be subject to curfew beginning at 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. Minors aged 16 and 17 would be subject to curfew beginning at midnight every day. All curfew periods would end at 5:00 a.m.

This structure acknowledges that older juveniles are more likely to drive, work evening shifts, attend school activities, and participate in legitimate community functions later in the evening. At the same time, it preserves the City's ability to address minors who remain unnecessarily in public places during the overnight hours.

ENFORCEMENT APPROACH

The ordinance is designed to encourage voluntary compliance before punishment.

For a first known violation within a 12-month period, the normal response would be an explanation of the ordinance, a written warning, an effort to notify the parent or legal guardian, and a safe disposition of the minor. Citations would ordinarily be reserved for subsequent violations or circumstances



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involving refusal to comply with lawful direction, false identifying information, repeated conduct, return after warning, or separate unlawful activity.

Before issuing a citation, an officer must reasonably inquire into the minor's age, reason for being present, destination, intended route, and whether an exception applies. An officer must have probable cause to believe the ordinance was violated and that no exception is reasonably apparent or supported by the information available.

This warning-first approach gives officers discretion while making clear that the ordinance is intended primarily as a preventive and protective tool rather than a high-volume enforcement mechanism.

PARENTAL RESPONSIBILITY

The proposed ordinance also recognizes that responsibility for juvenile conduct does not rest solely with law enforcement.

Parents, legal guardians, and lawful custodians have the primary responsibility to establish reasonable limits and take appropriate steps to prevent repeated curfew violations. The ordinance therefore includes a separate parental-responsibility provision.

Parental liability is not automatic. A juvenile violation, standing alone, does not establish that a parent failed to exercise reasonable supervision. Liability may arise only after written notice of a prior violation and only when the City proves that the parent or lawful custodian had authority and a reasonable ability to supervise the minor, knowingly permitted or failed to take reasonable measures to prevent a subsequent violation and caused or materially contributed to that violation.

The ordinance also protects parents whose children leave without permission, disregard reasonable rules, or violate curfew despite reasonable supervision and efforts to obtain assistance.

FAIR AND ACCOUNTABLE ENFORCEMENT

The ordinance requires fair, impartial, and constitutional enforcement. Enforcement may not be based upon race, ethnicity, religion, sex, disability, housing status, socioeconomic status, manner of dress, perceived group membership, or the exercise of constitutional rights.



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The Police Department will maintain records concerning curfew contacts, warnings, citations, asserted exceptions, and dispositions. Periodic reports to the City Council will use aggregated or de-identified information. This will allow the Council to evaluate whether the ordinance remains necessary, whether it is being applied consistently, and whether future amendments are appropriate.

RECOMMENDATION

The proposed ordinance provides Oelwein with a balanced and legally structured tool to address legitimate late-night juvenile safety concerns.

It establishes reasonable age-based hours, protects lawful and constitutionally protected activities, requires officer inquiry and probable cause, favors warnings over citations, limits custody in accordance with Iowa law, and prevents automatic parental liability.

Passage of the ordinance is recommended because it promotes juvenile safety, reinforces reasonable parental responsibility, provides clear expectations for the community, and gives officers a measured means of intervening before late-night situations escalate into more serious safety or criminal concerns.

ORDINANCE NO. _____

AN ORDINANCE ADDING SECTION 23-____ TO CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF OELWEIN, IOWA, ESTABLISHING A JUVENILE CURFEW

SECTION 1. NEW SECTION ADOPTED.

Chapter 23 of the Code of Ordinances of the City of Oelwein, Iowa, is amended by adding the following new section:

SEC. 23-____. JUVENILE CURFEW.

1. PURPOSE AND CONSTRUCTION.

A. The purposes of this section are to:

- (1) Protect minors from victimization, exploitation, injury, and other dangers associated with being unsupervised in public places during late-night and early-morning hours;
- (2) Promote reasonable parental supervision of minors;
- (3) Reduce opportunities for minors to become involved in criminal activity, property damage, disturbances, and other unlawful conduct;
- (4) Provide law enforcement officers with a reasonable means of addressing circumstances in which minors are unsupervised in public places during limited nighttime hours; and
- (5) Protect the constitutional and legal rights of minors, parents, guardians, and other persons.

B. This section shall be narrowly construed. It does not prohibit lawful employment, education, religious exercise, political or expressive activity, interstate or intrastate travel, family activity, emergency activity, or other conduct expressly exempted under this section.

C. A minor's presence in a public place during curfew hours does not, by itself, conclusively establish a violation. Before issuing a citation, a law enforcement officer shall make a reasonable inquiry into the minor's age, circumstances, reason for being present, destination, and whether an exception applies.

2. DEFINITIONS.

For purposes of this section:

A. "Curfew hours" means the following periods:

- (1) For a minor who is 15 years of age or younger:
 - (a) From 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. the following day; and
 - (b) From 11:00 p.m. on Friday or Saturday until 5:00 a.m. the following day.
- (2) For a minor who is 16 or 17 years of age: From 12:00 midnight until 5:00 a.m. every day of the week.
- (3) The applicable curfew period shall be determined by the minor's age at the time of the alleged violation and by the day on which the curfew period begins.

B. "Emergency" means an unforeseen combination of circumstances or a resulting condition that requires immediate action to prevent or address:

- (1) Serious bodily injury or loss of life;
- (2) Significant property damage;
- (3) A fire, natural disaster, severe weather event, or hazardous condition;
- (4) A medical emergency;
- (5) A motor vehicle collision; or

(6) Another comparable urgent condition requiring immediate assistance or action.

C. "Establishment" means a privately owned place of business to which the public is invited, including any parking lot, common area, or other premises under the control of the establishment.

D. "Guardian" means:

- (1) A person appointed by a court to have the care and custody of a minor;
- (2) A person who has assumed responsibility for the care and supervision of a minor with the consent of the minor's parent, legal guardian, or lawful custodian; or
- (3) A responsible adult who is at least 21 years of age and has been authorized by the minor's parent or legal guardian to accompany or supervise the minor.

E. "Minor" means an unemancipated person under 18 years of age.

F. "Parent" means a biological or adoptive parent, legal guardian, lawful custodian, or other person having legal care, custody, or control of a minor.

G. "Public place" means a place within the corporate limits of the City of Oelwein to which the public or a substantial group of the public has access, including:

- (1) A street, highway, sidewalk, alley, or public right-of-way;
- (2) A park, playground, trail, or other public recreational area;
- (3) A public building or facility;
- (4) A school property or common area when accessible to the public;
- (5) A parking lot or parking area;
- (6) A transportation facility; and
- (7) The common area or premises of an establishment.

"Public place" does not include the interior of a private residence or privately owned property where the minor is present with the consent of the owner, lawful occupant, or person authorized to grant permission.

H. "Remain" means to linger, stay, congregate, or continue to be present in a public place.

"Remain" does not include:

- (1) Brief or incidental presence;
- (2) Passage through a public place while traveling directly to an authorized destination;
- (3) Presence caused by circumstances outside the minor's reasonable control; or
- (4) Presence while engaged in conduct exempted under Subsection 4.

3. PROHIBITED CONDUCT.

Except as provided in Subsection 4, a minor commits a violation of this section when the minor knowingly remains in a public place within the City during the curfew hours applicable to the minor's age.

The City must prove beyond a reasonable doubt that:

- A. The person was a minor;
- B. The minor knowingly remained in a public place;
- C. The conduct occurred during the curfew hours applicable to the minor.

The applicability of an exception under Subsection 4 shall be determined in accordance with Subsection 5.

4. EXCEPTIONS.

A minor does not violate this section when the minor is:

- A. Accompanied by the minor's parent or guardian;
- B. Engaged in lawful employment or traveling directly to or from lawful employment without unnecessary delay;

C. Engaged in or traveling directly to or from a lawful school, educational, athletic, recreational, cultural, civic, charitable, religious, governmental, or community activity supervised by one or more adults, without unnecessary delay;

D. Actually engaged in, or traveling directly and without unnecessary delay to or from, an identifiable and bona fide religious, political, governmental, expressive, petitioning, or peaceful assembly activity protected by the United States Constitution or the Iowa Constitution.

The minor's mere possession, display, or production of a sign, pamphlet, symbol, clothing, electronic content, or other expressive material after being contacted by a law enforcement officer does not, standing alone, establish that this exception applies.

In determining whether this exception applies, the officer may consider the totality of the circumstances, including:

- (1) The nature, location, timing, duration, and stated purpose of the activity;
- (2) Whether other persons were involved or reasonably expected to be involved;
- (3) Whether the activity existed or was planned before the officer's contact with the minor;
- (4) Whether the minor's conduct and travel were reasonably related to the claimed protected activity; and
- (5) Any other objective facts reasonably bearing upon whether the minor was actually engaged in, or traveling to or from, the claimed protected activity.

No single factor listed in this paragraph is controlling, and an activity is not required to be sponsored, approved, or organized by a governmental entity or formally recognized organization in order to qualify for this exception;

E. On a specific errand or undertaking at the direction of the minor's parent or guardian, while traveling directly and without unnecessary delay to, from, or in the performance of the errand or undertaking. The authorization must identify, expressly or by reasonable implication, the purpose, destination, and approximate time involved;

F. Acting in response to an emergency or traveling to obtain emergency medical care, police assistance, fire assistance, or other emergency services;

G. Traveling through the City by a direct and reasonable route while engaged in interstate or intrastate travel;

H. Riding in or operating a motor vehicle while traveling directly and without unnecessary delay to or from an activity, destination, or purpose otherwise exempted under this subsection. The mere operation of or presence in a motor vehicle does not, standing alone, constitute an exception to this section;

I. On the sidewalk, yard, driveway, porch, or other area immediately adjoining:

- (1) The minor's residence; or
- (2) The residence of a next-door neighbor, with the consent of the neighbor;

J. Attending or traveling directly to or from an official activity of:

- (1) The United States Armed Forces or National Guard;
- (2) A law enforcement explorer or cadet program;
- (3) A fire department or emergency medical services cadet program; or
- (4) Another government-sponsored training or public-service program;

K. Experiencing homelessness, displacement, abuse, neglect, abandonment, or another circumstance making it unsafe or impracticable to return to the minor's residence, and the minor is traveling to or from a shelter, safe location, public facility, service provider, school, employment, or other appropriate destination;

L. Prevented from reaching the minor's residence or destination by circumstances outside the minor's reasonable control, including:

- (1) A delayed or unavailable ride;

- (2) A motor vehicle breakdown;
- (3) Severe weather;
- (4) A road closure;
- (5) An interruption or delay in public transportation; or
- (6) A comparable unforeseen circumstance;

M. Seeking assistance for the minor or another person from a law enforcement officer, firefighter, emergency medical provider, medical facility, shelter, service provider, responsible adult, or other appropriate source of assistance.

5. EXCEPTIONS; BURDEN OF PRODUCTION AND PROOF.

- A. The exceptions listed in Subsection 4 are affirmative defenses to prosecution under this section and are not elements of the offense.
- B. The City is not required to negate an exception unless substantial evidence is produced from any source supporting a finding that the exception applies.
- C. Once substantial evidence supporting an exception has been produced, the City bears the burden of proving beyond a reasonable doubt that the exception does not apply.
- D. A minor is not required to carry written proof of parental permission, employment, participation in an activity, or another exception.
- E. The inability to immediately contact a parent, guardian, employer, activity supervisor, or other person does not, by itself, establish that an exception is inapplicable.

6. OFFICER INQUIRY.

- A. Before issuing a citation under this section, a law enforcement officer shall reasonably inquire into the circumstances of the minor's presence in the public place.
- B. The inquiry should ordinarily include:
 - (1) The minor's name and age;
 - (2) The minor's home address;
 - (3) The identity and available contact information of the minor's parent or guardian;
 - (4) The minor's reason for being in the public place;
 - (5) The minor's destination and intended route; and
 - (6) Whether an exception under Subsection 4 applies.
- C. An officer may request reasonable verification of information provided by the minor. Verification may include contacting a parent, guardian, employer, activity supervisor, property owner, responsible adult, or other person reasonably believed to have relevant knowledge.
- D. An officer shall not issue a citation unless the officer has probable cause to believe that:
 - (1) The person is a minor;
 - (2) The minor knowingly remained in a public place during the curfew hours applicable to the minor; and
 - (3) Based upon the officer's reasonable inquiry and the information then available, no exception under Subsection 4 was reasonably apparent or supported.
- E. The absence of identification, written parental authorization, employment documentation, or immediate telephone verification does not independently establish probable cause for a violation.
- F. Nothing in this section authorizes a detention or search that would otherwise violate the United States Constitution, the Iowa Constitution, or applicable law.

7. ENFORCEMENT PROCEDURE.

A. Whenever reasonably practicable, an officer encountering a minor who appears to be in violation of this section shall first seek voluntary compliance by:

- (1) Explaining the curfew requirements;
- (2) Determining whether an exception applies;
- (3) Directing the minor to return to the minor's residence or proceed to another lawful destination; and
- (4) Attempting to notify the minor's parent or guardian.

B. An officer may transport or arrange transportation for the minor to:

- (1) The minor's residence;
- (2) A parent or guardian;
- (3) A responsible adult authorized to receive the minor;
- (4) An appropriate shelter, service provider, or safe location; or
- (5) Another location authorized by law.

C. Transportation of a minor under this subsection shall be conducted in a manner reasonably intended to protect the safety and welfare of the minor.

D. CITATION IN LIEU OF ARREST; LIMITED NONSECURE CUSTODY.

(1) A law enforcement officer shall issue a police citation or uniform citation and complaint, in lieu of making a warrantless arrest, to a minor accused of violating this section, as required by Iowa Code section 805.16.

(2) A minor shall not be arrested solely for a violation of this section unless the minor:

- (a) Refuses to sign the citation without qualification;
- (b) Persists in engaging in the conduct for which the citation was issued;
- (c) Refuses to provide proper identification or to identify the minor; or
- (d) Constitutes an immediate threat to the minor's own safety or the safety of the public.

(3) An arrest authorized under this subsection shall be limited to the purposes and conditions permitted by Iowa Code section 805.16. The minor shall be held only in nonsecure custody and shall not be detained or confined in a facility regulated under Iowa Code chapter 356 or 356A.

(4) "Nonsecure custody" shall have the meaning provided in Iowa Code section 805.16 and shall include all applicable requirements concerning the location, physical security, supervision, purpose, and duration of custody.

(5) Nothing in this subsection prohibits:

- (a) The execution of a valid arrest warrant;
- (b) An arrest or other lawful custody based upon a separate offense;
- (c) Protective action authorized by law because the minor is missing, endangered, abused, neglected, abandoned, or otherwise in need of immediate assistance; or

(d) Voluntary transportation or other lawful arrangements intended to return the minor to a parent, guardian, responsible adult, residence, shelter, service provider, or other safe location.

E. Nothing in this section limits an officer's authority to investigate or take appropriate action concerning:

- (1) A separate criminal offense or delinquent act;
- (2) A missing-person report;
- (3) Suspected child abuse, neglect, abandonment, or exploitation;
- (4) A court order;
- (5) A runaway or endangered juvenile;
- (6) A mental-health or medical emergency; or

(7) An immediate threat to public safety.

8. WARNING AND CITATION PROCEDURES.

A. First Violation.

Except as provided in Paragraph C, a minor's first known violation within a 12-month period shall ordinarily result in:

- (1) A verbal or written explanation of the curfew ordinance;
- (2) A written warning;
- (3) A reasonable effort to notify the minor's parent or guardian; and
- (4) A safe disposition of the minor.

B. Subsequent Violation.

A citation may be issued when a minor commits a subsequent violation after receiving a written warning within the preceding 12 months.

C. Citation Without Prior Warning.

An officer may issue a citation without a prior written warning when:

- (1) The minor refuses to comply with a lawful direction reasonably related to enforcement of this section;
- (2) The minor knowingly provides materially false identifying information;
- (3) The violation occurs in connection with separate unlawful conduct;
- (4) The minor leaves after receiving a lawful warning or direction and knowingly returns to a public place during the same curfew period without a lawful reason; or
- (5) The officer reasonably determines, based upon documented prior contacts, that a warning would be ineffective because of repeated substantially similar conduct.

D. Nothing in this subsection requires an officer to issue a citation. Officers retain discretion to use a warning, referral, transportation, parental notification, or another lawful and reasonable disposition.

E. Nothing in this subsection requires the filing of a charge when an officer determines that a warning or other lawful disposition is appropriate. When a minor is formally accused or charged with violating this section, the citation and custody procedures of Iowa Code section 805.16 shall apply.

9. PARENTAL NOTIFICATION.

A. When a minor receives a warning or citation under this section, the Police Department shall make a reasonable effort to notify the minor's parent or guardian.

B. Notification may be made:

- (1) In person;
- (2) By telephone;
- (3) Electronically;
- (4) By mail; or
- (5) By another reasonable method.

C. Notice should include:

- (1) The date, time, and general location of the contact;
- (2) The nature of the curfew requirement;
- (3) Whether the minor received a warning or citation; and
- (4) Information concerning any available diversion, educational, or community-service option.

D. A parent or guardian does not incur automatic criminal or civil liability solely because a minor violated this section.

E. Conduct by a parent or guardian that independently violates another provision of law may be investigated or prosecuted under that law.

10. PARENTAL RESPONSIBILITY.

A. After receiving written notice of a minor's prior violation of this section, a parent, legal guardian, or lawful custodian shall not knowingly permit, encourage, assist, or, when reasonably able to do so, fail to take reasonable measures to prevent a subsequent violation by the minor.

B. A parent, legal guardian, or lawful custodian commits a municipal infraction only when the City proves by clear, satisfactory, and convincing evidence that:

- (1) The parent, legal guardian, or lawful custodian had actual notice of the minor's prior curfew violation;
- (2) The parent, legal guardian, or lawful custodian had the legal authority and reasonable ability, under the circumstances, to supervise or control the minor;
- (3) The parent, legal guardian, or lawful custodian knowingly permitted the violation or failed to take reasonable measures to prevent a subsequent violation; and
- (4) The act or failure to act by the parent, legal guardian, or lawful custodian caused or materially contributed to the subsequent violation.

C. A minor's violation of this section, standing alone, does not establish or create a presumption that a parent, legal guardian, or lawful custodian failed to exercise reasonable supervision or control.

D. In determining whether a parent, legal guardian, or lawful custodian exercised reasonable supervision and control, the court may consider all relevant circumstances, including whether that person:

- (1) Clearly directed the minor to comply with the curfew;
- (2) Made reasonable efforts to determine the minor's location and require the minor to return home;
- (3) Arranged reasonable supervision when personally unavailable;
- (4) Reported the minor as missing or as a runaway when appropriate;
- (5) Sought assistance from law enforcement, juvenile court services, school personnel, counseling providers, or other appropriate agencies;
- (6) Was unable to control the minor because of circumstances beyond that person's reasonable control; and
- (7) Took other reasonable measures intended to prevent the violation.

E. It is a defense that the minor left the residence or violated the curfew without the knowledge or permission of the parent, legal guardian, or lawful custodian despite that person's reasonable efforts to supervise and control the minor.

F. PARENTAL NOTICE AND PENALTIES.

- (1) Following a minor's first documented curfew violation, the City shall provide written notice to the parent, legal guardian, or lawful custodian. The notice is not a finding of parental liability.
- (2) A first parental-responsibility municipal infraction proven after such notice is punishable by a civil penalty not exceeding one hundred dollars.
- (3) A second or subsequent parental-responsibility municipal infraction is punishable by a civil penalty not exceeding two hundred fifty dollars.

G. Each parental-responsibility violation must be based upon a separate act or failure to act by the parent, legal guardian, or lawful custodian. Multiple curfew violations by the minor shall not automatically constitute multiple violations by that person.

11. NONDISCRIMINATORY ENFORCEMENT.

A. This section shall be enforced in a fair, impartial, and constitutional manner.

B. Enforcement shall not be based upon a person's:

- (1) Race or color;
- (2) Ethnicity or national origin;
- (3) Religion;
- (4) Sex;
- (5) Disability;
- (6) Housing or socioeconomic status;
- (7) Perceived group membership;
- (8) Manner of dress; or
- (9) Exercise of constitutionally protected rights.

C. A law enforcement officer may initiate a brief investigatory detention when specific and articulable facts create reasonable suspicion that a person is a minor who is violating this section. In determining whether reasonable suspicion exists, the officer may consider the person's apparent age, location, conduct, time of day, and any other objective circumstances. A detention shall not be based upon a protected characteristic or the exercise of a constitutional right.

12. PENALTY.

A. A violation of the juvenile curfew provisions of this section is a simple misdemeanor and shall be prosecuted as provided by Iowa Code section 232.8 and other applicable law.

B. A minor convicted of a violation of this section may be required to pay a fine not exceeding one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court, consistent with Iowa Code section 903.1.

C. A violation of the juvenile curfew provisions shall be processed and sentenced in accordance with Iowa Code sections 232.8, 805.16, 903.1, and other applicable law.

D. When authorized by law and approved by the court or prosecuting authority, consideration should be given to noncustodial alternatives, including:

- (1) Diversion;
- (2) Community service;
- (3) Educational programming;
- (4) Counseling;
- (5) Restorative-justice programming; or
- (6) Another appropriate alternative disposition.

E. Each separate curfew period constitutes a separate potential violation.

F. A minor's continuing presence during one curfew period constitutes only one violation unless the minor leaves after receiving a warning or lawful direction and later knowingly returns to a public place during the same curfew period without an applicable exception.

13. RECORDS AND PERIODIC REVIEW.

A. The Police Department shall maintain records reasonably sufficient to evaluate enforcement of this section, including:

- (1) The age of the minor;
- (2) The date and time of the contact;
- (3) The general location of the contact;
- (4) The reason stated by the minor for being present;
- (5) Whether an exception was asserted and how it was evaluated;
- (6) Whether a warning, citation, transportation, referral, parental notification, or other action occurred; and

(7) Demographic information to the extent lawfully and appropriately collected.

B. Personally identifying information concerning a minor shall not be publicly disclosed except as authorized or required by law.

Any report presented to the City Council shall contain aggregated or de-identified information and shall not identify an individual minor, parent, legal guardian, lawful custodian, or household.

C. The Police Chief or designee shall present an enforcement summary to the City Council:

- (1) Approximately 12 months after the effective date of this ordinance; and
- (2) At least once every two years thereafter while the ordinance remains in effect.

D. The enforcement summary should include:

- (1) The number of curfew contacts;
- (2) The number of warnings and citations;
- (3) The ages of the minors involved;
- (4) The general locations and times of contacts;
- (5) The number and types of exceptions asserted;
- (6) The dispositions of contacts; and
- (7) Any identified enforcement, safety, or constitutional concerns.

E. The City Council shall periodically evaluate whether:

- (1) The ordinance remains necessary;
- (2) The curfew hours remain reasonable;
- (3) The ordinance is being enforced fairly and consistently;
- (4) The exceptions and procedures remain adequate; and
- (5) Amendment or repeal is appropriate.

14. LAW ENFORCEMENT POLICY.

The Police Chief may adopt written policies, procedures, and training requirements consistent with this section concerning:

- A. Officer contacts and lawful detention;
- B. Determination of age;
- C. Evaluation of exceptions;
- D. Warnings and citations;
- E. Parent or guardian notification;
- F. Transportation and safe disposition;
- G. Homeless, displaced, runaway, missing, or endangered minors;
- H. Constitutionally protected activity;
- I. Documentation and data collection; and
- J. Fair and impartial enforcement.

A departmental policy may provide additional guidance but shall not eliminate or materially narrow an exception established by this section.

15. NO CREATION OR EXPANSION OF CIVIL LIABILITY.

This section does not create a private cause of action or create or expand any civil liability that would not otherwise exist under state or federal law.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

SECTION 3. SEVERABILITY.

If any section, provision, or part of this ordinance is adjudged invalid or unconstitutional, the adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED this ____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

First Reading: _____

Second Reading: _____

Third Reading: _____

Date of Publication: _____

Effective Date: _____

ORDINANCE NO. _____**AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF OELWEIN, IOWA, BY ADDING SECTION 22-203 REGULATING FOOT-POWERED SCOOTERS AND ELECTRIC STAND-UP SCOOTERS.**

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa:

Section 1.

Chapter 22 of the Code of Ordinances of the City of Oelwein, Iowa, is hereby amended by adding the following new Section 22-203:

SECTION 22-203. FOOT-POWERED AND ELECTRIC STAND-UP SCOOTERS.**1. PURPOSE.**

The purpose of this section is to establish reasonable regulations for the operation of foot-powered scooters and electric stand-up scooters within the City of Oelwein in order to protect pedestrians, scooter operators, motorists, and other users of public streets, sidewalks, multi-use trails, parks, and public property.

The provisions of this section shall be interpreted and enforced consistently with the laws of the State of Iowa. In the event of a conflict between this section and applicable State law, State law shall control.

2. DEFINITIONS.

For purposes of this section:

A. "Electric stand-up scooter" means a device intended primarily to transport a person in a standing position which:

1. Has two or more wheels;
2. Has a floorboard or deck upon which the operator stands;
3. Is equipped with handlebars or another steering mechanism; and
4. Is powered in whole or in part by an electric motor producing less than seven hundred fifty watts.

The term does not include a bicycle, low-speed electric bicycle, motorized bicycle, motorcycle, wheelchair, mobility device being used by a person with a disability, or another device separately regulated by State law.

B. "Foot-powered scooter" means a device intended primarily to transport a person in a standing position upon a floorboard or deck, equipped with two or more wheels, and propelled primarily by human power.

C. "Scooter" means a foot-powered scooter or electric stand-up scooter as defined in this section.

D. "Operator" means a person riding, controlling, or otherwise operating a scooter.

E. "Multi-use trail" means a paved or improved public trail or path intended for use by pedestrians, bicycles, and other authorized forms of recreational or personal transportation.

3. NUMBER OF OCCUPANTS.

A. A scooter shall not carry more persons at one time than the number of persons for which the scooter was designed and equipped by the manufacturer.

B. A scooter designed or equipped for one operator shall be occupied by one person only.

C. No operator shall:

1. Carry another person upon the handlebars, deck, stem, frame, or any portion of a scooter not specifically designed by the manufacturer for passenger transportation;
2. Permit another person to stand upon the same deck while the scooter is being operated;
3. Carry a child or other person in the operator's arms while operating a scooter; or

4. Tow or pull another person riding upon a skateboard, bicycle, wagon, sled, scooter, or other wheeled device.

4. RESPONSIBLE OPERATION.

Every scooter operator shall:

- A. Maintain reasonable control of the scooter at all times;
- B. Operate at a careful and prudent speed appropriate for the conditions then existing;
- C. Exercise due care to avoid colliding with pedestrians, bicycles, motor vehicles, animals, fixed objects, or other persons or property;
- D. Reduce speed when approaching pedestrians, intersections, driveways, alleys, building entrances, blind corners, congested areas, or locations with restricted visibility;
- E. Obey all applicable traffic-control signals, pedestrian-control signals, signs, markings, and lawful directions of a peace officer;
- F. Keep at least one hand upon the handlebars or steering mechanism while the scooter is in motion, when the scooter is equipped with handlebars or another steering mechanism; and
- G. Operate in a manner that does not unreasonably obstruct or interfere with the lawful movement of pedestrians, bicycles, motor vehicles, or other traffic.

5. PEDESTRIAN RIGHT-OF-WAY.

- A. Pedestrians shall have the right-of-way over scooter operators upon sidewalks, multi-use trails, crosswalks, and other areas primarily intended or commonly used for pedestrian travel.
- B. A scooter operator approaching or overtaking a pedestrian shall reduce speed and exercise due care.
- C. An operator shall give an audible warning before overtaking and passing a pedestrian when reasonably necessary for safety. Such warning may consist of a bell, horn designed for use on a scooter, or a verbal warning reasonably sufficient to alert the pedestrian.
- D. Nothing in this section relieves a scooter operator from the duty to stop when necessary to avoid a collision.

6. OPERATION ON SIDEWALKS.

- A. Except as otherwise provided in this section, a scooter may be operated upon a public sidewalk within the City in a reasonable and prudent manner.
- B. No scooter shall be operated upon a sidewalk at a speed greater than ten miles per hour.
- C. Regardless of the maximum speed established in this subsection, an operator shall reduce speed below ten miles per hour whenever pedestrian traffic, visibility, surface conditions, congestion, or other circumstances require a lower speed for safe operation.
- D. A scooter operator shall yield the right-of-way to pedestrians at all times.
- E. A scooter shall not be operated upon a sidewalk within an area zoned C-1 Central Business District.
- F. Within the C-1 Central Business District, a person may possess, walk, or manually push a scooter while dismounted.
- G. A scooter operator emerging from an alley, driveway, parking lot, building, or other location with restricted visibility shall slow sufficiently to permit an immediate stop and shall yield to pedestrians and lawful traffic.

7. OPERATION ON MULTI-USE TRAILS.

- A. Foot-powered scooters and electric stand-up scooters may be operated upon City-owned or City-controlled multi-use trails unless operation is prohibited by an official sign.
- B. Pedestrians shall have the right-of-way at all times.
- C. No scooter shall be operated upon a multi-use trail at a speed greater than ten miles per hour.

D. The ten-mile-per-hour maximum does not establish a minimum safe speed. An operator shall operate at a lower speed whenever necessary because of pedestrian traffic, congestion, trail width, visibility, weather, surface conditions, intersections, curves, or other circumstances.

E. When approaching or overtaking a pedestrian, the operator shall reduce speed to a safe passing speed.

F. When passing within six feet of a pedestrian, the operator shall not exceed five miles per hour and shall provide sufficient clearance to safely complete the pass.

G. An operator shall give an audible warning before overtaking and passing a pedestrian when reasonably necessary to alert the pedestrian of the operator's approach.

H. No person operating a scooter upon a multi-use trail shall:

1. Weave between pedestrians;
2. Race another scooter, bicycle, or other device;
3. Engage in stunt riding, jumping, wheelies, or similar conduct that creates an unreasonable risk to another trail user;
4. Operate two or more scooters abreast when doing so interferes with the reasonable use of the trail by another person;
5. Pass another trail user when insufficient clearance or visibility exists to safely complete the pass; or
6. Operate in any manner that unreasonably interferes with another person's lawful use of the trail.

I. The City Administrator or the City Administrator's designee may temporarily or permanently prohibit or further restrict scooter operation upon a particular City-owned trail or portion of a trail when reasonably necessary due to trail design, pedestrian congestion, construction, maintenance, special events, hazardous conditions, or public safety considerations.

Any permanent prohibition or restriction established pursuant to this paragraph shall be designated by appropriate signage.

8. OPERATION ON STREETS AND ROADWAYS.

A. Nothing in this section shall be construed as independently authorizing the operation of a scooter within the traveled portion of a public street or roadway where such operation is prohibited by State law.

B. A scooter operator may cross a public street or roadway where permitted by State law and shall comply with applicable traffic-control devices and pedestrian crossing requirements.

C. A scooter operator crossing a roadway at a location other than a marked crosswalk or an unmarked crosswalk at an intersection shall yield the right-of-way as required by State law.

D. No scooter shall be operated upon a fully controlled-access highway.

E. Nothing in this subsection prohibits an operator from walking or manually pushing a scooter in a location where pedestrian travel is otherwise lawful.

9. RECKLESS OR UNSAFE OPERATION.

No person shall operate a scooter:

A. Carelessly, recklessly, or in a manner that creates an unreasonable risk of injury to the operator or another person;

B. At a speed greater than is reasonable and prudent under existing conditions;

C. While weaving through pedestrians or moving traffic;

D. While racing upon a public sidewalk, multi-use trail, street, parking lot, or other public property;

E. While performing a stunt, jump, wheelie, or similar maneuver when such conduct creates a danger to another person;

F. Without due regard for weather, visibility, pedestrian traffic, surface conditions, or other circumstances affecting safe operation; or

G. In a manner that prevents the operator from maintaining reasonable directional, speed, or stopping control.

10. TOWING AND ATTACHMENT TO VEHICLES.

No person operating a scooter shall:

- A. Attach the scooter or the operator to a moving motor vehicle;
- B. Hold onto a moving motor vehicle;
- C. Permit the scooter or operator to be towed by a motor vehicle; or
- D. Tow another person or wheeled device unless the scooter and attached device are specifically manufactured for such use and the operation is otherwise lawful.

11. LIGHTING AND EQUIPMENT.

- A. An electric stand-up scooter operated between sunset and sunrise or during conditions of insufficient visibility shall be equipped with, or the operator shall wear or carry:
 - 1. A white light visible from the front; and
 - 2. A red light or red reflector visible from the rear.
- B. An electric stand-up scooter shall be equipped with a functioning braking system capable of safely slowing and stopping the scooter.
- C. No person shall operate an electric stand-up scooter having a braking, steering, wheel, tire, or other mechanical condition that renders the scooter unsafe for operation.

12. PARKING AND OBSTRUCTION.

A scooter shall not be parked, placed, or left unattended in a manner that:

- A. Obstructs the normal movement of pedestrians;
- B. Obstructs or interferes with an accessible pedestrian route;
- C. Obstructs a curb ramp;
- D. Obstructs a crosswalk;
- E. Obstructs a building entrance or exit;
- F. Obstructs a driveway;
- G. Obstructs access to a fire hydrant;
- H. Obstructs an accessible parking space or access aisle;
- I. Obstructs a bicycle rack, transit stop, loading area, or passenger waiting area;
- J. Creates an unreasonable tripping hazard; or
- K. Otherwise creates an immediate threat to public safety.

Whenever reasonably practical, a scooter shall be parked upright at a bicycle rack or other location designated for bicycle or scooter parking.

13. REMOVAL OF OBSTRUCTING OR ABANDONED SCOOTERS.

A peace officer or authorized City employee may move or cause to be moved an unattended scooter when the scooter:

- A. Obstructs a sidewalk, roadway, crosswalk, curb ramp, driveway, accessible route, or building entrance;
- B. Creates an immediate public safety hazard;
- C. Interferes with snow removal, street maintenance, emergency operations, or other City operations; or
- D. Reasonably appears to have been abandoned.

Temporary relocation of a scooter pursuant to this subsection does not constitute an impoundment. Any seizure or impoundment shall be conducted only as otherwise authorized by law.

14. PERSONS WITH DISABILITIES.

Nothing in this section shall be interpreted or enforced in a manner that restricts or interferes with the lawful use of a wheelchair, mobility device, or other power-driven mobility device by a person with a disability.

15. COMMERCIAL OR SHARED SCOOTER OPERATIONS.

No person, business, corporation, partnership, or other entity shall place, stage, distribute, or make available five or more scooters for short-term rental or shared public use upon City property or within the public right-of-way without prior authorization from the City Council.

The City Council may establish reasonable conditions for such authorization, including requirements concerning insurance, indemnification, fleet size, parking, removal of improperly parked scooters, operating areas, speed limitations, and other conditions reasonably related to public safety and the use of public property.

This subsection shall not apply to privately owned scooters or the casual lending of a privately owned scooter.

16. ENFORCEMENT.

A. This section may be enforced by any peace officer authorized to enforce the ordinances of the City of Oelwein.

B. Nothing in this section shall prohibit a peace officer from issuing a verbal or written warning in lieu of formal enforcement when the officer determines that a warning is appropriate under the circumstances.

C. In determining the appropriate enforcement action, an officer may consider the age of the operator, the nature and severity of the violation, whether the violation created an immediate danger, whether injury or property damage occurred, and whether the operator has previously been warned or cited for similar conduct.

D. Nothing in this subsection limits an officer's authority to take immediate enforcement action when reasonably necessary to protect public safety.

17. PENALTY.

Any person violating any provision of this section shall be guilty of a municipal infraction and shall be subject to the penalties provided by the Code of Ordinances of the City of Oelwein and the Code of Iowa.

Each separate occurrence shall constitute a separate violation.

Nothing in this section shall prevent prosecution under applicable State law when the same conduct also constitutes a violation of State law.

18. STATE LAW CONTROLS.

The provisions of this section shall be interpreted consistently with Chapter 321 of the Code of Iowa and other applicable State and federal law.

If a provision of this section conflicts with State or federal law, the State or federal requirement shall control to the extent of the conflict without affecting the validity of the remaining provisions of this section.

Section 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SEVERABILITY.

If any section, provision, or part of this Ordinance is 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.

Section 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

PASSED AND ADOPTED this _____ day of _____, 2026.

Mayor

ATTEST:

City Clerk