

CODE OF ORDINANCES

OF THE

CITY OF

SLATER, IOWA



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CODE OF ORDINANCES CITY OF SLATER, IOWA

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CHAPTER 1

CODE OF ORDINANCES

1.01 Title
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1.06 Rules of Construction
1.07 Extension of Authority

1.08 Amendments
1.09 Catchlines and Notes
1.10 Altering Code
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1.12 Warrants
1.13 General Standards for Action
1.14 Standard Penalty

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Slater, Iowa.

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined in the *Code of Iowa*, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the city of Slater, Iowa.
3. "Clerk" means the city clerk of Slater, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Slater, Iowa.
6. "Council" means the city council of Slater, Iowa.
7. "County" means Story County, Iowa.
8. "IAC" means the *Iowa Administrative Code*.
9. "May" confers a power.
10. "Measure" means an ordinance, amendment, resolution, or motion.
11. "Must" states a requirement.
12. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
13. "Ordinances" means the ordinances of the City of Slater, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

14. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
15. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
16. "Shall" imposes a duty.
17. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
18. "State" means the State of Iowa.
19. "Statutes" or "laws" means the latest edition of the *Code of Iowa*, as amended.
20. "Street" or "highway" means the entire width between 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 purposes of vehicular traffic.

Words that are not defined in this Code of Ordinances or by the *Code of Iowa* have their ordinary meaning unless such construction would be inconsistent with the manifest intent of the Council, or repugnant to the context of the provision.

1.03 CITY POWERS. The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, and each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

1.04 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for any injury to or death of any person or persons whomsoever, and any loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly, or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees, or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents, and employees, and agrees to save them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury, or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City, whether expressly recited therein or not.

1.05 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person

to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

1.06 RULES OF CONSTRUCTION. In the construction of this Code of Ordinances, the rules of statutory construction as set forth in Chapter 4 of the *Code of Iowa* shall be utilized to ascertain the intent of the Council, with the understanding that the term “statute” as used therein will be deemed to be synonymous with the term “ordinance” when applied to this Code of Ordinances.

1.07 EXTENSION OF AUTHORITY. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate, or a duly authorized designee of said officer or employee.

1.08 AMENDMENTS. All ordinances that amend, repeal, or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection, or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1.09 CATCHLINES AND NOTES. The catchlines of the several sections of this Code of Ordinances, titles, headings (chapter, section, and subsection), editor’s notes, cross references, and State law references, unless set out in the body of the section itself, contained in this Code of Ordinances, do not constitute any part of the law and are intended merely to indicate, explain, supplement, or clarify the contents of a section.

1.10 ALTERING CODE. It is unlawful for any unauthorized person to change or amend, by additions or deletions, any part or portion of this Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with this Code of Ordinances in any manner that will cause the law of the City to be misrepresented.

1.11 SEVERABILITY. If any section, provision, or part of this Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of this Code of Ordinances as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

1.12 WARRANTS. If consent to enter upon or inspect any building, structure, or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the *Code of Iowa*, for an administrative search warrant. No owner, operator or occupant, or any other person having charge, care, or control of any dwelling unit, rooming unit, structure, building, or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

(Code of Iowa, Sec. 808.14)

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board, or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny, or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.



1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$105.00 but not to exceed \$855.00. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine.[†]

(Code of Iowa, Sec. 364.3[2] and 903.1[1a])

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[†] **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 3.

CHAPTER 2

CHARTER

2.01 Title

2.02 Form of Government

2.03 Powers and Duties of City Officers

2.04 Number and Term of Council

2.05 Term of Mayor

2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Slater, Iowa.[†]

2.02 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES OF CITY OFFICERS. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City.

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five Council Members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 376.2)

2.06 COPIES ON FILE. The Clerk shall keep an official copy of the charter on file with the official records of the Clerk and the Secretary of State, and shall keep copies of the charter available at the Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1[3])

[†] **EDITOR'S NOTE:** An Ordinance adopting a charter for the City was passed and approved by the Council on July 1, 1974. The original charter was amended to provide for Council member terms of four years.

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CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties

3.04 Civil Citations
3.05 Alternative Relief
3.06 Alternative Penalties

3.01 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the *Code of Iowa*, is a municipal infraction punishable by civil penalty as provided herein.[†]

(Code of Iowa, Sec. 364.22[3])

3.02 ENVIRONMENTAL VIOLATION. A municipal infraction that is a violation of Chapter 455B of the *Code of Iowa* or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

(Code of Iowa, Sec. 364.22[1])

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

3.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

(Code of Iowa, Sec. 364.22[1])

1. Standard Civil Penalties.
 - A. First offense – not to exceed \$750.00.
 - B. Each repeat offense – not to exceed \$1,000.00.

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties.
 - A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.

[†] **EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within 24 hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight hours.

3.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22[4])

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

If the citation affects real property and charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, after filing the citation with the Clerk of the District Court, the City shall also file the citation in the office of the County Treasurer.

3.05 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22[9])

3.06 ALTERNATIVE PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[12])

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.02 Bonds
5.03 Powers and Duties
5.04 Books and Records
5.05 Transfer to Successor
5.06 Meetings

5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Vacancies
5.11 Gifts

5.01 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after such officer is certified as elected but not later than noon of the first day that is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Slater as now or hereafter required by law."

(Code of Iowa, Sec. 63.10)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective offices:

- A. Mayor.
- B. City Clerk.
- C. Members of all boards, commissions, or bodies created by law.

(Code of Iowa, Sec. 63A.2)

5.02 BONDS. Surety bonds are provided in accordance with the following:

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer, and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.

(Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.

(Code of Iowa, Sec. 64.23[6])

4. Record. The Clerk shall keep a book, to be known as the “Record of Official Bonds” in which shall be recorded the official bonds of all City officers, elective or appointive.

(Code of Iowa, Sec. 64.24[1a] and [3])

5.03 POWERS AND DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

(Code of Iowa, Sec. 372.13[4])

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records that are combined with data processing software shall be in accordance with policies and procedures established by the City.

(Code of Iowa, Sec. 22.2 and 22.3A)

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to their successor in office all books, papers, records, documents, and property in the officer’s custody and appertaining to that office.

(Code of Iowa, Sec. 372.13[4])

5.06 MEETINGS. All meetings of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date, and place of each meeting and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

2. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

3. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

4. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the *Code of Iowa*.

(Code of Iowa, Sec. 21.5)

5. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

6. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the *Code of Iowa*.

(Code of Iowa, Sec. 21.8)



7. Limits and Expectations for Public Forum Portion of All Meetings of the Council or Any City Boards or Commissions.

A. All comments by the public are limited to the Public Forum Portion of the meeting as established in the agenda unless specifically called on by the Mayor, Council person, Board member, or Commission member.

B. All individuals wishing to speak during the public forum will be limited to no more than three minutes per person regardless of the number of issues they wish to speak on. And if there are multiple individuals wishing to speak on the same topic, the total time allotment for that topic shall not exceed 15 minutes. The Council, the Boards, or Commission members may grant an individual more than three minutes allotted on a case-by-case basis. Considering these time limits, the public is always welcome to submit their views, concerns, or opinions in writing prior to the start of the meeting.

C. All comments shall be germane. If at any point public comments are considered to be repetitive, offensive, disrespectful, slanderous, disruptive, or otherwise impedes the Council, Board, or Commission from conducting the meeting and accomplishing its business in a reasonable or efficient manner the offender will be removed from the building.

5.07 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

(Code of Iowa, Sec. 362.5[3a])

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

(Code of Iowa, Sec. 362.5[3b])

3. City Treasurer. An employee of a bank or trust company, who serves as Treasurer of the City.

(Code of Iowa, Sec. 362.5[3c])

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in Subsection 8 of this section, or both, if the contracts are made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.

(Code of Iowa, Sec. 362.5[3e])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[3f])

6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.

(Code of Iowa, Sec. 362.5[3g])

7. Volunteers. Contracts with volunteer firefighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5[3h])

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

(Code of Iowa, Sec. 362.5[3i])

9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, Sec. 362.5[3d])

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$6,000.00 in a fiscal year.

(Code of Iowa, Sec. 362.5[3j])

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[3k])

12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.

(Code of Iowa, Sec. 362.5[3l])

5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected if, during that time, the compensation of the office has been increased.

(Code of Iowa, Sec. 372.13[9])

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES. Except as otherwise provided by State or City law, all persons appointed to City office or employment may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within 30 days after the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within 30 days after the date the request is filed unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled in accordance with Section 372.13[2] of the *Code of Iowa*.

5.11 GIFTS. Except as otherwise provided in Chapter 68B of the *Code of Iowa*, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee, or candidate.

(Code of Iowa, Sec. 68B.22)

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to Be Used
6.02 Nominations by Petition
6.03 Adding Name by Petition

6.04 Preparation of Petition and Affidavit
6.05 Filing; Presumption; Withdrawals; Objections
6.06 Persons Elected

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the *Code of Iowa*.

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than 10 eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

6.03 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Nomination papers shall include a petition and an affidavit of candidacy. The petition and affidavit shall be substantially in the form prescribed by the State Commissioner of Elections, shall include information required by the *Code of Iowa*, and shall be signed in accordance with the *Code of Iowa*.

(Code of Iowa, Sec. 45.3, 45.5, and 45.6)

6.05 FILING; PRESUMPTION; WITHDRAWALS; OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the *Code of Iowa*.

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.8[3])

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control
7.05 Operating Budget Preparation

7.06 Budget Amendments
7.07 Accounting
7.08 Financial Reports
7.09 Setoff Program Provisions

7.01 PURPOSE. The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

7.02 FINANCE OFFICER. The Clerk/Administrator is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

7.03 CASH CONTROL. To assure the proper accounting and safe custody of moneys the following shall apply:

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance, or Council directive.

2. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.21, 12B.10, and 12C.1)

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collect-on-delivery transportation charges, and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

4. Change Fund. The finance officer is authorized to draw a warrant or check on the Utility Fund for establishing a change fund for the purpose of making change without commingling other funds to meet the requirements of the office. Said change fund shall be in the custody of the Clerk/Administrator, who shall maintain the integrity of the fund.

7.04 FUND CONTROL. There shall be established and maintained separate and distinct funds in accordance with the following:

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance, or resolution.
2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, was properly budgeted, and supported by a claim approved by the Council.
3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

(545 IAC 2.5[2])

4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(545 IAC 2.5[3])

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

(545 IAC 2.5[4])

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted net position calculated in accordance with generally accepted accounting principles, after adding back the net pension and other postemployment benefits, liabilities, and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:

- A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and
- B. The amount necessary to make all required transfers to restricted accounts for the succeeding three months.

(545 IAC 2.5[5])

7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

7.05 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:



1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.

4. Annual Statement.

(Code of Iowa, Sec. 24.2A[2])

A. On or before March 15 of each year, the City shall file, with the Department of Management, a report containing all necessary information for the Department of Management to compile and calculate amounts required to be included in the statement mailed under Paragraph B.

B. Not later than March 20, the County Auditor, using information compiled and calculated by the Department of Management shall send to each property owner or taxpayer within the County, by regular mail, an individual statement containing all of the required information as provided under Section 24.2(2)(B)(1-9) of the *Code of Iowa*.

C. The Department of Management shall prescribe the form for the report required under Paragraph A, the statements to be mailed under Paragraph B, and the public hearing notice required under Paragraph D.

D. The Council shall set a time and place for a public hearing on the City's proposed property tax amount for the budget year and the City's information included in the statements under Paragraph B. At the hearing, the Council shall receive oral or written testimony from any resident or property owner of the City. This public hearing shall be separate from any other meeting of the Council, including any other meeting or public hearing relating to the City's budget, and other business of the City that is not related to the proposed property tax amounts and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the City's budget.

(1) Notice of the public hearing shall be published not less than 10 nor more than 20 days prior to the hearing, in a newspaper published at least once weekly and having general circulation in the City. However, if the City has a population of 200 or less, publication may be made by posting in three public places in the City.

(2) Notice of the hearing shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the City's internet site with all such prior year notices and copies of the statements mailed under this section.

(3) Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice.

5. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.

6. Notice of Hearing. Following, and not until the requirements of Subsection 4 of this section are completed, the Council shall set a time and place for public hearing

on the budget to be held before April 30 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection must be filed with the County Auditor.

(Code of Iowa, Sec. 384.16[3])

7. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

(Code of Iowa, Sec. 384.16[2])

8. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget submitted at the final hearing, unless an additional tax levy is approved at a City election. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

(Code of Iowa, Sec. 384.16[5])

7.06 BUDGET AMENDMENTS. A City budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this section.

(Code of Iowa, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.

(545 IAC 2.2)

2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.

(545 IAC 2.3)

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

(545 IAC 2.4)

4. Administrative Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.

(545 IAC 2.4)

7.07 ACCOUNTING. The accounting records of the City shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the Clerk/Administrator or Deputy Clerk following Council approval, except as provided by Subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates, and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include (but is not limited to) payment of utility bills, contractual obligations, payroll, and bond principal and interest.
6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

7.08 FINANCIAL REPORTS. The finance officer shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.
2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. The Annual Financial Report shall be prepared on forms and pursuant to instructions prescribed by the Auditor of State. Beginning with the Annual Financial Report published by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the City during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the City or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

(Code of Iowa, Sec. 384.22)

⇒ Optional Section:

7.09 SETOFF PROGRAM PROVISIONS. This section shall establish policies and procedures for the City pursuant to Section 421.65 of the *Code of Iowa*, to allow the City to utilize and invoke the setoff program provisions of the State for collection of debts owed to the City and for which the City has provided the obligor with an opportunity to contest.

1. Definitions. The following terms are defined for use in this section:
 - A. “Department” means the Iowa Department of Revenue.
 - B. “Obligor” means a person, not including a public agency, who has been determined to owe a qualifying debt.
 - C. “Public agency” means a board, commission, department, including the Department of Revenue, or other administrative office or unit of the State or any other State entity reported in the Iowa Annual Comprehensive Financial Report, or a political subdivision of the State, or an office or unit of a political subdivision. Public agency does include the Clerk of the District Court as it relates to the collection of a qualifying debt. Public agency does not include the general assembly or Office of the Governor.
 - D. “Public payment” means any claim a public agency owes to an obligor.
 - E. “Qualifying debt” means any of the following:
 - (1) Any debt, which is assigned to the Department of Health and Human Services, or which is owed to the Department of Health and Human Services for unpaid premiums under Section 249A.3(2)(a)(1) of the *Code of Iowa*, or which child support services is otherwise attempting to collect, or which foster care services of the Department of Health and Human Services is attempting to collect on behalf of a child receiving foster care provided by the Department of Health and Human Services.
 - (2) Any debt which is in the form of a liquidated sum due, owing, and payable to the Clerk of the District Court.
 - (3) Any liquidated sum certain, owing, and payable to a public agency, with respect to which the public agency has provided the obligor an opportunity to protest or challenge the sum in a manner in compliance with applicable law and due process, and which has been determined as owing through the challenge or protest, or for which the time period provided by the public agency to challenge, or protest has expired.
2. Memorandum of Understanding. The City shall enter into a memorandum of understanding with the Department which shall outline the program guidelines for use of the State Setoff Program.
3. Qualifying Debt. The Clerk shall only certify to the Department qualifying debt as approved by the Department through the completion of a qualifying debt questionnaire and for which the City has provided appropriate documentation showing the City’s legal authority for charging, implementing a fine or fee for violation of, or imposing costs related to the abatement of certain conditions when appropriate legal authority exists to the City. The qualifying debt questionnaire may be updated from

time to time as required by the City to add or remove qualifying debt or as needed by the Department.

4. Due Process. Prior to submission of a debt to the Department the City shall provide the obligor due process as outlined in this section prior to the submission of a debt:

A. With respect to the qualifying debt, the City shall provide the obligor with 15 days' advance written notice to the obligor's last-known address. Such notice shall provide the obligor with a minimum period of 15 days in which they may file an appeal in writing to the Clerk.

B. Upon receipt of a written request for an appeal on a debt to be submitted to the Setoff Program the Clerk shall schedule a hearing with the Council for the next regularly scheduled meeting and notify the obligor of the hearing date and time at least five days in advance of the hearing.

C. At the time and date of the hearing, the Council shall hear any evidence brought forth by the obligor and shall examine the City's file regarding the matter. The Council shall make a ruling upon a majority vote of the members in attendance.

D. If the qualifying debt is upheld by the Council and the debt has not yet been paid by the obligor, the Clerk may certify the delinquency to the Department pursuant to Section 421.65 of the *Code of Iowa* and the memorandum of understanding between the City and the Department.

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose
8.02 Definitions
8.03 Period of Partial Exemption
8.04 Amounts Eligible for Exemption
8.05 Limitations

8.06 Applications
8.07 Approval
8.08 Exemption Repealed
8.09 Dual Exemptions Prohibited

8.01 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, and distribution centers.

8.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods that are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures that are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure that does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the Council.
4. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including (but not limited to) the design and production or manufacture of prototype products for experimental use and corporate research services that do not have a primary purpose of providing on-site services to the public.
5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the *Code of Iowa*, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

8.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, and distribution centers is eligible to receive a partial exemption from taxation for a period of

five years. The exemption shall also apply to the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1[1e] of the *Code of Iowa*, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

(Code of Iowa, Sec. 427B.3)

8.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added, which is eligible to be exempt from taxation, shall be as follows:

(Code of Iowa, Sec. 427B.3)

1. For the first year, 75 percent.
2. For the second year, 60 percent.
3. For the third year, 45 percent.
4. For the fourth year, 30 percent.
5. For the fifth year, 15 percent.

8.05 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

(Code of Iowa, Sec. 427B.3)

8.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

(Code of Iowa, Sec. 427B.4)

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.
2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

8.07 APPROVAL. A person may submit a proposal to the Council to receive prior approval for eligibility for a tax exemption on new construction. If the Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least 30 days after such hearing, the Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

8.08 EXEMPTION REPEALED. When in the opinion of the Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

8.09 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Sec. 427B.6)

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CHAPTER 9

DISPOSAL OF CITY-OWNED REAL ESTATE

9.01 Purpose

9.02 Procedure Required for Leases Over Three Years

9.03 Notice Required

9.04 Standard Fees

9.05 Valuation and Price of Municipal Real Property

9.01 PURPOSE. The provisions codified in this chapter are to provide for the procedures and methods of vacating and disposing of real estate owned by the City.

9.02 PROCEDURE REQUIRED FOR LEASES OVER THREE YEARS. The City may not dispose of any interest in real property by sale, lease for a term of more than three years, or gift, except in accordance with the following procedure:

1. The Council shall set forth by resolution its proposal for the vacation, sale, or lease of any property owned by the City and shall publish notice, as hereinafter provided, of the date of the resolution and of a date, time, and place of a public hearing on the proposal.
2. Following the public hearing, the Council may make a determination on the proposal by resolution.
3. The City may not dispose of real property by gift except to a governmental body for public purpose.
4. Following the adoption of a resolution, an ordinance shall be drafted specifically setting forth the vacation or selling of the real property.

9.03 NOTICE REQUIRED. The provisions provided by the *Code of Iowa* shall be followed in the publication of notice for the vacation of sale of real estate.

9.04 STANDARD FEES. Unless the Council waives all or a portion of the requirements of this section for good cause by resolution, the City shall require the purchaser of the City's interest in real property to pay an administrative fee of \$150.00 and all of the costs of vacating and disposing of the City's interest in real property, which shall include, but is not limited to, engineering and surveying fees, publication fees, and legal fees. The Clerk/Administrator shall withhold any instruments of conveyance approved by the Council until all fees have been paid.

9.05 VALUATION AND PRICE OF MUNICIPAL REAL PROPERTY. The City shall require the payment to the City of the fair market value for the conveyance of its interests in real property. For purposes of this chapter, fair market value is one of the following:

1. The highest responsible bid at public auction.
2. The value established by a licensed appraiser.
3. For fee simple title to unimproved land, the value established by multiplying the average assessed value expressed in dollars per square foot of adjacent lands by the number of square feet to be conveyed.
4. For fee simple title to unimproved land:
 - A. For which the City has maintenance or liability burdens,

B. Which cannot reasonably be developed except in conjunction with an adjacent developed or developable tract, and

C. For which there exists no reasonable municipal use the Council may determine by resolution that the value is zero or so negligible that the payment of the standard fees required by this chapter are sufficient consideration.

5. For interests less than fee simple title, such as easements, the Council may determine by resolution that the value is negligible, the Council may determine by resolution that the value is zero or so negligible that the payment of the standard fees required by this chapter are sufficient consideration.

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CHAPTER 10

URBAN RENEWAL

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of two years.
(Code of Iowa, Sec. 376.2)

15.02 POWERS AND DUTIES. The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, except for supervisory duties delegated to the Clerk/Administrator, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

(Code of Iowa, Sec. 372.14[1])

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

(Code of Iowa, Sec. 372.14[2])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

(Code of Iowa, Sec. 372.14[1])

4. Mayor's Veto. Sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within 14 days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

(Code of Iowa, Sec. 380.5 and 380.6[2])

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.

7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with this Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall appoint the Mayor Pro Tem and the Mayor also appoints, with Council approval, the following officials:

(Code of Iowa, Sec. 372.4)

- A. Parks and Recreation Board.
- B. Library Board of Trustees.
- C. Cemetery Board.
- D. Building Official.

The Mayor also recommends individuals for appointment by the Council for membership on the Planning and Zoning Commission.:

15.04 COMPENSATION. The salary of the Mayor is \$3,000.00 per year, paid quarterly.

(Code of Iowa, Sec. 372.13[8])

15.05 VOTING. The Mayor is not a member of the Council and shall not vote as a member of the Council.

(Code of Iowa, Sec. 372.4)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as vice president of the Council.

(Code of Iowa, Sec. 372.14[3])

16.02 POWERS AND DUTIES. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem shall not have power to appoint, employ, or discharge from employment officers or employees that the Mayor has the power to appoint, employ, or discharge without the approval of the Council.

(Code of Iowa, Sec. 372.14[3])

16.03 VOTING RIGHTS. The Mayor Pro Tem shall have the right to vote as a member of the Council.

(Code of Iowa, Sec. 372.14[3])

16.04 COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of 15 days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

(Code of Iowa, Sec. 372.13[8])

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CHAPTER 17

CITY COUNCIL

17.01 Number and Term of Council
17.02 Powers and Duties
17.03 Exercise of Power

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five Council members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 372.4 and 376.2)

17.02 POWERS AND DUTIES. The powers and duties of the Council include, but are not limited to the following:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

(Code of Iowa, Sec. 364.2[1])

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards, or create new wards.

(Code of Iowa, Sec. 372.13[7])

3. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls, and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvement, or repairs that may be specially assessed.

(Code of Iowa, Sec. 364.2[1], 384.16, and 384.38[1])

4. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges, or buildings.

(Code of Iowa, Sec. 364.2[1])

5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.

(Code of Iowa, Ch. 26)

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office, and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

(Code of Iowa, Sec. 372.13[4])

7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

(Code of Iowa, Sec. 372.13[8])

17.03 EXERCISE OF POWER. The Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

(Code of Iowa, Sec. 364.3[1])

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of \$100,000.00 on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure that fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within 30 days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

(Code of Iowa, Sec. 380.6[2])

3. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[1a])

B. A resolution signed by the Mayor becomes effective immediately upon signing.

(Code of Iowa, Sec. 380.6[1b])

C. A motion becomes effective immediately upon passage of the motion by the Council.

(Code of Iowa, Sec. 380.6[1c])

D. If the Mayor vetoes an ordinance, amendment, or resolution and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[2])

E. If the Mayor takes no action on an ordinance, amendment, or resolution, a resolution becomes effective 14 days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[3])

"All of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

(Code of Iowa, Sec. 380.1[a])

17.04 COUNCIL MEETINGS. Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

- 
1. **Regular Meetings.** The regular meetings of the Council are on the second Monday of each month at 6:00 p.m., at Council Chambers at City Hall. If such day falls on a legal holiday, the meeting is held at a time determined by the Council.
 2. **Special Meetings.** Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
(Code of Iowa, Sec. 372.13[5])
 3. **Quorum.** A majority of all Council members is a quorum.
(Code of Iowa, Sec. 372.13[1])
 4. **Rules of Procedure.** The Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13[5])
 5. **Compelling Attendance.** Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

17.05 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation, and term of office:

1. **City Administrator/Clerk**
2. City Attorney
3. Planning and Zoning Commission
4. Cemetery Sexton
5. **Zoning Board of Adjustment**

17.06 COMPENSATION. The salary of each Council member is \$30.00 for each meeting of the Council attended, payable quarterly.

(Code of Iowa, Sec. 372.13[8])

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CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation
18.02 Powers and Duties: General
18.03 Publication of Minutes
18.04 Recording Measures
18.05 Other Publications
18.06 Authentication
18.07 Certification

18.08 Records
18.09 Attendance at Meetings
18.10 Licenses and Permits
18.11 Notification of Appointments
18.12 Elections
18.13 City Seal

18.01 APPOINTMENT AND COMPENSATION. The City Administrator is ex officio City Clerk and has the duties, powers, and functions prescribed in this chapter, by State law, and other ordinances of the City.

(Code of Iowa, Sec. 372.13[3])

18.02 POWERS AND DUTIES: GENERAL. The Clerk (or, in the Clerk's absence or inability to act, the Deputy Clerk) has the powers and duties as provided in this chapter, this Code of Ordinances, and the law.

18.03 PUBLICATION OF MINUTES. Within 15 days following a regular or special meeting, the Clerk shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

(Code of Iowa, Sec. 372.13[6])

18.04 RECORDING MEASURES. The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

(Code of Iowa, Sec. 380.7[1 and 2])

18.05 OTHER PUBLICATIONS. The Clerk shall cause to be published all ordinances, enactments, proceedings, and official notices requiring publication as follows:

(Code of Iowa, Sec. 362.3)

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.
2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City, except that ordinances and amendments may be published by posting in the following places:

City Hall
Post Office
Library

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than 10 days after the first date of posting.

Unauthorized removal of the posted ordinance or amendment prior to the completion of the 10 days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

18.06 AUTHENTICATION. The Clerk shall authenticate all measures except motions with the Clerk's signature, certifying the time and manner of publication when required.

(Code of Iowa, Sec. 380.7[4])

18.07 CERTIFICATION. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

18.08 RECORDS. The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use.

(Code of Iowa, Sec. 380.7[5])

2. Custody. Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

(Code of Iowa, Sec. 372.13[4])

3. Maintenance. Maintain all City records and documents (or accurate reproductions) for at least five years except that ordinances, resolutions, Council proceedings, records, and documents (or accurate reproductions) relating to the issuance, cancellation, transfer, redemption, or replacement of public bonds or obligations shall be kept for at least 11 years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records, and documents (or accurate reproductions) relating to real property transactions shall be maintained permanently.

(Code of Iowa, Sec. 372.13[3 and 5])

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper, or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments that by this Code of Ordinances are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 372.13[4 and 5] and 380.7[5])

5. Filing of Communications. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

(Code of Iowa, Sec. 372.13[4])

18.09 ATTENDANCE AT MEETINGS. The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

(Code of Iowa, Sec. 372.13[4])

18.10 LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.

(Code of Iowa, Sec. 372.13[4])

18.11 NOTIFICATION OF APPOINTMENTS. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their positions and the time at which they shall assume the duties of their offices.

(Code of Iowa, Sec. 372.13[4])

18.12 ELECTIONS. The Clerk shall perform the duties relating to elections in accordance with Chapter 376 of the *Code of Iowa*.

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "SEAL" and around the margin of which are the words "INCORPORATED CITY OF SLATER, IOWA."

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

19.01 APPOINTMENT. The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION. The Clerk receives no additional compensation for performing the duties of the Treasurer.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:
(Code of Iowa, Sec. 372.13[4])

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money, or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

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CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation

20.05 Review and Comment
20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council. The City Attorney shall receive such compensation as established by resolution of the Council.

(Code of Iowa, Sec. 372.13[4])

20.02 ATTORNEY FOR CITY. The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

(Code of Iowa, Sec. 372.13[4])

20.03 POWER OF ATTORNEY. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

(Code of Iowa, Sec. 372.13[4])

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances that the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

(Code of Iowa, Sec. 372.13[4])

20.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a report to the Council giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

(Code of Iowa, Sec. 372.13[4])

20.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor, Council, or Clerk/Administrator.

(Code of Iowa, Sec. 372.13[4])

20.07 ATTENDANCE AT COUNCIL MEETINGS. The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

(Code of Iowa, Sec. 372.13[4])

20.08 PREPARE DOCUMENTS. The City Attorney shall, upon request, formulate drafts for contracts, forms, and other writings that may be required for the use of the City.

(Code of Iowa, Sec. 372.13[4])

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CHAPTER 21

CITY ADMINISTRATOR

21.01 Office; Appointment
21.02 Qualifications
21.03 Duties

21.04 Compensation
21.05 Council's Retained Powers
21.06 Mayor's Retained Powers

21.01 OFFICE; APPOINTMENT. The office of the City Administrator is created. At its first meeting in January following the regular City election, the Council shall appoint by majority vote a City Administrator to serve for a term of two years.

21.02 QUALIFICATIONS. The City Administrator shall be a person qualified by training and experience to perform the duties set forth herein.

21.03 DUTIES. The City Administrator has the duties and authority described in this section:

1. The City Administrator shall administer all ordinances, resolutions, and Council directives and policies and shall perform such additional acts and carry out such additional duties as the Council may, from time to time, designate.
2. The City Administrator shall supervise and direct the administration of City government, conduct the business affairs of the City, and coordinate and direct all City services provided through the various departments. The City Administrator shall supervise the City's administrative policies and procedures, including personnel and purchasing. The City Administrator shall manage and may employ and remove City employees over which the City Administrator has authority, with the agreement of the Mayor.
3. The City Administrator shall, as requested, assist the Mayor and City Commissions, Boards, Agencies, and other bodies in the performance of their duties.
4. The City Administrator shall study continuously City operating procedures, organizations, and facilities and, when appropriate and necessary, give advice and recommendations to the Mayor and Council on fiscal and other policies. The City Administrator shall keep the Mayor and Council informed of the progress of the City's programs and policies.
5. The City Administrator shall prepare and submit to the Council a budget and shall implement the approved budget.
6. The City Administrator shall direct the purchasing of all commodities, materials, supplies, capital outlay, and services for all departments of the City that have been budgeted and appropriated by resolution of the Council and shall ensure the quality and character thereof.
7. The City Administrator shall supervise, manage, and maintain all public places, including streets and alleys, and City-owned facilities and property.
8. The City Administrator shall administer the Zoning Code of the City, review building and zoning applications, refer matters to the Planning and Zoning Commission and Board of Adjustment as needed, and authorize building permits and occupancy certificates. The City Administrator shall assist the Council and the Planning and

Zoning Commission in carrying out their duties related to land use regulation and planning within the City. The City Administrator shall facilitate the preparation and administration of the comprehensive plan. The City Administrator shall perform or designate a person to perform the functions of the building commissioner.

9. The City Administrator shall attend all Council meetings, unless excused by the Council. The City Administrator shall attend such additional meetings of City Commissions, Boards, Agencies, and other bodies as the Council may require.

10. The City Administrator shall act as the Council's liaison with law enforcement, fire protection, and emergency management agencies and with commercial and governmental utility services that serve the City and with neighboring municipalities and with County, State, and Federal governmental bodies. When designated to do so, the City Administrator shall act as the City's delegate to the County Emergency Management Commission and other bodies of which the City is a member.

11. The City Administrator may perform the duties of the Clerk or City Treasurer if appointed by the Council to fill such offices contemporaneously and otherwise shall cooperate with and assist the Clerk and City Treasurer with all accounting and accounting procedures and shall keep the Council fully advised of current and future financial and other conditions of the City and in keeping and maintaining current, accurate City records. The City Administrator shall be the Clerk pro tempore when the appointed Clerk is temporarily unable to perform the duties required of that office.

12. The City Administrator shall cooperate with, coordinate with, advise, assist, and consult with the City Attorney and the City Engineer, the Clerk, and the City Treasurer as appropriate and necessary.

13. The City Administrator may hear and decide matters pertaining to the existence of or remedial action or penalty for nuisance and municipal infractions and may affirm, modify, suspend, reverse, or remand an order issued by subordinate municipal officers. Appeal of a decision of the City Administrator may be made to the Council.

14. The City Administrator may promulgate rules, regulations, and procedures for the management of administrative offices.

21.04 COMPENSATION. The Council shall fix the compensation of the City Administrator from time to time by resolution.

21.05 COUNCIL'S RETAINED POWERS. The Council retains the Council's power to appoint the Clerk, City Treasurer, and the City Attorney. The Council retains the power to control and direct the activities of the City Administrator. The Council retains the power to establish the policies of the City.

21.06 MAYOR'S RETAINED POWERS. The Mayor retains the authority to act as the City's chief elected official, to have chief responsibility for relations with the public, to preside at Council meetings, and to fulfill all obligations and responsibilities imposed by State law or City ordinance or delegated by the Council.

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

22.01 PUBLIC LIBRARY. The public library for the City is known as the Slater Public Library. It is referred to in this chapter as the Library.

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven members. All board members are to be appointed by the Mayor with the approval of the Council.

22.03 QUALIFICATIONS OF TRUSTEES. Five of the trustees shall be bona fide citizens and residents of the City over the age of 19 years. Two trustees shall be bona fide citizens and residents of the Ballard School District, but not of any City, over the age of 19 years.

22.04 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Appointments shall be made at the regular January Council meeting and terms shall commence at the next regular Board meeting. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City or from the County in case of a nonresident member. The position of any Trustee shall be deemed vacated if such member is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment, and the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

22.05 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.
2. Physical Plant. To have charge, control, and supervision of the Library, its appurtenances, fixtures, and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Librarian, and authorize the Librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such

employment, the compensation of the Librarian, assistants, and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

5. Removal of Personnel. To remove the Librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.

6. Purchases. To select, or authorize the Librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.

7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.

8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government, and management of the Library and the business of the Board, fixing and enforcing penalties for violations.

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.

10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises, and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises, and bequests accepted by the City by action against the Council.

12. Record of Proceedings. To keep a record of its proceedings.

13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

22.06 CONTRACTING WITH OTHER LIBRARIES. The Board has power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

(Code of Iowa, Sec. 392.5 and Ch. 28E)

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors

represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than 40 days before the election. The proposition may be submitted at any election provided by law which is held in the territory of the party seeking to terminate the contract.

22.07 NONRESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

22.08 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

(Code of Iowa, Sec. 384.20 and 392.5)

22.09 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

22.10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously, or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

22.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

22.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material

or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

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CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of five members appointed by the Council, after recommendation by the Mayor. Appointments shall be made at the regular January Council meeting and terms shall commence at the next regular Commission meeting. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6, 414.23 and 392.1)

23.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

23.03 VACANCIES. If any vacancy exists on the Commission, caused by resignation or otherwise, a successor for the remainder of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

23.04 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

23.05 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, Sec. 392.1)

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(Code of Iowa, Sec. 392.1)

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes, or modifications, all as provided by Chapter 414 of the *Code of Iowa*.

(Code of Iowa, Sec. 414.6)

4. Recommendations on Improvements. The design and proposed location of public improvements shall be submitted to the Commission for its recommendations

prior to any actions being taken by the City for the construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

(Code of Iowa, Sec. 392.1)

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivisions or re-subdivisions of land in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

(Code of Iowa, Sec. 392.1)

6. Fiscal Responsibilities. The Commission shall have full, complete, and exclusive authority to expend, for and on behalf of the City, all sums of money appropriated to it and to use and expend all gifts, donations, or payments that are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

7. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

8. Annual Report. The Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts and disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

PARKS AND RECREATION BOARD

24.01 Parks and Recreation Board Created
24.02 Board Organization
24.03 Duties of the Board

24.04 Reports
24.05 Rules

24.01 PARKS AND RECREATION BOARD CREATED. A Parks and Recreation Board is hereby created to advise the Council on the needed facilities to provide open space such as parks, playgrounds, and community facilities for other forms of recreation. It shall also plan and oversee City programs and encourage other programs to enhance the leisure time activities of the City's residents of all ages.



24.02 BOARD ORGANIZATION. There shall be appointed by the Mayor, a Parks and Recreation Board, hereinafter referred to as the Board, consisting of five members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development and function of parks and recreation and who shall not hold any elective office in the City government. This ordinance shall serve as the instrument that changes the Board member requirements from seven members to five members. The reduction of these members shall occur through attrition.

24.03 DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Board has authority over the properties and personnel devoted to parks and recreation, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks and recreation operations. The Board shall cooperate with the Mayor in the allotment of time of City employees for parks and recreation purposes. The Chairperson shall order supplies by the procedures established by the Council for all departments of the City, and payment will be made by check written by the Clerk for invoices submitted and approved by the Board.

24.04 REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable, or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

24.05 RULES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

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CHAPTER 25

CEMETERY BOARD

25.01 Cemetery Board Established	25.05 Cemetery Sexton
25.02 Appointment and Term of Members	25.06 Appointment and Term of Sexton
25.03 Duties of Cemetery Board	25.07 Duties of Sexton
25.04 Review by Council	25.08 Perpetual Care

25.01 CEMETERY BOARD ESTABLISHED. The Cemetery Board is established.

25.02 APPOINTMENT AND TERM OF MEMBERS. The Cemetery Board shall consist of six members, each of whom shall be a citizen of the City, appointed by the Mayor with the advice of incumbent members and with the approval of the Council, for staggered four-year terms. Appointments shall be made at the regular January Council meeting and terms shall commence at the next regular Board meeting. The Mayor shall designate the first Chairperson and Vice Chairperson, and the Board shall choose its Chairperson and Vice Chairperson every two years thereafter. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as original appointments.

25.03 DUTIES OF CEMETERY BOARD. The Cemetery Board shall:

1. Have authority over the municipal cemetery and personnel, subject to the limitation of expenditures for salaries, supplies, contracts, and capital outlay set forth in the annual budget established by the Council;
2. Advise the Council on the needs of and matters of planning for the municipal cemetery;
3. Recommend a Sexton for Council appointment;
4. Adopt and publish rules and regulations governing the sale, use, and maintenance of cemetery lots;
5. Adopt and publish rules and regulations designed to protect, preserve, and foster the beauty of the cemetery;
6. Establish a schedule of fees for the sale of cemetery lots and for perpetual care of monuments or other improvements;
7. Receive and disburse funds of the perpetual care fund as prescribed by Chapter 523I of the *Code of Iowa* and this chapter.

25.04 REVIEW BY COUNCIL. Actions by the Cemetery Board shall be subject to review by the Council. Rules and regulations of the Cemetery Board shall be reviewed by the Council which may approve or disapprove of all or part of such rules or regulations. Rules and regulations approved by the Council shall have the force and effect of a resolution of the Council.

25.05 CEMETERY SEXTON. The office of Sexton is established. The Sexton shall serve without compensation, but may receive reimbursement for actual expenses.

25.06 APPOINTMENT AND TERM OF SEXTON. The Council shall appoint by majority vote a person to serve as Sexton. The Sexton shall serve at the pleasure of the Council. In the event a vacancy of the office of Sexton should occur, the Council shall appoint a person to fulfill the remaining term of the departing Sexton.

25.07 DUTIES OF SEXTON. The Sexton shall:

1. Manage the operation of the cemetery under the direction of the Cemetery Board;
2. Open and close graves in accordance with instructions received from proper authorities;
3. Supervise and control all interments and disinterment's, or appoint an appropriate City employee to supervise and control such interments or disinterment's when the Sexton is unavailable, to ensure proper placement and conformity with cemetery rules;
4. Supervise and control the installation of all foundations and determine the position of monuments, markers, memorials, or other improvements to insure conformity with the rules and regulations of the cemetery;
5. Enforce the rules and regulations of the cemetery as adopted by the Cemetery Board and approved by the Council;
6. Oversee such City employees as may be under the direction of the Sexton;
7. Keep a record of burials in the cemetery showing the name of the deceased person, place of death, date of burial, disposal, disinterment or reburial, name and address of the funeral director or embalmer and such other records as are pertinent to the burials and deliver such records to the Clerk;
8. Provide advice and recommendations concerning the operation, maintenance, and improvement of the cemetery to the cemetery board; and
9. Perform such other duties as may be assigned from time to time by the Cemetery Board or Council or as may be prescribed in the rules and regulations of the cemetery.

25.08 PERPETUAL CARE.



1. Trusteeship. Pursuant to Section 523I.502 of the *Code of Iowa*, the City hereby states its willingness to act as the trustee for the perpetual maintenance of interment spaces in Slater Municipal Cemetery.

2. Establishment of Trust Fund. A perpetual trust is hereby established for Slater Municipal Cemetery in accordance with Chapter 523II of the *Code of Iowa*, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the "perpetual care cemetery fund," which shall be funded by the deposit of an amount equal to or greater than 20 percent of the gross selling price, or \$50.00, whichever is more, for each sale of lot or interment space within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Chapter 523I of the *Code of Iowa*.

The perpetual care cemetery fund shall be maintained separate from all operating funds of the cemetery and the principal of the fund shall not be reduced voluntarily except as

specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

3. Sale of Internment Rights. The sale or transfer of internment rights in the cemetery shall be evidenced by a certificate of internment rights or other instrument evidencing the conveyance of exclusive rights of internment upon payment in full of the purchase price. The agreement for internment rights shall disclose all information required by the Iowa Cemetery Act, including the amount or percentage of money to be placed in the perpetual care cemetery fund.

4. Perpetual Care Registry. The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

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CHAPTER 30

CONTRACT LAW ENFORCEMENT

30.01 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

(Code of Iowa, Sec. 28E.30)

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Approved by Council
35.04 Training
35.05 Compensation
35.06 Election of Officers
35.07 Duties of Fire Chief

35.08 Obedience to Fire Chief
35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside Fire District
35.13 Mutual Aid
35.14 Authority to Cite Violations

35.01 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

(Code of Iowa, Sec. 372.13[4])

35.03 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

35.04 TRAINING. All members of the department shall meet the minimum training standards established by the State Fire Marshal and attend and actively participate in regular or special training drills or programs as directed by the Fire Chief.

(Code of Iowa, Sec. 100B.2[4])

35.05 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.

(Code of Iowa, Sec. 372.13[4])

35.06 ELECTION OF OFFICERS. The department shall elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of the Fire Chief shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

35.07 DUTIES OF FIRE CHIEF. The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including (but not limited to) the following:

(Code of Iowa, Sec. 372.13[4])

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin, and circumstances of fires.
2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits, and development of fire emergency plans.

3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

4. Control of Scenes. Prohibit an individual, vehicle, or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel, or individual that may impede or interfere with the operation of the Fire Department.

(Code of Iowa, Sec. 102.2)

5. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades, or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

6. Command. Be charged with the duty of maintaining the efficiency, discipline, and control of the Fire Department. The members of the Fire Department shall, at all times, be subject to the direction of the Fire Chief.

7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment, and other property used by or belonging to the Fire Department.

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000.00 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of \$50.00 or more or emergency responses by the Fire Department, file a report with the State Fire Marshal's Division within 10 days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 and 100.3)

9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection that under law or ordinance may be necessary to be made and that is reasonably necessary to protect the public health, safety, and welfare.

(Code of Iowa, Sec. 10A.514)

10. Recommendation. Make such recommendations to owners, occupants, caretakers, or managers of buildings necessary to eliminate fire hazards.

11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing, and reporting data pertaining to fires.

12. Records. Cause to be kept records of the Fire Department personnel, firefighting equipment, depreciation of all equipment and apparatus, the number of

responses to alarms, their cause, and location, and an analysis of losses by value, type, and location of buildings.

13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

35.08 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

35.09 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

35.10 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firefighters injured in the performance of their duties as firefighters whether within or outside the corporate limits of the City. All volunteer firefighters shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61, and Sec. 410.18)

35.11 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 670.2 and 517A.1)

35.12 CALLS OUTSIDE FIRE DISTRICT. The department shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District.

(Code of Iowa, Sec. 364.4[2 and 3])

35.13 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

(Code of Iowa, Sec. 364.4[2 and 3])

35.14 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the *Code of Iowa* may issue citations in accordance with Chapter 805 of the *Code of Iowa* for violations of State or local fire safety code.

(Code of Iowa, Sec. 100.41)

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose
36.02 Definitions
36.03 Cleanup Required
36.04 Liability for Cleanup Costs

36.05 Notifications
36.06 Police Authority
36.07 Liability

36.01 PURPOSE. In order to reduce the danger to the public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal, and cleanup of hazardous substance spills within the City limits.

36.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. “Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking, or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted

into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety, and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within 30 days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or federal funds available for said cleanup.

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction, or loss.
4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

36.05 NOTIFICATIONS.



1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the County Sheriff of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The County Sheriff shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the County Sheriff, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any Peace Officer issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

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CHAPTER 37

FIRST RESPONDER SERVICE

37.01 Establishment and Purpose
37.02 Organization
37.03 EMS Chief
37.04 EMS Deputy Chief
37.05 Secretary
37.06 Treasurer

37.07 Training
37.08 Compensation
37.09 Meetings
37.10 General Rules
37.11 Financing and Accounting
37.12 Insurance

37.01 ESTABLISHMENT AND PURPOSE. A volunteer First Responder Service is hereby established to provide prompt response to emergency medical 911 calls. The First Responder Service shall provide basic emergency medical care, when dispatched by the County Sheriff Dispatch Unit, and shall continue to provide medical assistance until advanced medical personnel arrive. The County Sheriff's Dispatch Unit dispatches the 911 call based on the predetermined assigned geographic location of the medical call.

37.02 ORGANIZATION. All members of the service must be State certified as a First Responder or above. First Responder is the minimum qualification. Any person over the age of 18 having the necessary certification may become a service member. The service shall elect its Board members. The Board consists of an EMS Chief, EMS Deputy Chief, Secretary, and Treasurer. Board members are elected for a one-year term commencing in January of each calendar year.

37.03 EMS CHIEF. The EMS Chief shall have the following duties:

1. General. Perform all duties required by this chapter.
2. Command. Maintain efficiency, discipline, and control of the First Responder Service. The members shall be subject to directions of the EMS Chief.
3. Property. Maintain and have limited control over all equipment and supplies used by or belonging to the First Responder Service.
4. Records. Maintain personnel certification requirements, medical records, operating costs, minutes of proceedings, and logs of calls.
5. Reports. Compile and submit to the Mayor and Council an annual report of activities, as well as such other reports as may be requested by the Mayor or the Council.

37.04 EMS DEPUTY CHIEF. The EMS Deputy Chief will help in any way with the duties of the EMS Chief and act as backup in the absence of the Chief.

37.05 SECRETARY. The Secretary shall take minutes at meetings, provide them at least a week prior the next meeting and maintain other records as deemed necessary by the EMS Chief.

37.06 TREASURER. The Treasurer is responsible for submitting invoices, tracking, and balancing with the City's assigned account.

37.07 TRAINING. Each member shall maintain their certification as required by the Iowa Department of Public Health, Bureau of EMS. This includes maintaining a current Professional Rescuer Cardiac Pulmonary Resuscitation (CPR/AED).

37.08 COMPENSATION. Members of the First Responder Service shall receive such compensation as established by resolution of the Council.



37.09 MEETINGS. Members are expected to attend training and squad meetings based on their availability. All meetings will follow the Roberts Rules of Order.

37.10 GENERAL RULES. Members of the First Responder Service shall comply with the voluntary First Response Service Standards as directed by the Iowa Department of Public Health, Emergency Medical Services Bureau. Members shall abide by all rules of this chapter.

1. All members agree to take calls whenever available.
2. Members shall not consume any alcoholic beverages or take any medication which could possibly affect their ability to perform during a call.
3. Members are prohibited from sharing patient names, ages, medical information, or other shared history with anyone other than the ambulance in route and other certified medical staff on scene.

37.11 FINANCING AND ACCOUNTING. Budgeted City funds will be in accordance with the ordinances of the City. The budget and expenditures shall not exceed the cash on hand for the First Responder Service.

37.12 INSURANCE. The Council shall contract to insure the City for liability for the cost of hospitalization, nursing and medical attention for First Responder Service personnel injured in the performance of their volunteer duties.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment

40.03 Disorderly Conduct
40.04 Failure to Disperse

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

1. Pain or Injury. Any act that is intended to cause pain or injury to another or that is intended to result in physical contact that 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 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, Sec. 708.1[2])

An act described in Subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the 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 of serious injury or breach of the peace; (ii) if the person doing any of the 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, 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 reasonably 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, 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 the other 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 that is reasonably related to that sport.

(Code of Iowa, Sec. 723.4[1a])

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which intentionally or recklessly causes unreasonable distress to the occupants thereof.

(Code of Iowa, Sec. 723.4[1b])

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, Sec. 723.4[1c])

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[1d])

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, Sec. 723.4[1e])

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[1f])

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. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:
- A. Make loud and raucous noise that 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 that the person knows or reasonably 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 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)



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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.09 Antenna and Radio Wires
41.02 False Reports to or Communications with Public Safety Entities	41.10 Barbed Wire and Electric Fences
41.03 Providing False Identification Information	41.11 Discharging Weapons
41.04 Refusing to Assist Officer	41.12 Throwing and Shooting
41.05 Harassment of Public Officers and Employees	41.13 Urinating and Defecating
41.06 Interference with Official Acts	41.14 Fireworks
41.07 Removal of an Officer's Communication or Control Device	41.15 Drug Paraphernalia
41.08 Abandoned or Unattended Refrigerators	41.16 Failure to Assist
	41.17 Construction Adjacent to Trials Prohibited

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 they are 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 PROVIDING FALSE IDENTIFICATION INFORMATION. No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

41.04 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)

41.05 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)

 **41.06 INTERFERENCE WITH OFFICIAL ACTS.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, medical examiner, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, medical examiner, or firefighter, or person performing bailiff duties, 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)

41.07 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Code of Iowa, Sec. 708.12)

41.08 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)

41.09 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])

41.10 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 10 acres or more and is used as agricultural land.

41.11 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 Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

41.12 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, 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 Council.

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

41.13 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.

41.14 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. For purposes of this section:

A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:

(1) First-class consumer fireworks:

- a. Aerial shell kits and reloadable tubes;
- b. Chasers;
- c. Helicopters and aerial spinners;
- d. Firecrackers;
- e. Mine and shell devices;
- f. Missile-type rockets;
- g. Roman candles;
- h. Sky rockets and bottle rockets;
- i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.

(2) Second-class consumer fireworks:

- a. Cone fountains;
- b. Cylindrical fountains;
- c. Flitter sparklers;
- d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;
- e. Ground spinners;
- f. Illuminating torches;
- g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;
- h. Wheels;

- i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.
 - B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.
 - C. “Novelties” includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.
2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
 - A. Personal Injury: \$250,000.00 per person
 - B. Property Damage:..... \$50,000.00
 - C. Total Exposure: \$1,000,000.00
3. Consumer Fireworks.
 - A. A person shall not use or explode consumer fireworks on days other than July 3rd, 4th, and 5th and Fridays and Saturdays from June 1st to July 8th and only during the hours of 12:00 p.m. to 10:00 p.m. on those specified days from June 1st to the Saturday after July 4th; December 30th of each year from the hours of 4:00 p.m. to 10:00 p.m.; and December 31st of each year starting at 4:00 p.m. through January 1st ending at 12:30 a.m.
 - B. A person shall not use, explode, or discharge consumer fireworks on real property other than that person’s real property or on the real property of a person who has consented to the use of consumer firework on that property. A person shall not use, explode, or discharge consumer fireworks on publicly owned property, included but not limited to, City streets and parks, except as specifically authorized by permit issued pursuant to the City Code. A person that chooses to use, explode, or discharge consumer fireworks on their property shall have responsibility to clean up all debris created by the fireworks.
 - C. It is unlawful for any person to use consumer fireworks on real property other than that person’s real property or on the real property of a person who has consented to the use of consumer fireworks on that property.
4. Novelties. This section does not apply to novelties.

5. Sale of Fireworks.

A. No person, retailer, consumer group, or otherwise shall sell or display for sale any fireworks without possessing a permit from the State Fire Marshall and complying with all State, federal, and local laws.

B. Temporary sale of display for sale of fireworks is allowed through the use of temporary sale structures.

(1) Temporary sale structures shall only be allowed and erected during the permitted dates for sales according to State law.

(2) Temporary sale structure locations shall have hard surface paved parking.

(3) All fireworks shall be stored in a secured and locked location during non-sale time pursuant State law.

(4) Temporary sale structure owners, if not the property owner, shall have written consent by the current property owner at the location where the structure is located.

(5) Proof of State licensing and compliance with State regulations shall be submitted to the City prior to sale of any items.

41.15 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

1. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

A. Manufacture a controlled substance.

B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

C. Test the strength, effectiveness, or purity of a controlled substance.

D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

41.16 FAILURE TO ASSIST. A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or local emergency response authorities, if doing so does not place the person or other person at risk of serious bodily injury or imminent danger of death. No person shall without lawful cause violate the provisions of this section. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance.

(Code of Iowa, Sec. 727.12)

**41.17 CONSTRUCTION ADJACENT TO TRAILS PROHIBIT.**

1. Purpose. Objects adjacent to trails pose a potential hazard to trail users. The purpose of this section is to prohibit the construction of fences or buildings, the placement of benches or tables and the planting of trees, hedges, etc. within 5 feet of the edges of City trails within the City.
2. Structures. No structures, such as fences, sheds, garages, pergolas, and other like structures, shall be granted a building permit to be constructed within 5 feet of the edges of City trails within the City.
3. Non-permit Required Items. No benches, tables, play equipment shall be placed nor shall any tree or hedge be planted within 5 feet of the edges of City trails. Any bench, table, tree, hedge or like item not removed within 7 days of notification from the City to the property owner will be removed by the City at the owner's expense at the hourly rate for City labor as defined by resolution.

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing
42.02 Criminal Mischief
42.03 Defacing Proclamations or Notices
42.04 Unauthorized Entry

42.05 Fraud
42.06 Theft
42.07 Other Public Property Offenses

42.01 TRESPASSING.



1. Prohibited. It is unlawful for a person to knowingly trespass upon the property of another.

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

(Code of Iowa, Sec. 716.7[1])

A. “Property” includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.

B. “Public utility” is a public utility as defined in Section 476.1 of the *Code of Iowa* or an electric transmission line as provided in Chapter 478 of the *Code of Iowa*.

C. “Public utility property” means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind.

D. “Railway corporation” means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this State.

E. “Railway property” means all tangible real and personal property owned, leased, or operated by a railway corporation, with the exception of any administrative building or offices of the railway corporation.

- F. “Trespass” means one or more of the following acts:

(Code of Iowa, Sec. 716.7[2a])

(1) Entering upon or in property without the express 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.

(2) Entering or remaining 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 the agent or employee of 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.

(3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(4) Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This paragraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering onto the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

(6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This paragraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

3. Specific Exceptions. "Trespass" does not mean either of the following:
(Code of Iowa, Sec. 716.7[2b])

A. Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This paragraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

B. Entering upon the right-of-way of a public road or highway.

42.02 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter, or destroy property.
(Code of Iowa, Sec. 716.1)

42.03 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to 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 the 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, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

42.05 FRAUD. It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the *Code of Iowa*.

(Code of Iowa, Sec. 714.8)

42.06 THEFT. It is unlawful for any person to commit theft as defined in Section 714.1 of the *Code of Iowa*.

(Code of Iowa, Sec. 714.1)

42.07 OTHER PUBLIC PROPERTY OFFENSES. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other activities or conditions that are also deemed to be public property offenses:

1. Chapter 22 – Library
 - A. Section 22.10 – Injury to Books or Property
 - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.11 – Littering Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.15 – Fires or Fuel on Sidewalks
 - C. Section 136.16 – Defacing
 - D. Section 136.17 – Debris on Sidewalks
 - E. Section 136.18 – Merchandise Display
 - F. Section 136.19 – Sales Stands

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[3])

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any retail alcohol licensee.

(Code of Iowa, Sec. 123.49[3])

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:

A. “Arrest” means the same as defined in Section 804.5 of the *Code of Iowa* and includes taking into custody pursuant to Section 232.19 of the *Code of Iowa*.

B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.

C. “Peace officer” means the same as defined in Section 801.4 of the *Code of Iowa*.

D. “School” means a public or private school or that portion of a public or private school that provides teaching for any grade from kindergarten through Grade 12.

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

3. A person shall not simulate intoxication in a public place.

4. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *[See Section 62.01(50) and (51) of this Code of Ordinances.]*

 **45.04 SOCIAL HOST.** A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of 18, to consume or possess on such property any alcoholic beverage. The provisions of this subsection shall not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

(Code of Iowa, Sec. 123.47)

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CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.02 Contributing to Delinquency



46.01 CIGARETTES AND TOBACCO. It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)

46.02 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under 18 years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Parks Closed

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, Sec. 364.12)

47.02 USE OF DRIVES REQUIRED. No person shall drive any car, cycle, or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

47.03 FIRES. No fire shall be built, except in a place designated for such purpose, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.04 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter, or foreign substance in any area or receptacle except those provided for that purpose.

47.05 PARKS CLOSED. No person shall enter or remain within any park between the hours of 11:00 p.m. and 7:00 a.m., unless an exception is granted by the Council.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited

50.05 Nuisance Abatement
50.06 Abatement of Nuisance by Written Notice
50.07 Municipal Infraction Abatement Procedure

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions that are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction.
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
10. **Dutch Elm Disease.** Trees infected with Dutch elm disease. **(See also Chapter 151)**

11. Airport Air Space. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

50.03 OTHER CONDITIONS. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions that are deemed to be nuisances:

1. Storage and Disposal of Solid Waste (**See Chapter 105**)
2. Dangerous Buildings (**See Chapter 145**)
3. Trees (**See Chapter 151**)
4. Construction and Repair of Buildings (**See Chapter 155**)

50.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

(Code of Iowa, Sec. 364.12[3h])

50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE. Any nuisance, public or private, may be abated in the manner provided for in this section:

(Code of Iowa, Sec. 364.12[3h])

1. Contents of Notice to Property Owner. The notice to abate shall contain: [†]
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

[†] **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

D. Reasonable Time. A reasonable time within which to complete the abatement.

E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.

2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, Sec. 364.12[3h])

3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.

(Code of Iowa, Sec. 364.12[3h])

5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.

(Code of Iowa, Sec. 364.12[3h])

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

(Code of Iowa, Sec. 364.12[3h])

7. **Installment Payment of Cost of Abatement.** If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions
55.02 Animal Neglect
55.03 Livestock Neglect
55.04 Abandonment of Cats and Dogs
55.05 Livestock
55.06 At Large Prohibited
55.07 Damage or Interference
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55.09 Vicious Dogs

55.10 Number and Type Permitted
55.11 Rabies Vaccination
55.12 Owner's Duty
55.13 Confinement
55.14 At Large: Impoundment
55.15 Disposition of Animals
55.16 Pet Awards Prohibited
55.17 Tampering With A Rabies Vaccination Tag
55.18 Tampering With An Electronic Handling Device



55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. “Advertise” means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.

(Code of Iowa, Sec. 717E.1)

2. “Animal” means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

(Code of Iowa, Sec. 162.2)

4. “At large” means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

5. “Business” means any enterprise relating to any of the following:

(Code of Iowa, Sec. 717E.1)

- A. The sale or offer for sale of goods or services.
- B. A recruitment for employment or membership in an organization.
- C. A solicitation to make an investment.
- D. An amusement or entertainment activity.

6. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

(Code of Iowa, Sec. 717.B1)

7. “Fair” means any of the following:

(Code of Iowa, Sec. 717E.1)

- A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.

- B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
8. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
(*Code of Iowa, Sec. 717E.1*)
9. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.
(*Code of Iowa, Sec. 717.B1*)
10. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.
(*Code of Iowa, Sec. 717.1*)
11. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
12. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.
(*Code of Iowa, Sec. 717E.1*)
13. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
(*Code of Iowa, Sec. 162.2*)
14. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.
(*Code of Iowa, Sec. 162.2*)
15. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.
(*Code of Iowa, Sec. 717.B1*)

55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal's welfare:

(Code of Iowa, Sec. 717B.3)

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

- (1) A condition caused by failing to provide for the animal's welfare as described in this section.

- (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

- (1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

- (2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices, or to deprive the livestock of necessary sustenance, or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

(Code of Iowa, Sec. 717B.8)

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or pound or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles, or other vehicles.

55.09 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

55.10 NUMBER AND TYPE PERMITTED.



1. Number of Dogs Limited. It is unlawful for a person to keep more than five dogs over the age of five months on any residential or other premises in the City. Persons who owned, possessed, or kept more than five dogs on their premises as of

April 1, 2021, are permitted to continue to own, possess, or keep those dogs only, but are not permitted to replace a dog which dies, is sold, transferred, or otherwise disposed of until the total number of dogs has decreased to the maximum limit of five.

2. Number of Cats Limited. It is unlawful for a person to keep more than five cats over the age of four months on any residential or other premises in the City. Person who owned, possessed, or kept more than five cats on their premises as of April 1, 2021, must contact City Hall and present a management or reduction plan for approval by the Council.

55.11 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.12 OWNER'S DUTY. It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.13 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.14 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.15 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs established by the impoundment facility, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.16 PET AWARDS PROHIBITED.*(Code of Iowa, Ch. 717E)*

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting, or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.17 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful to tamper with a rabies vaccination tag.*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
 - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
 - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.



55.18 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE. It is unlawful to tamper with an electronic handling device.

(Code of Iowa, Sec. 351.46)

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
 - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
 - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic

60.05 Reports of Traffic Accidents
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers
60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Slater Traffic Code" (and are referred to herein as the "Traffic Code").

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory including all commercial and industrial districts as established in the City's zoning regulations.
2. "MPH" means miles per hour.
3. "Parade" means any march or procession of 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 to the public as a parade.
4. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
5. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
6. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban, or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
7. "School district" means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
8. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
9. "Stop" means when required, the complete cessation of movement.
10. "Stop" or "stopping" means 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.
11. "Suburban district" means all other parts of the City not included in the business, school, or residence districts.

12. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

13. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the County Sheriff.

(Code of Iowa, Sec. 372.13[4])

60.04 POWER TO DIRECT TRAFFIC. A peace officer or, in the absence of a peace officer, 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.

(Code of Iowa, Sec. 102.4 and 321.236[2])

60.05 REPORTS OF TRAFFIC ACCIDENTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. 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*.

(Code of Iowa, Sec. 321.273)

60.06 PEACE OFFICER’S AUTHORITY. A peace officer is authorized to stop a vehicle to require exhibition of the driver’s license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading, or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Code of Iowa, Sec. 321.492)

60.07 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. Permission Required. No parade shall be conducted without first obtaining permission from the Council. Approval 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 organizer to participate therein. No fee shall be required for such parade.

2. Parade Not a Street Obstruction. Any parade for which permission has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

3. Control by Peace Officers and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The City shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The City shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The City 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, Sec. 372.13[4] and 321.255)

61.03 TRAFFIC LANES. The City is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with this Traffic Code. Where such traffic lanes have been marked, it is 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, Sec. 372.13[4] and 321.255)

61.04 STANDARDS. Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

(Code of Iowa, Sec. 321.255)

61.05 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, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 and 321.231A of the *Code of Iowa*.

(Code of Iowa, Sec. 321.256)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle

62.05 Obstructing View at Intersections
62.06 Compression Brakes Prohibited
62.07 Special Passing Restrictions



62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by 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 section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Limitation on liability; penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed; operation of commercial vehicles.
15. Section 321.174A – Operation of motor vehicle with expired license.
16. Section 321.180 – Instruction permits, commercial learner’s permits, and chauffeur’s instruction permits.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restrictions on licenses; penalty.
19. Section 321.194 – Special minors’ licenses.
20. Section 321.208A – Operation in violation of out-of-service order; penalties.
21. Section 321.216 – Unlawful use of license and nonoperator’s identification card; penalty.

22. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
23. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain tobacco, tobacco products alternative nicotine products, vapor products, or cigarettes.
24. Section 321.218 – Operating without valid driver’s license or when disqualified; penalties.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – Driver’s license inspection for motor vehicle rental.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles, highway use.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.235B – Low-speed electric bicycles.
35. Section 321.247 – Golf cart operation on City streets.
36. Section 321.257 – Official traffic control signal.
37. Section 321.259 – Unauthorized signs, signals or markings.
38. Section 321.260 – Interference with devices, signs, or signals; unlawful possession; traffic signal preemption devices.
39. Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.
40. Section 321.263 – Information and aid; leaving scene of personal injury accident.
41. Section 321.264 – Striking unattended vehicle.
42. Section 321.265 – Striking fixtures upon a highway.
43. Section 321.266 – Reporting accidents.
44. Section 321.275 – Operation of motorcycles and motorized bicycles.
45. Section 321.276 – Use of electronic communication device while driving; text-messaging.
46. Section 321.277 – Reckless driving.
47. Section 321.277A – Careless driving.
48. Section 321.278 – Drag racing prohibited.
49. Section 321.281 – Actions against bicyclists.
50. Section 321.284 – Open container in motor vehicles, drivers.

51. Section 321.284A – Open container in motor vehicles, passengers.
52. Section 321.288 – Control of vehicle; reduced speed.
53. Section 321.295 – Limitation on bridge or elevated structures.
54. Section 321.297 – Driving on right-hand side of roadways; exceptions.
55. Section 321.298 – Meeting and turning to right.
56. Section 321.299 – Overtaking a vehicle.
57. Section 321.302 – Overtaking and passing.
58. Section 321.303 – Limitations on overtaking on the left.
59. Section 321.304 – Prohibited passing.
60. Section 321.305 – One-way roadways and rotary traffic islands.
61. Section 321.306 – Roadways laned for traffic.
62. Section 321.307 – Following too closely.
63. Section 321.309 – Towing.
64. Section 321.310 – Towing four-wheel trailers.
65. Section 321.312 – Turning on curve or crest of grade.
66. Section 321.313 – Starting parked vehicle.
67. Section 321.314 – When signal required.
68. Section 321.315 – Signal continuous.
69. Section 321.316 – Stopping.
70. Section 321.317 – Signals by hand and arm or signal device.
71. Section 321.318 – Method of giving hand and arm signals.
72. Section 321.319 – Entering intersections from different highways.
73. Section 321.320 – Left turns; yielding.
74. Section 321.321 – Entering through highways.
75. Section 321.322 – Vehicles entering stop or yield intersection.
76. Section 321.323 – Moving vehicle backward on highway.
77. Section 321.323A – Approaching certain stationary vehicles.
78. Section 321.324 – Operation on approach of emergency vehicles.
79. Section 321.324A – Funeral processions.
80. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
81. Section 321.330 – Use of crosswalks.
82. Section 321.332 – White canes restricted to blind persons.
83. Section 321.333 – Duty of drivers.
84. Section 321.340 – Driving through safety zone.

85. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
86. Section 321.342 – Stop at certain railroad crossings; posting warning.
87. Section 321.343 – Certain vehicles must stop.
88. Section 321.344 – Heavy equipment at crossing.
89. Section 321.344B – Immediate safety threat; penalty.
90. Section 321.354 – Stopping on traveled way.
91. Section 321.359 – Moving other vehicle.
92. Section 321.362 – Unattended motor vehicle.
93. Section 321.363 – Obstruction to driver's view.
94. Section 321.364 – Preventing contamination of food by hazardous material.
95. Section 321.365 – Coasting prohibited.
96. Section 321.366 – Acts prohibited on fully-controlled access facilities.
97. Section 321.367 – Following fire apparatus.
98. Section 321.368 – Crossing fire hose.
99. Section 321.369 – Putting debris on highway.
100. Section 321.370 – Removing injurious material.
101. Section 321.371 – Clearing up wrecks.
102. Section 321.372 – Discharging pupils, stopping requirements; penalties.
103. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
104. Section 321.381A – Operation of low-speed vehicles.
105. Section 321.382 – Upgrade pulls; minimum speed.
106. Section 321.383 – Exceptions; slow vehicles identified.
107. Section 321.384 – When lighted lamps required.
108. Section 321.385 – Head lamps on motor vehicles.
109. Section 321.386 – Head lamps on motorcycles, motorized bicycles, and all-terrain vehicles.
110. Section 321.387 – Rear lamps.
111. Section 321.388 – Illuminating plates.
112. Section 321.389 – Reflector requirement.
113. Section 321.390 – Reflector requirements.
114. Section 321.392 – Clearance and identification lights.
115. Section 321.393 – Color and mounting.
116. Section 321.394 – Lamp or flag on projecting load.
117. Section 321.395 – Lamps on parked vehicles.

118. Section 321.398 – Lamps on other vehicles and equipment.
119. Section 321.402 – Spot lamps.
120. Section 321.403 – Auxiliary driving lamps.
121. Section 321.404 – Signal lamps and signal devices.
122. Section 321.404A – Light-restricting devices prohibited.
123. Section 321.405 – Self-illumination.
124. Section 321.408 – Back-up lamps.
125. Section 321.409 – Mandatory lighting equipment.
126. Section 321.415 – Required usage of lighting devices.
127. Section 321.417 – Single-beam road-lighting equipment.
128. Section 321.418 – Alternate road-lighting equipment.
129. Section 321.419 – Number of driving lamps required or permitted.
130. Section 321.420 – Number of lamps lighted.
131. Section 321.421 – Special restrictions on lamps.
132. Section 321.422 – Red light in front, rear lights.
133. Section 321.423 – Flashing lights.
134. Section 321.430 – Brake, hitch, and control requirements.
135. Section 321.431 – Performance ability.
136. Section 321.432 – Horns and warning devices.
137. Section 321.433 – Sirens, whistles, air horns, and bells prohibited.
138. Section 321.434 – Bicycle sirens or whistles.
139. Section 321.436 – Mufflers, prevention of noise.
140. Section 321.437 – Mirrors.
141. Section 321.438 – Windshields and windows.
142. Section 321.439 – Windshield wipers.
143. Section 321.440 – Restrictions as to tire equipment.
144. Section 321.441 – Metal tires prohibited.
145. Section 321.442 – Projections on wheels.
146. Section 321.444 – Safety glass.
147. Section 321.445 – Safety belts and safety harnesses; use required.
148. Section 321.446 – Child restraint devices.
149. Section 321.449 – Motor carrier safety rules.
150. Section 321.449A – Rail crew transport drivers.
151. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.

- 152. Section 321.450 – Hazardous materials transportation regulations.
- 153. Section 321.454 – Width of vehicles.
- 154. Section 321.455 – Projecting loads on passenger vehicles.
- 155. Section 321.456 – Height of vehicles.
- 156. Section 321.457 – Maximum length.
- 157. Section 321.458 – Loading beyond front.
- 158. Section 321.460 – Spilling loads on highways.
- 159. Section 321.461 – Trailers and towed vehicles.
- 160. Section 321.462 – Drawbars and safety chains.
- 161. Section 321.463 – Maximum gross weight; exceptions, penalties.
- 162. Section 321.465 – Weighing vehicles and removal of excess.
- 163. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Council shall have authority to declare any street or part thereof a play street and cause to be placed 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, Sec. 321.255)

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

62.04 CLINGING TO VEHICLE. 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 riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or themselves to any vehicle upon a roadway.

62.05 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

62.06 COMPRESSION BRAKES PROHIBITED. No person shall use or operate a compression release engine braking system (commonly referred to as a Jake Brake, Jacobs Brake, engine brake, or compression brake) within the City, except in an emergency or in an official vehicle responding to an emergency.

62.07 SPECIAL PASSING RESTRICTIONS. It is unlawful to pass in any area, which may be referred to as “No Passing Zones,” designated by pavement marking or signs. The following No Passing Zones are established:

1. Linn Street, northbound, from the south corporate limit to the north corporate limit.
2. Linn Street, southbound, from the north corporate limit to the south corporate limit.

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries, and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

63.06 Controlled Access Facilities

63.01 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 said driver 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, Sec. 321.285)

63.02 STATE CODE SPEED LIMITS. The following speed limits are established in Section 321.285 of the *Code of Iowa* and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District – 20 MPH.
2. Residence or School District – 25 MPH.
3. Suburban District – 45 MPH.

63.03 PARKS, CEMETERIES, AND PARKING LOTS. A speed in excess of 15 MPH in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.236[5])

63.04 SPECIAL SPEED ZONES. In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 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 at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. **Special 25 MPH Speed Zones.** A speed in excess of 25 MPH is unlawful on any of the following designated streets or parts thereof.

A. 1st Avenue North. Traffic traveling both directions starting at the intersection of North Carroll Street and extending easterly to Greene Street.

B. North Carroll Street. Traffic traveling both directions starting at the intersection of 1st Avenue and extending northerly to the City limits a total distance of approximately 0.5 miles.

C. South Linn Street. Beginning at a point 400 feet from the southern corporate limit on Linn Street and continuing north to the intersection of Linn Street and U.S. Highway 210.



2. Special 35 MPH Speed Zones. A speed in excess of 35 MPH is unlawful on any of the following designated streets or parts thereof.

A. North Linn Street, northbound. With respect to the northbound lane of travel on Linn Street, beginning at a point 930 feet south of the north corporate limit and continuing south 416 feet.

B. North Linn Street, southbound. With respect to the southbound lane of travel on Linn Street, beginning north of the corporate limit and continuing south of 1,500 feet.

63.05 MINIMUM SPEED. A person shall not 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, Sec. 321.294)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections

64.02 U-Turns

64.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The City 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 above be 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.

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection; however, U-turns are prohibited within the Business District.

(Code of Iowa, Sec. 321.236[9])

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop Required
65.02 Four-Way Stop Intersections
65.03 Yield Required
65.04 School Stops

65.05 Stop Before Crossing Sidewalk
65.06 Stop When Traffic Is Obstructed
65.07 Yield to Pedestrians in Crosswalks

65.01 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. 10th Avenue at Marshall Street eastbound.
2. 10th Avenue at Marshall Street westbound.
3. 11th Avenue at Dogwood Drive eastbound.
4. Benton Street at First Avenue northbound.
5. Benton Street at Main Street northbound.
6. Benton Street at Main Street southbound.
7. Benton Street at Sixth Avenue southbound.
8. Boone Street at First Avenue northbound.
9. Boone Street at Main Street northbound.
10. Boone Street at Main Street southbound.
11. Boone Street at Sixth Avenue southbound.
12. Boone Street at Trail Drive northbound.
13. Cedar Street at Sixth Avenue southbound.
14. Clark Street at Sheffield Avenue eastbound.
15. Eighth Avenue at Linn Street eastbound.
16. Eighth Avenue at Marshall Street eastbound.
17. Eighth Avenue at Marshall Street westbound.
18. Fifth Avenue at Linn Street eastbound.
19. First Avenue at Linn Street eastbound.
20. Four Mile Drive at South Carroll Street and Eighth Avenue, traveling northeasterly.
21. Fourth Avenue at Greene Street westbound.
22. Fourth Avenue at Linn Street eastbound.
23. Fourth Avenue at Linn Street westbound.
24. Greene Street at Eighth Avenue southbound.

25. Greene Street at First Avenue northbound.
26. Greene Street at Fourth Avenue northbound.
27. Greene Street at Fourth Avenue southbound.
28. Greene Street at Sixth Avenue northbound.
29. Greene Street at Trail Drive, traveling northeasterly.
30. Grimm Park exit at Greene Street and Fourth Avenue.
31. Grimm Park parking lot at 6th Street southbound.
32. Heart of Iowa Trail at Linn Street eastbound.
33. Heart of Iowa Trail at Linn Street westbound.
34. High Trestle Trail at 6th Street northbound.
35. High Trestle Trail at 6th Street southbound.
36. High Trestle Trail at 500th Street westbound.
37. Main Street at Greene Street westbound.
38. Marshall Street at Eighth Avenue northbound.
39. Marshall Street at Eighth Avenue southbound.
40. Marshall Street at First Avenue northbound.
41. Marshall Street at Main Street northbound.
42. Marshall Street at Main Street southbound.
43. Marshall Street at Sixth Avenue northbound.
44. Marshall Street at Sixth Avenue southbound.
45. Ninth Avenue at Linn Street eastbound.
46. Redbud Circle at Redbud Drive westbound.
47. Redbud Drive at 11th Avenue southbound.
48. Ryen Road at Carroll Avenue eastbound.
49. Ryen Road at North Carroll Street eastbound.
50. Ryen Road at Sheffield Avenue eastbound.
51. Ryen Road at Sheffield Avenue westbound.
52. School parking lot at East Main Street southbound.
53. School u-shape drop off lane at East Main Street southbound.
54. Second Avenue at Linn Street eastbound.
55. Second Avenue at Linn Street westbound.
56. Sheffield Avenue at Ryen Road southbound.
57. South Carroll Street at Sixth Avenue northbound.
58. Southside Park parking lot at Trail Drive northbound.
59. Story Street at First Avenue northbound.

60. Story Street at Main Street northbound.
61. Story Street at Main Street southbound.
62. Story Street at Sixth Avenue northbound.
63. Story Street at Sixth Avenue southbound.
64. Tama Street at First Avenue northbound.
65. Tama Street at Main Street northbound.
66. Tama Street at Main Street southbound.
67. Tama Street at Sixth Avenue southbound.
68. Tenth Avenue at Linn Street eastbound.
69. Third Avenue at Linn Street eastbound.
70. Trail Drive at Four Mile, traveling northwesterly.
71. Trail Drive at Four Mile, traveling southeasterly.
72. Trailhead parking lot at Linn Street westbound.
73. Waveland Street at Sheffield Avenue eastbound.

65.02 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec. 321.345)

1. Intersection of Linn Street and Main Street.
2. Intersection of Linn Street and Sixth Avenue (U.S. Highway 210).

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

(Code of Iowa, Sec. 321.345)

1. 10th Avenue Cir at 10th Avenue southbound.
2. Benton Circle at Eighth Avenue southbound.
3. Fifth Avenue at Benton Street eastbound.
4. Fifth Avenue at Benton Street westbound.
5. Fifth Avenue at Boone Street eastbound.
6. Fifth Avenue at Boone Street westbound.
7. Fifth Avenue at Marshall Street eastbound.
8. Fifth Avenue at Marshall Street westbound.
9. Fifth Avenue at Story Street eastbound.
10. Fifth Avenue at Story Street westbound.
11. Fifth Avenue at Tama Street eastbound.
12. Fifth Avenue at Tama Street westbound.
13. Fourth Avenue at Benton Street eastbound.



14. Fourth Avenue at Benton Street westbound.
15. Fourth Avenue at Boone Street eastbound.
16. Fourth Avenue at Boone Street westbound.
17. Fourth Avenue at Cedar Street eastbound.
18. Fourth Avenue at Marshall Street eastbound.
19. Fourth Avenue at Marshall Street westbound.
20. Fourth Avenue at Story Street eastbound.
21. Fourth Avenue at Story Street westbound.
22. Fourth Avenue at Tama Street eastbound.
23. Fourth Avenue at Tama Street westbound.
24. Ninth Avenue at Marshall Street eastbound.
25. Ninth Avenue at Marshall Street westbound.
26. Park Circle at Eighth Avenue southbound.
27. Second Avenue at Benton Street eastbound.
28. Second Avenue at Benton Street westbound.
29. Second Avenue at Boone Street eastbound.
30. Second Avenue at Boone Street westbound.
31. Second Avenue at Greene Street westbound.
32. Second Avenue at Marshall Street eastbound.
33. Second Avenue at Marshall Street westbound.
34. Second Avenue at Story Street eastbound.
35. Second Avenue at Story Street westbound.
36. Second Avenue at Tama Street eastbound.
37. Second Avenue at Tama Street westbound.
38. Seventh Avenue at Marshall Street westbound.
39. Tama Circle at Eighth Avenue southbound.
40. Tenth Avenue at Marshall Street eastbound.
41. Tenth Avenue at Marshall Street westbound.
42. Third Avenue at Benton Street eastbound.
43. Third Avenue at Benton Street westbound.
44. Third Avenue at Boone Street eastbound.
45. Third Avenue at Boone Street westbound.
46. Third Avenue at Greene Street westbound.
47. Third Avenue at Marshall Street eastbound.
48. Third Avenue at Story Street eastbound.

49. Third Avenue at Story Street westbound.
50. Third Avenue at Tama Street eastbound.
51. Third Avenue at Tama Street westbound.
52. Third Avenue to Marshall Street westbound.

65.04 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point 10 feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. Intersection of Marshall Street and Sixth Avenue.
2. Fourth Avenue from its intersection with Benton Street East to its intersection with Linn Street.
3. Linn Street from its intersection with Fourth Avenue South to its intersection with Sixth Avenue.
4. Sixth Avenue from its intersection with Benton Street East to its intersection with Linn Street.

65.05 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 shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.06 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.

65.07 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 yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.03 Truck Routes

66.02 Permits for Excess Size and Weight

66.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow, or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 and 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Mayor may, upon application and good cause being shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 and 321E.2)

66.03 TRUCK ROUTES. Truck route regulations are established as follows:

1. Truck Routes Designated. Trucks having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

- A. First Street;
- B. Story Street.

2. Deliveries Off Truck Route. Trucks having a fixed terminal or making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

3. Employer's Responsibility. The owner or any other person employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use of Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. 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, Sec. 321.331)

67.03 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, Sec. 321.328)

67.04 USE OF SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys, vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

(Code of Iowa, Sec. 321.236[4])

- NONE -

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Parking on One-Way Streets
69.03 Angle Parking
69.04 Manner of Angle Parking
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited
69.07 Persons with Disabilities Parking

69.08 No Parking Zones
69.09 Loading and Unloading Zone
69.10 Truck Parking Limited
69.11 Parking Limited
69.12 Snow Removal
69.13 Snow Routes

69.01 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 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, Sec. 321.361)

69.02 PARKING ON ONE-WAY STREETS. 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 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. Main Street, on both sides, from Tama Street to Story Street (the entire 300 and 400 blocks of Main Street).

69.04 MANNER OF ANGLE PARKING. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than 48 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

(Code of Iowa, Sec. 321.236[1])

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing, or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 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.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within 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, Sec. 321.358[6])
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])
13. 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 Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358[13])

14. Churches, Nursing Homes, and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab 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, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.

(Code of Iowa, Sec. 321.236[1])

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and *Iowa Administrative Code*, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

69.08 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, Sec. 321.236[1]*)

1. On 11th Avenue, north side, parking is prohibited at all times.



2. On Dogwood Drive, west side, parking is prohibited at all times.

3. On Eighth Avenue, south and southwesterly sides, between Greene Street and Four Mile Drive, parking is prohibited at all times.

4. On First Avenue, north side, between Greene Street and Linn Street, parking is prohibited at all times.

5. On Fourth Avenue, from Marshall Street to Story Street, the northerly side, parking is prohibited at all times.



6. On Greene Street, from Main Street to 3rd Avenue, the westerly side, parking is prohibited at all times.

7. On Greene Street, west side, between Sixth Avenue and Eighth Avenue, parking is prohibited at all times.

8. On Linn Street, from Fifth Avenue to Sixth Avenue, the westerly side, parking is prohibited at all times.

9. On Marshall Street, west side, between Main Street and the first alley south of Main Street, parking at an angle is prohibited at all times.



10. On Redbud Drive, east side, parking is prohibited at all times.

11. On Second Avenue, from Linn Street to Boone Street, the northerly side, parking is prohibited at all times.

12. On South Carroll Street west and southwesterly sides, between Four Mile Drive and Sixth Avenue, parking is prohibited at all times.

13. On Story Street, east side, between Main Street and the first alley south of Main Street, parking is prohibited at all times.

14. On Third Avenue, from Benton Street to Tama Street, the northerly side, parking is prohibited at all times.

15. On Third Avenue, north side, between Marshall Street and Tama Street, parking is prohibited at all times.

16. On Trail Drive, the north side, parking is prohibited at all times.

69.09 LOADING AND UNLOADING ZONE. No person, shall park a vehicle or leave a vehicle unattended on any of the following named streets for a period of time longer than five minutes during hours when school is in session.

(Code of Iowa, Sec. 321.236[1])

1. Elementary School. On the north side of East Main Street beginning at a point 175 feet east of northeast intersection of Main Street and Linn Street thence continuing 265 feet further east.

69.10 TRUCK PARKING LIMITED. 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 a motor truck, semi-trailer, or other motor vehicle with trailer attached on any part of Main Street for its entire length. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. The provisions of this section do not apply to pick-up, light delivery, or panel delivery trucks.

(Code of Iowa, Sec. 321.236[1])

69.11 PARKING LIMITED.

1. It is unlawful to park any vehicle between the hours of 7:00 a.m. and 9:00 a.m., and between the hours of 2:00 p.m. and 4:00 p.m. Monday through Friday, on Main Street, on the south side, from Linn Street to the eastern end of Main Street.
2. It is unlawful to park any vehicle between the hours of 2:00 a.m. and 6:00 a.m. on any day on Main Street, on both the north and south side, from Tama Street to Story Street.

69.12 SNOW REMOVAL. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.

(Code of Iowa, 321.236[1])

69.13 SNOW ROUTES. No person shall park, abandon, or leave unattended any vehicle from the first day of November to the first day of April between the hours of 2:00 a.m. and 6:00 a.m. on any day, upon the following streets:

(Code of Iowa, Sec. 321.236[12])

1. Main Street, on both sides, between Story Street and Tama Street.
2. Marshall Street, on both sides, between Main Street and the first alley south of Main Street.
3. Story Street, on both sides, between Main Street and the first alley south of Main Street.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate; or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 and 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code that are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

(Code of Iowa, Sec. 805.8 and 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of \$25.00 for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by \$5.00. The fine for improper use of a persons with disabilities parking permit is \$100.00.

(Code of Iowa, Sec. 321.236[1b] and 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 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 the Traffic Code; and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES.

1. A peace 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:

A. Disabled Vehicle. When a vehicle 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, Sec. 321.236[1])

B. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, Sec. 321.236[1])

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

D. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

(Code of Iowa, Sec. 321.236[1])

2. 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.

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CHAPTER 75

ATVS, UTVS, AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of ATVs and UTVs

75.06 Negligence

75.07 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, off-road utility vehicles, and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “All-terrain vehicle” or “ATV” 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 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1)

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

3. “Off-road utility vehicle” or “UTV” 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 bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” or “UTV” includes the following vehicles:

(Code of Iowa, Sec. 321I.1)

A. “Off-road utility vehicle – Type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – Type 2” includes vehicles, other than Type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – Type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an UTV is also subject to the provisions of this chapter governing the operation of ATVs.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or

ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1)

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G and Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets which have an accumulation of at least 0.25 inch of new snow and which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground, or upon any other City-owned property without the express permission of

the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking.

A. Sidewalk. Snowmobiles shall not be operated upon any public sidewalk except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

B. Parking. Snowmobiles shall not be operated upon that portion of the public street located between the traveled portion of the street and the sidewalk, if any, or the area between the traveled portion of the street and the property line, commonly referred to as the “parking”, except for the purpose of transporting the operator from a point of origin to an actual alternate point of destination. Snowmobiles operated on the parking for such purpose shall not exceed ten miles per hour.

75.05 OPERATION OF ATVS AND UTVS. The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

1. Streets. ATVs and UTVs may be operated on roadways or highways in accordance with Section 321.234A of the *Code of Iowa*. A City may regulate the operation of registered ATVs and UTVs and may designate streets under the jurisdiction of the City within its corporate limits, and two-lane primary and secondary road extensions in the City, which may be used for the operation of such vehicles. In designating such streets, the City may authorize ATVs and UTVs to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 and 3])

2. Trails. ATVs and UTVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-Way. ATVs and UTVs shall not be operated on an operating railroad right-of-way. An ATV or UTV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs and UTVs shall not be operated in any park, playground, or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs and UTVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

6. Direct Crossing. An ATV or UTV may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

(Code of Iowa, Sec. 321I.10[5])

A. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

- B. The ATV or UTV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
- C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
- D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
- E. The crossing is made from a street, roadway, or highway on which the ATV or UTV is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

75.06 NEGLIGENCE. The owner and operator of an ATV, UTV, or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV, UTV, or snowmobile. The owner of an ATV, UTV, or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV, UTV, or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, UTV, or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 and 321I.19)



75.07 ACCIDENT REPORTS. Whenever an ATV, UTV, or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 and 321I.11)

75.08 HOURS OF OPERATION. No snowmobile or ATV shall be operated in the City between the hours of 11:00 p.m. and 7:00 a.m. except for emergency situations or for loading and unloading from a transport trailer.

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CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Riding on Sidewalks
76.02 Traffic Code Applies	76.09 Towing
76.03 Double Riding Restricted	76.10 Improper Riding
76.04 Two Abreast Limit	76.11 Parking
76.05 Speed	76.12 Equipment Requirements
76.06 Emerging From Alley or Driveway	76.13 Special Penalty
76.07 Carrying Articles	

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, Sec. 321.236[10])

76.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234[3 and 4])

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236[10])

76.05 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, Sec. 321.236[10])

76.06 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, Sec. 321.236[10])

76.07 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article that prevents the rider from keeping at least one hand upon the handlebars.

(Code of Iowa, Sec. 321.236[10])

76.08 RIDING ON SIDEWALKS. The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

(Code of Iowa, Sec. 321.236[10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, Sec. 321.236[10])

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Code of Iowa, Sec. 321.236[10])

76.09 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

76.10 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

76.11 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, Sec. 321.236[10])

76.12 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, Sec. 321.236[10])

76.13 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five days for the first offense, 10 days for a second offense, and 30 days for a third offense.

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CHAPTER 77

GOLF CARTS AND SMALL RECREATIONAL VEHICLES

77.01 Definitions

77.02 Small Recreational Vehicles

77.03 Golf Cart Operation on City Streets

77.01 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. “Bicycle safety flag” refers to a fluorescent orange triangular or rectangular pennant having dimensions of not less than six inches by nine inches and mounted on a pole at least six feet in height.
2. “Slow moving vehicle sign” refers to a reflective red and yellow triangular sign having the size, shape, and appearance required by regulations of the Iowa Department of Transportation.
3. “Small recreational vehicle,” includes any powered vehicles which are particularly used for recreation, whether so used or not, and which are either not registered, or registrable, by the State as a motor vehicle for lack of capability to be so registered, and variously known as mini bikes, go-carts, terra mobiles, or similarly descriptive terms.

77.02 SMALL RECREATIONAL VEHICLES.

1. Small recreational vehicles shall not be operated upon any public street, alley, or sidewalk in the City.
2. Small recreational vehicles shall not be operated on private property without the express consent of the owner, nor shall the same be operated where posted notice prohibits such vehicles.
3. All small recreational vehicles shall be equipped with a muffler in good working order to prevent excessive and unusual noise.

77.03 GOLF CART OPERATION ON CITY STREETS. The purpose of this section is to permit the operation of golf carts on streets in the City, as authorized by Section 321.247 of the *Code of Iowa*. The operation of golf carts on City streets, by persons possessing a valid driver’s license, is permitted in accordance with the following regulations:

1. A golf cart shall not be operated upon a City street which is a primary road extension through the City but shall be allowed to cross a City street which is a primary road extension through the City. A golf cart operated upon a City street shall be equipped with a slow-moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset. Golf carts operated on City streets shall be equipped with adequate brakes.
2. The operator of a golf cart upon a City right-of-way shall observe all traffic laws. The operator of a golf cart shall be subject to criminal and civil liability for violations of State and City laws in the same manner as the operator of a registered vehicle.

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.12 Responsibility for Water Service Pipe
90.02 Superintendent's Duties	90.13 Failure to Maintain
90.03 Mandatory Connections	90.14 Curb Valve
90.04 Abandoned Connections	90.15 Interior Valve
90.05 Permit	90.16 Inspection and Approval
90.06 Fee for Permit and Connection Charge	90.17 Completion by the City
90.07 Compliance with Plumbing Code	90.18 Shutting Off Water Supply
90.08 Plumber Required	90.19 Operation of Curb Valve
90.09 Excavations	90.20 Fire Hydrants
90.10 Tapping Mains	90.21 Yard Meters
90.11 Installation of Water Service Pipe	

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent, or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

(Code of Iowa, Sec. 372.13[4])

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy, or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within one year after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 FEE FOR PERMIT AND CONNECTION CHARGE. Before any permit is issued the person who makes the application shall pay a fee in an amount set by resolution of the Council to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition there shall be a connection charge in an amount set by resolution which shall be paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural, or enforcement provisions, of the *State Plumbing Code*.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance with the following:

(Code of Iowa, Sec. 372.13[4])

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least 18 inches apart. No main shall be tapped nearer than two feet of the joint in the main.

3. Corporation Stop. A brass corporation stop-, of the pattern and weight approved by the Superintendent-, shall be inserted in every tap in the main. The corporation stop in the main shall be the same size as the service pipe.
4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving-, and to such depth-, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the curb valve to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

(Code of Iowa, Sec. 364.12[3a and h])

90.14 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3a and h])

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE. It is unlawful for any person except the Superintendent or a plumber to turn water on at the curb valve, and said plumber shall take no action contrary to the orders of the Superintendent and shall leave the water off or on, as directed by the Superintendent.

90.20 FIRE HYDRANTS. No person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.21 YARD METERS. A “yard meter” is a meter installed in a residential dwelling for the purpose of measuring water that is used solely for yard or other outside uses and that will not be used in the municipal sanitary sewer system or be subject to fees as provided by Chapter 99 of this Code of Ordinances for usage of the municipal sanitary sewer system. A yard meter shall be installed permanently on a water pipe that directly serves an outside faucet. It is unlawful to connect a yard meter to a water pipe that has any connection that serves faucets, toilets, or other facilities that are in the interior of the dwelling or to divert, cause, or allow water that is measured by a yard meter to drain into the municipal sanitary sewer system.

1. Application and Fees. A residential water customer may request that a yard meter be installed in the customer’s dwelling. Upon application, the customer shall pay in full and in advance to the City the cost of purchase by the City of a new water meter.
2. Installation. Notwithstanding any other provision of this section:
 - A. The customer, at the customer’s expense, shall cause the yard meter supplied by the City to be installed. A yard meter shall be installed on a water pipe that follows the main household meter required by Chapter 91 (the “master meter”) so that the water passing through the yard meter will have been metered twice.
 - B. The customer, at the customer’s expense, shall cause a backflow assembly meeting the requirements of the City to be installed between the yard meter and the outside faucet served by the yard meter.
 - C. The customer, at the customer’s expense, shall cause a bell wire meeting the requirements of the City to be installed between the yard meter and an exterior location for connection to a remote register.
 - D. The plumbing work required by this section shall be performed by or under the direct supervision of a licensed master or journeyman plumber.
 - E. The City will install the yard remote register, and the customer shall pay to the City the cost of the remote register and installation. The City may require advance payment of the cost of installation of the remote register. The City may require the installation of a remote register for the master meter if none has been previously installed.
 - F. The yard meter shall be subject to inspection upon installation and as otherwise permitted by this section.

G. The yard meter shall remain the property of the City and shall be maintained as required in this section.

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CHAPTER 91

WATER METERS

91.01 Purpose	91.07 Meter Repairs
91.02 Water Use Metered	91.08 Right of Entry
91.03 Fire Sprinkler Systems; Exception	91.09 Meter Installation Fee
91.04 Location of Meters	91.10 Inspection Required; Testing Procedure
91.05 Meter Setting	91.11 Leakage
91.06 Meter Costs	91.12 Meter Not Registering

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 METER INSTALLATION FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with the schedule of such fees approved by resolution of the Council.

91.10 INSPECTION REQUIRED; TESTING PROCEDURE. Water meters shall be inspected whenever directed by the Waterworks Committee, or whenever the Superintendent believes that any meter is not registering correctly. If any customer believes that his or her meter is not accurate, said customer may require that the water meter be tested by depositing with the Superintendent the sum of \$5.00. Should the meter register fast, the customer shall be entitled to a readjustment for water bills for the past three months, on the basis of the over-registration, and the money deposited for testing shall be refunded to the customer. Should the meter register accurately or slow, the sum deposited for testing the meter shall be retained by the City.

91.11 LEAKAGE. No reduction will be made on account of leakage after the water has passed through the meter. A one-time adjustment may be possible if the customer makes an appeal to the Superintendent. **(See also Section 92.11)**

91.12 METER NOT REGISTERING. If a meter fails to register the quantity of water, the quantity shall be determined (and the charge made) based upon the average quantity registered during such preceding period of time prior to the date of failure to register.

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CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Rates Outside the City
92.04 Surcharge for Yard Meter
92.05 Billing for Water Service
92.06 Service Discontinued

92.07 Lien for Nonpayment
92.08 Lien Exemption
92.09 Lien Notice
92.10 Customer Deposits
92.11 Temporary Vacancy
92.12 Forgiveness of Excessive Water Use

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises, or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE.

(Code of Iowa, Sec. 384.84)



1. The cost of water supplied to consumers through connections to the City waterworks system shall be charged on the basis of a service charge and monthly consumption of water through each meter as determined from meter readings made at monthly intervals and in accordance with the following monthly rates:

- A. Service Charge - \$12.16.
- B. Usage Charge - \$4.55 per 100 cubic feet.

2. The service charge shall be charged per dwelling or business unit. A dwelling unit is defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For businesses, a unit shall be defined by a single autonomous area including permanent provisions for sanitation. The Building Official will make a determination as to how many units are in each building in the event that it is unclear. This service charge shall be charged on every monthly bill regardless of water use or lack thereof. There shall be no suspension or shut off option for this charge. However, this monthly service charge may be prorated equitably between two parties in the event of move in or move out in regards to selling of said property or changes in rental status. Billing of usage per 100 cubic feet shall also be effective of the move in or move out dates.

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates 150 percent of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 and 384.84)

92.04 SURCHARGE FOR YARD METER. When a yard meter has been installed in accordance with the requirements of Section 90.21 of this Code of Ordinances, there shall be added to the water service charges described in Section 92.02 a fee of \$2.00 per month irrespective of usage.

92.05 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. **Bills Issued.** The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month or the first business day thereafter if the first is on a Saturday, a Sunday, or legal holiday.
2. **Bills Payable.** Bills for combined service accounts shall be due when rendered and payable at the office of the Clerk by the fifteenth day of each month or the first business day thereafter if the fifteenth is on a Saturday, a Sunday, or legal holiday.
3. **Late Payment Penalty.** Bills not paid by 8:00 a.m. on the first business day following the due date shall be considered delinquent. A late payment service fee set by resolution shall be added to each delinquent bill to recoup costs related to the delinquency.
4. **Notice Fee.** When 24-hour notices are to be given or posted on the property for combined service accounts to be discontinued for nonpayment of utility bills, a separate delinquent account notice fee set by resolution shall be added to the account to recoup costs related to notice.

92.06 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. **Notice.** The Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection. The 24-hour notice will be given or posted on the property.
2. **Notice to Landlords.** If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. **Hearing.** If a hearing is requested by noon of the day preceding the shut off, the Superintendent shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the Superintendent's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.
4. **Fees.** A fee set by resolution shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the

regular changes in occupancies of property. Reconnections shall be made only during normal business hours.

92.07 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.08 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. **Water Service Exemption.** The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, stormwater drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home

park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.09 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.10 CUSTOMER DEPOSITS. There shall be required from every customer for each location with utility service a deposit in an amount set by resolution intended to guarantee the payment of bills for service. If a customer's account becomes delinquent, the City may, at the City's option, at any time, apply any part or all of a deposit held for the customer toward the payment of the delinquent account. If any part of a deposit is applied or the deposit balance is reduced for any reason, the City may require that the customer pay to the City the amount necessary to restore the balance of the deposit to the amount required by this section. Upon the termination of the use of the water service by that tenant for that building, any balance of such deposit shall be returned to the tenant without interest.

(Code of Iowa, Sec. 384.84)

92.11 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a fee in an amount set by resolution for shutting the water off at the curb valve. The customer shall not be charged a separate reconnect fee when service is restored.

92.12 FORGIVENESS OF EXCESSIVE WATER USE. Any customer may seek a one-time reduction of the water and sewer portion of his or her combined utility service bill if excessive use is due to a leak, mechanical malfunction, or the like. The Superintendent may forgive the amount due and instruct the utility billing clerk to re-issue the bill at an amount equal to the average bills over a 12-month span. Customers (including all adult occupants of the location) may only seek this type of forgiveness once even if there is a change of residency location.

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Superintendent
95.04 Prohibited Acts
95.05 Sewer Connection Required

95.06 Service Outside the City
95.07 Right of Entry
95.08 Use of Easements
95.09 Special Penalties
95.10 Abandoned Sewer Lines

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety, and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
21. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. “Superintendent” means the Superintendent of sewage works or of water pollution control of the City or any authorized deputy, agent, or representative.
23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

(Code of Iowa, Sec. 372.13[4])

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections, and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

(Code of Iowa, Sec. 364.12[3f])

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

(Code of Iowa, Sec. 364.12[3f])

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so provided that said public sewer is located within 200 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12[3f])

(567 IAC 69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

(Code of Iowa, Sec. 364.4[2 and 3])

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall

have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except Subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in Subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

95.10 ABANDONED SEWER LINES. When an existing sanitary sewer service is abandoned or a service is renewed with a new connection in the main, all abandoned connections with the mains shall be capped off and made absolutely watertight.



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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee and Connection Charge
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements

96.06 Interceptors Required
96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations



96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the following information:

1. The location and description of the property to be connected with the sewer system.
2. The purpose for which the sewer is to be used.
3. Plans, specifications, or other information considered pertinent.

The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 60 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee in an amount set by resolution of the Council to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in an amount set by resolution paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. **Separate Building Sewers.** A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of

another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code* and applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least 10 feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least 12 inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:

- A. Recommended grade at one-fourth inch per foot.
- B. Minimum grade of one-eighth inch per foot.
- C. Minimum velocity of two feet per second with the sewer half full.
- D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

- A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
- B. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
- C. Ductile iron water pipe – A.W.W.A. C-151.
- D. P.V.C. – SDR26 – A.S.T.M. D-3034.

10. Bearing Walls. No building sewer shall be laid parallel to or within three feet of any bearing wall that might thereby be weakened.

11. Jointing. Fittings, type of joint and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge, and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent

refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance of the building sewer, from the main to the building served, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines, whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within 30 days after date of official notice from the Council of such violation. If not made within such time, the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3])

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Stormwater
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers of Superintendent
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORMWATER. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be in the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides (CN) in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow.
 - A. Any waters or wastes:
 - (1) Having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or
 - (2) Containing more than 350 parts per million by weight of suspended solids; or
 - (3) Having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.
 - B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to:
 - (1) Reduce the biochemical oxygen demand to 300 parts per million by weight; or
 - (2) Reduce the suspended solids to 350 parts per million by weight; or
 - (3) Control the quantities and rates of discharge of such waters or wastes.
 - C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than 150°F (65°C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32°F and 150°F (0°C to 65°C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution, whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage

works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

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CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

(Code of Iowa, Sec. 364.12[3f])

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate, or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(567 IAC 69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the *Iowa Administrative Code 567*, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(567 IAC 69.1[3 and 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(567 IAC 69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

(Code of Iowa, Sec. 364.12[3f])

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

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CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Sewer Rates
99.03 Yard Meters Exempt
99.04 Special Rates

99.05 Private Water Systems
99.06 Payment of Bills
99.07 Lien for Nonpayment
99.08 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 SEWER RATES.



1. The cost of sewer supplied to consumers through connections to the City sewage processing system shall be charged on the basis of a service charge and monthly consumption of water through each meter as determined from meter readings made at monthly intervals and in accordance with the following monthly rates:

- A. Service Charge - \$50.00.
- B. Usage Charge - \$10.50 per 100 cubic feet of water used.

2. The service charge shall be charged per dwelling or business unit. A dwelling unit is defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For businesses, a unit shall be defined by a single autonomous area including permanent provisions for sanitation. The Building Official will make a determination as to how many units are in each building in the event that it is unclear. This service charge shall be charged on every monthly bill regardless of water use or lack thereof. There shall be no suspension or shut off option for this charge.

3. There shall be added to the cost of water supplied to premises located outside the corporate limits of the City a surcharge equal to 150 percent of other standard monthly charges provided by this chapter for all users of the City sewage system.

99.03 YARD METERS EXEMPT. When a yard meter has been installed in accordance with the requirements of Section 90.21 of this Code of Ordinances, the amount of water consumed for purposes of calculating the fee required by Section 99.02 shall be determined by subtracting for the usage period the total water measured by the yard meter from the total water measured by the master meter.

99.04 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.05 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's

expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.06 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Sewer service may be discontinued or disconnected in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

 **99.07 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.08 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

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CHAPTER 100

STORMWATER MANAGEMENT SYSTEM

100.01 Purpose	100.05 Prohibited Acts
100.02 Definitions	100.06 Right of Entry
100.03 Scope and Responsibility	100.07 Penalties
100.04 Organization	

100.01 PURPOSE. The Council finds, determines, and declares:

1. It is in the best interests of the City and its residents and appropriate and necessary to protect, preserve, and improve the health, welfare, safety, and convenience of the City and its residents that a Stormwater Management Utility District be established within the City.
2. Stormwater management provides important systems of collection, conveyance, detention, treatment, and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff and flooding; improvement in general health and welfare through reduction of undesirable stormwater conditions and flooding; and improvement to the water quality in the stormwater and surface water system and its receiving waters, all of which are of benefit to all citizens and real properties both directly and indirectly.
3. The Council further finds that the systems of a stormwater management utility are of benefit and provide services to all real properties within the incorporated City limits, including those real properties directly and indirectly served.
4. A stormwater management utility district, to be known as the Slater Stormwater Management Utility, is hereby established.
5. All of the real property located within the corporate limits of the City shall be and constitute the Stormwater Management Utility District.
6. The Stormwater Management Utility shall be responsible for stormwater management within the corporate boundaries of the City and shall provide for the collection, treatment, and disposal of stormwater, surface water, and groundwater and the management, protection, control, regulation, use, and enhancement of stormwater management systems and facilities.

100.02 DEFINITIONS. The following definitions apply to this chapter and Chapter 101 of this Code of Ordinances, sometimes herein referred to as “these stormwater utility chapters”:

1. “Commercial/industrial” means any developed land whereon multiple-family dwellings, mobile or manufactured home parks, commercial retail and office, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, public and private school buildings, churches, hospitals, and convalescent centers have been constructed.
2. “Customers of the stormwater utility” means all persons, properties, and entities served by or benefiting from the utility’s acquisition, management, maintenance, extension, and improvement of the public stormwater management system and facilities.

3. “Developed land” means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area, as defined in this chapter.
4. “Duplex dwelling” means a building containing only two dwelling units and designed for and occupied exclusively by not more than two families with separate housekeeping and cooking facilities for each. In the application of stormwater service charge rates, duplex dwelling properties shall be treated as two single-family dwellings.
5. “Impervious surface area” means those areas which prevent or impede the infiltration of stormwater into the soil as it enters in natural conditions prior to development. Common impervious surface areas include (but are not limited to) rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
6. “Multiple family dwelling” means a building or portion thereof containing more than three dwelling units designed for or occupied by more than three families with separate housekeeping and cooking facilities for each. In the application of stormwater service charge rates, multiple-family dwelling properties shall be treated as commercial/industrial.
7. “Pollutant” means anything that causes or contributes to pollution. Pollutants may include (but are not limited to) paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
8. “Service charge” means the periodic rate, fee, or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City stormwater utility. The service charge shall be determined from time to time by resolution of the Council.
9. “Single-family dwelling” means a building containing only one dwelling unit and designed for and occupied exclusively for residence purposes by only one family.
10. “Stormwater management systems and facilities” means the issue of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, and ponds through improvements, maintenance, regulation, and funding of plants, structures, and property used in the collection, retention, detention, and treatment of stormwater or surface water drainage.
11. “Substantial completion” means the date when the construction has been completed and the City has acknowledged that the construction has been completed in accordance with the approved plans and specifications through the issuance of a temporary certificate of occupancy or permanent certificate of occupancy.
12. “Superintendent” means the Public Works Director of the City or any authorized deputy, agent, or representative.
13. “Townhome dwelling” means a dwelling unit which is detached or attached horizontally, and not vertically to one or more other dwelling units, wherein the land or

lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater service charge rates, each townhome dwelling shall be treated as one single-family dwelling.

14. “Undeveloped land” means land in its unaltered natural state, or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state shall be deemed undeveloped. Undeveloped land shall have less than 500 square feet of pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface area that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

100.03 SCOPE AND RESPONSIBILITY. The City stormwater utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head walls, and other structures, natural or manmade, within the corporate boundaries of the City which control or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance, and improvement to those segments of this system which:

1. Are located within public streets, rights-of-ways, and easements;
2. Are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or
3. Are located on public lands to which the City has adequate access for operation, maintenance, and improvement of systems or facilities.

Operation, maintenance, and improvement of stormwater systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant.

100.04 ORGANIZATION. The Council is the governing body of the Stormwater Management Utility. The Stormwater Management Utility shall be under the direction, management, and control of the Superintendent, who shall function as its director. In that capacity, the Superintendent shall supervise the day-to-day operation of the Stormwater Management Utility, shall enforce these stormwater utility chapters and the provisions of all ordinances and regulations adopted pursuant to these stormwater utility chapters and shall carry out the policy directives of the Council acting in its role as governing body of the Stormwater Management Utility including the following:

1. Operations and Maintenance. Operation and maintenance of the stormwater management systems and facilities.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. Maintain a complete and accurate record of all stormwater management systems and facilities.
4. Policies. Recommend to the Council policies to be adopted and enforced implementing the provisions of this chapter.

100.05 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Stormwater Management Systems and Facilities. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, pipe, appurtenance, or equipment which is part of the stormwater management systems or facilities.
2. Illicit Discharges. No person shall throw, drain, or otherwise discharge or cause to throw, drain, run, or allow to seep or otherwise be discharged into the City stormwater management system and facilities, including (but not limited to) pollutants or waters containing any pollutants, other than stormwater.
3. Manholes. Open or enter any manhole, structure, or intake of the stormwater system, except by authority of the Superintendent.
4. Connection. Connection of any private stormwater system to the City's stormwater management system and facilities, except by authority of the Superintendent.

100.06 RIGHT OF ENTRY. The Superintendent and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling, and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

100.07 PENALTIES. The following penalty provisions shall apply to violations of the stormwater utility chapters of this Code of Ordinances:

1. Notice of Violation. If the Superintendent determines that there is probable cause to believe a violation of these stormwater utility chapters has occurred, the Superintendent shall serve upon the responsible person either a written notice thereof or a citation for municipal infraction or both. The citation shall comply with and be served upon the responsible person as required by Section 364.22 of the *Code of Iowa* and may assess a civil penalty up to the maximum permitted by law. A notice of violation without a citation for municipal infraction shall state the nature of the violation and provide a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently remedy all violations. A notice of violation without a citation for municipal infraction may be appealed to the Council.
2. Continuing Violations. Each day (that is, every 24-hour period) during which a violation of these stormwater utility chapters exists shall be deemed a separate violation.
3. Liability Imposed. Any person violating any of the provisions of these stormwater utility chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

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CHAPTER 101

STORMWATER SERVICE CHARGES

101.01 Stormwater Service Charges Required
101.02 Rates
101.03 Rate Appeals
101.04 Exemptions from Charges

101.05 Billing for Stormwater Service
101.06 Lien for Nonpayment
101.07 Annual Revision of Rates

101.01 STORMWATER SERVICE CHARGES REQUIRED. The owner or responsible person for every tract of real property within the Stormwater Management Utility District, unless exempted as hereafter provided, shall pay to the Stormwater Management Utility District a stormwater service charge, as hereinafter established.

101.02 RATES. Rates shall be billed monthly to all customers and are as follows:

1. Commercial/Industrial - \$6.00 per month.
2. Residential - \$3.00.
3. Undeveloped - No charge.

101.03 RATE APPEALS. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the Public Works Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered State land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
2. Using the information provided by the appellant, the Public Works Director shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days.
3. In response to an appeal, the Public Works Director may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
4. A decision of the Public Works Director which is adverse to an appellant may be further appealed to the Council within 30 days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Council by the appellant, stating the grounds for the appeal. The Council shall schedule a public hearing within 30 days. All decisions of the Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
5. All decisions of the Council shall be final.

101.04 EXEMPTIONS FROM CHARGES. Exemptions from charges are those permitted as follows:

1. Property owned by a public governmental entity, such as:
 - A. The State;

- B. The County;
- C. The City;
- 2. Railroad right-of-way (tracks); and
- 3. Undeveloped land, until one or more structures is substantially completed, that is, when the property ceases to be undeveloped as defined herein.

101.05 BILLING FOR STORMWATER SERVICE. All stormwater service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Stormwater service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

 **101.06 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for stormwater service charges to the premises. Stormwater service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

101.07 ANNUAL REVISION OF RATES. The City will review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Definitions	105.09 Burning of Residential Waste Prohibited
105.02 General Prohibition	105.10 Burning Exemptions
105.03 Outdoor Storage of Motor Vehicles	105.11 Littering Prohibited
105.04 Abandoned Vehicles	105.12 Notice of Violation
105.05 Business Activities	105.13 Notice of Hearing
105.06 Waste Containers	105.14 Method of Giving Notice
105.07 Waste Disposal	105.15 Municipal Infraction
105.08 Separation of Yard Waste Required	

105.01 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. “Building” means any structure with a fully enclosed interior space designed for the storage, shelter, or protection of persons, animals, or property.
2. “Discard” means to place or store a substance or material upon real property for a continuous period of more than seven days under conditions where it serves no reasonable functional purpose and has no direct supporting relationship to a responsible person’s lawful use of the real property.
3. “Junked vehicle” is solid waste without regard to whether it has been discarded and means any vehicle, trailer, or semitrailer placed, kept, or stored for 48 hours within the corporate limits, whether currently licensed or not, which because of any one of the following characteristics constitutes a threat to the public health, welfare, or safety.
 - A. It is inoperable because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver’s seat, trunk, fuel tank, two or more wheels, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part; or
 - B. It is inoperable because it is suspended above the ground or having wheels that are sunk within the ground; or
 - C. It is used for the storage of solid waste; or
 - D. It is the habitat of rats, mice, snakes, or any other vermin or insects; or
 - E. It contains stored gasoline or other fuel, paper, cardboard, wood, or other combustible materials, garbage, refuse, solid waste, debris, etc.; or
 - F. It is used for storage purposes or harborage, cage, or dwelling for animals of any kind; or
 - G. It contains gasoline or any flammable fuel and is inoperable; or
 - H. It is an “abandoned vehicle” as defined by Section 321.89 of the *Code of Iowa*; or
 - I. It has a defective or obsolete condition that in any other way constitutes a threat to the public health or safety of the citizens of the City.
4. “Person” means a natural person; a trustee, executor, or other fiduciary; and a partnership, corporation, or other artificial legal entity.

5. “Real property” means the land and every form of improvement affixed to the land and includes non-enclosed porches, decks, driveways, and other structures and applies equally to front yards, back yards, and side yards.
6. “Responsible person” means any person having the right to control the use of real property either as a record titleholder or as the purchaser under an executory contract or as a tenant in possession under a lease agreement or by virtue of having any other interest in the real property and includes a person’s agent or managing officer who is authorized to exercise the control over the use of the real property.
7. “Sanitary disposal facility” means a facility approved by the Iowa Department of Natural Resources for the final disposition of solid waste.
8. “Semitrailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
9. “Solid waste” means solid or semi-solid substances or materials that are resulting products of any process of agriculture, business, trade, industry, manufacturing, or domestic household living and which have been discarded by the person in possession thereof. Solid waste does not include: (i) grass clippings, leaves, and other landscape wastes, except as described herein; (ii) soil, sand, gravel, and other inert natural resources existing in their natural state; (iii) hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934; (iv) hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission; (v) source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979; or (vi) petroleum contaminated soil that has been remediated to acceptable State or federal standards. Solid waste does include, by way of illustration and not limitation, the following discarded substances and materials:
 - A. Garbage, refuse, and rubbish.
 - B. Food and food containers.
 - C. Debris resulting from the construction, maintenance, repair, or demolition of buildings, fences, roadway paving, communications systems, structures, and other improvements to real property.
 - D. Building materials salvaged from the construction, maintenance, repair, or demolition of buildings, fences, roadway paving, communication systems, structures, and other improvements to real property.
 - E. Previously used or damaged or inoperable household furniture, furnishings, fixtures, appliances, utensils, equipment, and supplies.
 - F. Salvaged parts of previously used cloth, paper, wood, metal, glass, and plastic products.
 - G. Any junked vehicle, notwithstanding whether it has been discarded.
 - H. Previously used vehicles, boats, trailers, motorized off-road or all-terrain vehicles, semitrailers, machinery, equipment, tractors, implements of husbandry, tools, and appliances that are in the state of disrepair that renders them presently incapable of being used or operated for the purpose for which they were originally designed and manufactured.

- I. Disassembled parts from previously used vehicles, boats, trailers, motorized off-road or all-terrain vehicles, semitrailers, machinery, equipment, tractors, implements of husbandry, tools, and appliances.
 - J. Previously used petroleum products.
 - K. Accumulations of brush, branches, and other landscape wastes that have been kept or stored for a period of 30 days; however, neatly stacked logs and branches kept for indoor heating of fireplaces shall not be deemed to be discarded.
10. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
11. "Vehicle" means an automobile, truck, motorcycle, or other trackless self-propelled vehicle designed primarily to transport persons or property over public streets and highways.
12. "Waste container" means a fully enclosed rustproof and watertight container specifically designed and manufactured for the temporary storage of solid waste.

105.02 GENERAL PROHIBITION. A responsible person shall not place or store solid waste on real property except:

- 1. Fully enclosed inside a building; or
- 2. Fully enclosed inside a waste container; or
- 3. Fully enclosed inside an area surrounded by opaque fence or wall of uniform design and color not less than six feet in height and in compliance with applicable subdivision and zoning regulations; or
- 4. At a sanitary disposal facility.

105.03 OUTDOOR STORAGE OF MOTOR VEHICLES. The outdoor storage of motor vehicles that are not deemed to be junked vehicles can detract from the beneficial use and enjoyment of neighboring properties; therefore, certain special regulations are established as follows:

- 1. On property zoned for residential use, no person shall keep, store, or display a motor vehicle out of doors or permit the parking out of doors of a motor vehicle on property under said person's ownership, possession, or control for more than 15 days without movement and use of said vehicle as an operating motor vehicle.
- 2. On property zoned for commercial use, no person shall store or display one or more motor vehicles out of doors, or permit the parking out of doors of a motor vehicle on property under said person's ownership, possession, or control for more than six months without movement and use of said vehicle as an operating motor vehicle.
- 3. The provision of Subsection 2 notwithstanding, the keeping, parking, or storage, out of doors, of any wrecked or demolished motor vehicle, or motor vehicle stripped for parts, at the same commercially zoned site for more than 90 days is prohibited.

4. The following are exempt from the regulations of this section:
 - A. Vehicles kept fully enclosed inside a building or an area surrounded by a solid opaque fence or wall of uniform design and color not less than six feet in height and in compliance with applicable subdivision and zoning regulations; or
 - B. Vehicles kept in a lawfully established, commercial automobile salvage yard; or
 - C. A motor home, pickup truck with a camper top, converted bus or van, or similar recreation vehicle, which is currently licensed for operation on the public highways; or
 - D. A motor vehicle currently licensed for operation on the public highways lawfully parked off the streets while the owner or the other person in lawful possession and control thereof, if a resident of the this City, is out of the City for more than fifteen days but not more than 180 days; or
 - E. Vehicles which are immobilized pursuant to an immobilization order of the District Court.

105.04 ABANDONED VEHICLES. In addition to other remedies provided by this chapter, the Public Works Director may elect to treat any motor vehicle in violation of this chapter, whether or not deemed a junked vehicle, as an “abandoned vehicle” as defined by Section 321.89 of the *Code of Iowa* and may direct the responsible police authority to impound such vehicle in accordance with Sections 321.89 and 321.90 of the *Code of Iowa*.

105.05 BUSINESS ACTIVITIES. Even though it may serve a reasonable functional purpose or have a direct supporting relationship to a responsible person’s lawful use of the real property, a responsible person shall not place or store on real property used for commercial or industrial purposes, for a continuous period of more than seven days, except inside a building or inside a waste container or inside an area fully enclosed by a solid opaque fence or wall of uniform design and color not less than six feet high, any of the substances or materials described in the following subsections. These substances and materials, under the circumstances described in this section, shall constitute solid waste for purposes of this chapter.

1. Garbage, refuse, and rubbish.
2. Food and food containers.
3. Debris resulting from the construction, maintenance, repair, or demolition of buildings, fences, roadway paving, communications systems, structures, and other improvements to real property.
4. Building materials salvaged from the construction, maintenance, repair, or other demolition of buildings, fences, roadway paving, communication systems, structures, and other improvements to real property.
5. Previously used or damaged or inoperable household furniture, furnishings, fixtures, appliances, utensils, equipment, and supplies.
6. Salvaged parts of previously used cloth, paper, wood, metal, glass, and plastic products.
7. Any motor vehicle subject to the registration laws of the State that is not currently registered.

8. Previously used vehicles, machinery, equipment, tools, and appliances that are in a state of disrepair that renders them presently incapable of being used or operated for the purpose for which they were originally designed and manufactured.
9. Disassembled parts from previously used vehicles, machinery, equipment, tools, and appliances.
10. Previously used petroleum products.

105.06 WASTE CONTAINERS. Responsible persons shall provide and make available for the use of all persons occupying the real property sufficient waste containers for the temporary storage of all solid waste containing food, food containers, and other garbage that is produced by the activities conducted on real property.

105.07 WASTE DISPOSAL. Responsible persons shall cause all solid waste containing any food, food containers, or other garbage to be removed from the real property and deposited at a sanitary disposal facility at least once each week.

105.08 SEPARATION OF YARD WASTE REQUIRED. Responsible persons shall cause all yard waste and landscape waste (consisting of trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings) to be stored in waste containers separate from all other solid waste for purposes of removing it from the real property and transporting it to a sanitary disposal facility.

105.09 BURNING OF RESIDENTIAL WASTE PROHIBITED. It is unlawful for any person, alone or in conjunction with others, to dispose of by fire or to participate in the disposal by fire of any Styrofoam, furniture, plastic, waste, garbage, tires, or any other non-organic material within the corporate limits of the City. All burning of organic materials shall comply with the following:

1. Must take place no closer than 25 feet from any adjoining or neighboring residential dwelling.
2. All paper products that may create blowing cinders or ashes must be covered by screen.
3. Must be attended by property owners or tenants at all times while the fire is burning.

105.10 BURNING EXEMPTIONS. The provisions of Section 105.09 do not apply to the following:

1. Outdoor charcoal or wood smokers, grills, fireplaces, and chimneys burning untreated wood or charcoal, may be used only for the preparation of food or for social activities. It is unlawful for these installations to be utilized for the disposal of any other objects, materials, or matter by fire.
2. Disposal of waste occurring by reason of severe storm or other community disaster declared to be an emergency by the Council. The type of waste, the manner in which it can be disposed, and the period of time for disposal shall be specified by the Council.

105.11 LITTERING PROHIBITED. No person shall deposit, dump, leak, or spill any solid waste upon any alley, street, highway, or public ground of the City. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

105.12 NOTICE OF VIOLATION. If the Public Works Director determines that there is probable cause to believe that a violation of this chapter has occurred, the Public Works Director shall serve upon the responsible person or persons either a written notice thereof or a citation for the municipal infraction. If the Public Works Director elects to give a written notice to the alleged violator, the notice shall:

1. Specify the alleged violation;
2. Order the alleged violator to eliminate or cure the violation within seven days after the notice is given or within such other specified period of time as is reasonable under the circumstances; and
3. Advise the alleged violator of the right to have a hearing before the Council concerning the alleged violation by filing a written request therefor with the Clerk within seven days after the notice is given.

If the Public Works Director elects to give a citation for the municipal infraction, the form and contents of the citation shall comply with, and the citation shall be served upon the responsible person or persons as required by, Section 364.22 of the *Code of Iowa*.

105.13 NOTICE OF HEARING. A person who receives a violation notice from the Public Works Director shall be entitled to a hearing before the Council concerning the alleged violation, if the alleged violator files a written request therefor with the Clerk within seven days after the notice is given by the Public Works Director. Within 30 days after the filing of a request for hearing by the alleged violator, the Council shall hold the hearing and, by resolution, either affirm, modify, or revoke the Public Works Director's notice. The Clerk shall promptly give notice to the alleged violator of the Council's action in the form of a certified copy of the resolution. The alleged violator shall comply with the provisions of the Public Works Director's notice as affirmed or modified by the resolution of the Council.

105.14 METHOD OF GIVING NOTICE. Any notice or demand required or permitted by this chapter shall be sufficient and deemed given when expressed in writing and either

1. Personally delivered to the person entitled thereto, or
2. Deposited at the office of the United State Postal Service in the City in the form of certified mail addressed to the last known mailing address of the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

105.15 MUNICIPAL INFRACTION. Any person who violates any provision of this chapter commits a municipal infraction. Each day that a violation occurs or is permitted to exist by a responsible person shall constitute a new, separate infraction.

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CHAPTER 106

DISPOSAL OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Toxic and Hazardous Waste

106.05 Sanitary Disposal Facility
106.06 Prohibited Practices
106.07 Resource Recovery Fee
106.08 Lien for Nonpayment

106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be by private contract with collectors.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable, and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(567 IAC 104.9)

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.



106.04 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2) and 567-102.13[2] and 400-27.14[2])

106.05 SANITARY DISPOSAL FACILITY. The sanitary disposal facility operated under the intergovernmental agreement between the City and the City of Ames, Iowa, is designated as the public disposal site for all solid waste collected within the City’s corporate limits for permanent disposal. All persons shall comply with the regulations governing the use of such sanitary disposal facility.

106.06 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.



106.07 RESOURCE RECOVERY FEE. The disposal of solid waste as provided by this chapter is declared to be beneficial to the property served or eligible to be served and there shall be levied and collected a resource recovery fee therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Fee. The resource recovery fees for solid waste disposal service, used or available, are:
 - A. For each residential premises and for each dwelling unit of a multiple-family dwelling – \$3.50 per month. A “residential dwelling unit” means an individual dwelling unit. For purposes of this section, an apartment or mobile/manufactured home shall be treated as one unit, and a duplex is two units. A mobile home park or apartment complex shall be assessed a fee based on the total number of units.
 - B. For commercial, industrial and institutional premises – \$3.50 per month.
2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.



106.08 LIEN FOR NONPAYMENT. Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

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CHAPTER 110



NATURAL GAS FRANCHISE

110.01 Franchise Granted
110.02 Mains and Pipes
110.03 Excavations
110.04 Relocate
110.05 Utility Easement
110.06 Uninterrupted Service

110.07 Franchise Fee
110.08 Term of Franchise
110.09 Validity
110.10 Expense of Publication
110.11 Ordinances Repealed
110.12 Entire Agreement

110.01 FRANCHISE GRANTED. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the “Company,” its successors and assigns, the right, privilege and non-exclusive franchise for the term of 25 years from and after the passage, adoption, approval, and acceptance of this chapter, to lay down, maintain, and operate the necessary pipes, mains, and other conductors and appliances in, along, and under the streets, avenues, alleys, and public places in the City as now or hereafter constituted, for the purpose of distributing, supplying, and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*. The term “gas” as used in this franchise shall be construed to mean natural gas only.[†]

110.02 MAINS AND PIPES. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers, and fire plugs which have been or may hereafter be placed in any street, alley, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe, and other property of the City. The Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation, and maintenance of said natural gas distribution system.

110.03 EXCAVATIONS. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers, or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement, or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right of way, sidewalks, or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

110.04 RELOCATE. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over, or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance, or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City requires the Company to relocate facilities in the public right-of-way that have been relocated at Company expense at the direction of the City

[†] **EDITOR’S NOTE:** Ordinance No. 295, adopting a natural gas franchise for the City, was passed and adopted on January 9, 2023.

during the previous 10 years, the reasonable costs of such relocation will be paid by the City. If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request for a commercial, private, or other non-public development, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

110.05 UTILITY EASEMENT. Prior to the City abandoning or vacating any street, avenue, alley, or public ground where the Company has gas facilities, the City shall grant the Company a utility easement for said facilities. If the City does not grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley, or public place, the City shall at its cost and expense obtain easements for existing Company facilities.

110.06 UNINTERRUPTED SERVICE. Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

110.07 FRANCHISE FEE. There is hereby imposed a franchise fee of one percent upon the gross revenue generated from sales of natural gas by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board. The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter. The Company shall not, under any circumstances, be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

110.08 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of 25 years from and after its written acceptance by the Company. The acceptance shall be filed with the Clerk within 90 days from passage of this chapter.

110.09 VALIDITY. If any section or provision of this chapter is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this chapter which can be given effect without the invalid portion or portions and to this end each section and provision of this chapter is severable.

110.10 EXPENSE OF PUBLICATION. The expense of the publication of this chapter shall be paid by the Company.

110.11 ORDINANCES REPEALED. Any previous City ordinance, provision, or part thereof, which differs or is inconsistent with this chapter, is hereby repealed, to the extent of said difference or inconsistency.

110.12 ENTIRE AGREEMENT. This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be supplemented, superseded, modified, or otherwise amended without the approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact or maintain any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted
111.02 Appliances
111.03 Excavation
111.04 Relocate
111.05 Utility Easement
111.06 Removal of Trees
111.07 Applicable Regulations

111.08 Continuous Service
111.09 Franchise Fee
111.10 Term of Franchise
111.11 Validity
111.12 Expense of Publication
111.13 Ordinances Repealed
111.14 Entire Agreement

111.01 FRANCHISE GRANTED. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the “Company,” its successors and assigns, the right and non-exclusive franchise to acquire, construct, reconstruct, erect, maintain, and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat, and power and the right to erect and maintain the necessary poles, lines, wires, conduits, and other appliances for the distribution of electric current along, under, and upon the streets, alleys, and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat, and power for the period of 25 years; also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.[†]

111.02 APPLIANCES. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe, and other property of the City. The said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

111.03 EXCAVATION. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers, or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement, or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right-of-way, sidewalks, or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

111.04 RELOCATE. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over, or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance, or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City requires the Company to relocate facilities in the public right-of-way that have been relocated at Company expense at the direction of the City

[†] **EDITOR’S NOTE:** Ordinance No. 296, adopting an electric franchise for the City, was passed and adopted on January 9, 2023.

during the previous 10 years, the reasonable costs of such relocation will be paid by the City. If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request for a commercial, private, or other non-public development, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

111.05 UTILITY EASEMENT. Prior to the City abandoning or vacating any street, avenue, alley, or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City does not grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley, or public place, the City shall at its cost and expense obtain easements for existing Company facilities.

111.06 REMOVAL OF TREES. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley, or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall be performed in accordance with Company's then current line clearance vegetation plan as filed and approved by the Iowa Utilities Board, as well as all applicable codes and standards referenced therein.

111.07 APPLICABLE REGULATIONS. During the term of this franchise, the Company shall furnish electric energy in accordance with the applicable regulations of the Iowa Utilities Board and the Company's tariffs. The Company will maintain compliance with Iowa Utilities Board regulatory standards for reliability.

111.08 CONTINUOUS SERVICE. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

111.09 FRANCHISE FEE. There is hereby imposed a franchise fee of one percent upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board. The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter. The Company shall not, under any circumstances, be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

111.10 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of 25 years from and after written acceptance by the Company. The acceptance shall be filed with the Clerk within 90 days from passage of this chapter.

111.11 VALIDITY. If any section or provision of this chapter is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this chapter which can be given effect without the invalid portion or portions and to this end each section and provision of this chapter is severable.

111.12 EXPENSE OF PUBLICATION. The expense of the publication of this chapter shall be paid by the Company.

111.13 ORDINANCES REPEALED. Any previous City ordinance, provision, or part thereof, which differs or is inconsistent with this chapter, is hereby repealed, to the extent of said difference or inconsistency.

111.14 ENTIRE AGREEMENT. This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be supplemented, superseded, modified, or otherwise amended without the written approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact or maintain any chapter or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this chapter, that create additional burdens upon the Company, or which delay utility operations.

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices



120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a retail alcohol license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122, and 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer, or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39, and 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)



120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Iowa Department of Revenue.

(Code of Iowa, Sec. 123.32[2])

120.05 PROHIBITED SALES AND ACTS. A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

(Code of Iowa, Sec. 123.49[2b])

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel

or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold, except as follows:

A. Definitions. For use in this subsection the following terms are defined as follows:

(1) “Bar” means an establishment where one may purchase alcoholic beverages for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.

(Code of Iowa, Sec. 142D.2[1])

(2) “Restaurant” means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

(Code of Iowa, Sec. 142D.2[17])

B. This subsection shall not apply if the employer has, on file, written permission from the parent, guardian, or legal custodian of a person 16 or 17 years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person 16 or 17 years of age shall not work in a bar as defined in Paragraph A.

(1) The employer shall keep a copy of the written permission on file until the person is either 18 years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold.

(2) If written permission is on file in accordance with Paragraph B, a person 16 or 17 years of age may sell or serve alcoholic beverages in a restaurant as defined above in Paragraph A during the hours in which the restaurant serves food.

C. A person 16 or 17 years of age shall not sell or serve alcoholic beverages under this subsection unless at least two employees 18 years of age or older are physically present in the area where alcoholic beverages are sold or served.

D. If a person employed under this subsection reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee’s parent, guardian, or legal custodian and to the Iowa Civil Rights Commission, which shall determine if any action is necessary or appropriate under Chapter 216 of the *Code of Iowa*.

E. An employer that employs a person under this subsection shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

F. Prior to a person commencing employment under this subsection, the employer shall notify the employer’s dramshop liability insurer, in a form and

time period prescribed by the Director, that the employer is employing a person under this subsection.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Iowa Department of Revenue and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Iowa Department of Revenue.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents, or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2k])

12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a Class "B" beer permit or an establishment employee when employed in compliance with State law.

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa



Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation



121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 453A.1*)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes, or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes

an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 and 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 and 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August, or September	\$ 75.00
October, November, or December	\$ 56.25
January, February, or March	\$ 37.50
April, May, or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Iowa Department of Revenue within 30 days of issuance of a permit.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 and 453A.47A)



121.07 PERSONS UNDER LEGAL AGE. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22, and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

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CHAPTER 122

PAWNBROKERS

122.01 Purpose	122.10 Nature of License or Permit
122.02 Definitions	122.11 Suspension and Revocation
122.03 License Required	122.12 Records Kept
122.04 Eligibility for Pawnbroker's License	122.13 Prohibited Transactions
122.05 Conditions for Approval of License	122.14 Time to Redeem
122.06 Application for License	122.15 Searching for Stolen Property
122.07 Investigation of the Applicant	122.16 Examination of Premises by Officers
122.08 Simplified Application for Renewal	122.17 Disposing of Stolen Goods or Goods for Which There is an Adverse Claim
122.09 Bond	

122.01 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulation and procedures for the conduct of a pawnbroker's business.

122.02 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. "Pawnbroker" means any person who loans money on deposit or pledge of personal property or other thing of value, or who deals in the purchasing of personal property or other things of value, on condition of selling the same back at a stipulated price or who receives actual possession of personal property as security for loans with or without a bill of sale.
2. "Person of good moral character" means any person who meets all of the following requirements:
 - A. Has financial standing and good reputation as will satisfy the Council that said person will comply with all State laws and ordinances of the City applicable to said person's operation.
 - B. Has not had a pawnbroker's license revoked within the last two years.
 - C. Is a citizen of the United States and a resident of the State, or licensed to do business in the State, in the case of a corporation.
 - D. Has not been convicted of a felony. (However, if this conviction occurred more than five years before the date of the application for a license or permit, and if said person's rights of citizenship have been restored by the Governor, the Council may determine that the person is of good moral character notwithstanding such conviction.)

If the licensee is a corporation or partnership, the requirements of this subsection shall apply to each of the officers, directors, or partners and to any person who directly or indirectly owns or controls 10 percent or more of any class of stock of such corporation or has an interest of 10 percent or more in the ownership or profit of such business. For purposes of this provision, an individual and spouse shall be regarded as one person.

122.03 LICENSE REQUIRED. Before engaging in business, a pawnbroker shall apply for and obtain a license from the City, which shall be issued without charge, but which must be renewed by the licensee annually provided said licensee remains qualified.

122.04 ELIGIBILITY FOR PAWNBROKER'S LICENSE. Upon meeting any requirements imposed by State law and the ordinances of the City, a person who is of good moral character as defined by State law and this chapter may apply for a pawnbroker's license. In the case of a corporation or partnership, the officers of the corporation or the partners of a partnership shall be persons of good moral character as defined by State law and this chapter.

122.05 CONDITIONS FOR APPROVAL OF LICENSE. An applicant for a pawnbroker's license, as a further condition for approval, must give consent in writing on the application that members of the County Sheriff's office and the Building Inspector may enter upon the premises without warrant to inspect for violations of the provisions of State law or the ordinances of the City.

1. No pawnbroker's license shall be approved for any premises which do not conform to all applicable laws, ordinances, resolutions, health, and fire regulations.
2. All licenses provided for in this chapter shall be displayed in a conspicuous place on the premises of the holder of the permit and shall at all times be subject to inspection.
3. No pawnbroker's shop shall be operated in conjunction with or share a common exterior access with any arcade, coin-operated amusement center, or other establishment housing or using coin-operated amusement devices open or available to minors.
4. No alcoholic liquor, alcoholic beverage, or intoxicating liquor shall be sold, consumed, or kept on the premises of the holder of a pawnbroker's license and no pawnshop shall be established or maintained upon or within any premises or building in which it shares a common access or entrance with any establishment selling or serving alcoholic beverages or holding a liquor control license or beer or wine permit.

122.06 APPLICATION FOR LICENSE. The application for a pawnbroker's license shall be in writing on a form provided by the Clerk and subscribed and sworn to by one of the owners, setting forth the name of each person who is owner of said business or, if a corporation, the names of the officers and directors of the corporation, and the principal place of business thereof, stating the name and address of the manager, the address of the business location and such other information as may be required in order to investigate the good character of the applicant.

122.07 INVESTIGATION OF THE APPLICANT. Upon receipt of an original application for a pawnbroker's license by the Clerk, it shall be forwarded to the County Sheriff, who shall conduct an investigation and shall submit a written report on the application and a recommendation to the Mayor as to the approval of the license.

122.08 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a pawnbroker's license, it shall be forwarded to the County Sheriff, who shall conduct an investigation and shall submit a written report on the application as to the truth of the facts answered in the application and a recommendation to the Mayor as to approval of the license or permit.

122.09 BOND. No pawnbroker's license shall be issued until a bond, for the period of said license is in effect, is filed, which bond shall be in the penal sum of \$1,000.00, conditioned that said business will be conducted in accordance with the provisions of this chapter and the laws of the State, and that such pawnbroker will account for and deliver to any person legally entitled

thereto any goods, wares, or merchandise or other things of value, which may have come into said person's hands in such business as pawnbroker, or in lieu thereof, that said person will pay money to the person entitled thereto for the reasonable value thereof.

122.10 NATURE OF LICENSE OR PERMIT. A pawnbroker's license shall be a purely personal privilege and be revocable for cause. It shall not constitute property or be subject to attachment and execution or be alienable or assignable and in any case it shall cease upon the death of the licensee. However, the Mayor may allow the executor or administrator of a licensee to operate the business of the decedent for a reasonable time, not to exceed the expiration date of the license. Every license shall be issued in the name of the applicant setting forth the location on which the business is located and no person holding a license shall allow any other person to use the same or operate the business on any other location.

122.11 SUSPENSION AND REVOCATION. A pawnbroker's license may be suspended for a period up to one year or revoked by the Mayor following notice to the licensee and hearing by the Council, for good cause, upon finding of any of the following causes:

1. Misrepresentation of any material fact in the application of such license.
2. Any change in the ownership or interest in the business operated under a pawnbroker's license which change was not previously reported and approved by the Mayor.
3. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.
4. The failure or refusal on the part of the licensee to render any report or permit any inspection required by this chapter.
5. A finding by the Council after hearing that such business is being managed, conducted, or maintained in a manner that is detrimental to the public health, morals, or welfare.

122.12 RECORDS KEPT. Every pawnbroker shall keep a book or electronic recording in which shall be plainly written, at the time of each loan, purchase or sale, an accurate account or description in the English language of the goods, articles, or things pawned, pledged, purchased or sold, the amount of money loaned or paid therefor, the date and hour received, and the time when the article is to be redeemed or bought back, and the name, residence and social security number of the person pawning, pledging, selling, or purchasing the same, which book or electronic recording, plus the pawned or purchased articles, shall at all reasonable times be open to the inspection of any law enforcement officer. Every pawnbroker purchasing or receiving on deposit for loan any article of personal property or other thing of value shall give to the person selling, depositing, or purchasing the same a plainly written or printed ticket or receipt therefor, showing the terms of said sale or loan, and a copy of the entry in the book or electronic recording required herein to be kept. However, no pawnbroker shall be required to furnish such information with reference to property purchased from merchants, manufacturers, or bona fide wholesale dealers having an established place of business when such property or goods are accompanied by a bill of sale or invoice, which must be shown to any law enforcement officer upon demand. Any person shall be guilty of a misdemeanor who shall:

1. Fail to keep such records;
2. Fail to make the required entries therein;

3. Intentionally or knowingly make any false or unintelligible entry or any entry which said person has reason to believe is untrue;
4. Fail to make the inquiries necessary to enable said person to make such entries or any of them;
5. Fail to produce the license, book, or copy of electronic records when requested by a peace officer;
6. Destroy or negligently permit such book or record to be destroyed, damaged, rendered unintelligible, or lost;
7. Fail to require any person to show physical proof of that person's identification.

122.13 PROHIBITED TRANSACTIONS. It is unlawful for any pawnbroker to purchase or receive any property, goods, or other thing of value from any minor without the written consent of the parents or the guardian of said minor or from any person who, at the time of making the transaction, is under the influence of intoxicating drugs or liquors, or from any feebleminded person or person of unsound mind.

122.14 TIME TO REDEEM. No pawnbroker shall sell or dispose of any pawned or pledged article until the same shall remain in said pawnbroker's possession for 30 days after the pledge or deposit thereof, and the same may be redeemed by the depositor or pledger at any time within said 30 days.

122.15 SEARCHING FOR STOLEN PROPERTY. Whenever any peace officer has reason to believe that any pawnbroker has in their possession or on the premises any stolen property, said peace officer shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property.

122.16 EXAMINATION OF PREMISES BY OFFICERS. No pawnbroker or any other person shall refuse, resist, or attempt to prevent any peace officer, with or without warrant, from examining the premises occupied by the pawnbroker for the purpose of discovering stolen property.

122.17 DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS AN ADVERSE CLAIM. No pawnbroker shall sell or permit to be redeemed or otherwise dispose of any article which said pawnbroker has reason to believe has been stolen or which is adversely claimed by any person, or which the pawnbroker has been notified not to sell, release, or otherwise dispose of by any peace officer without first obtaining written permission to do so.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building, or similar structure to be moved. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk on a form provided by the City. The application shall include:

1. Name and Address. The applicant’s full name and address and, if a corporation, the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Building Official, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000.00 per person; \$100,000.00 per accident.
2. Property Damage – \$50,000.00 per accident.

123.06 PERMIT FEE. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building, or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk, or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind, and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk, or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind, and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television, and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

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CHAPTER 124

ADULT ENTERTAINMENT

124.01 Definitions

124.02 Regulations

124.01 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. “Adult bookstore” means a retail store for the sale, rental, or exchange of books, magazines, or videocassettes, DVDs, or other visual media, any of which are distinguished or characterized by primary emphasis on matter depicting, describing, or relating to “specific sexual activities” or “specified anatomical areas,” as defined in this section. Adult bookstores do not include businesses which sell, rent, or exchange videocassettes, DVDs, or other visual media as a sidelight or adjunct to sales or rental of videocassettes, DVDs, or other visual media not relating to “specific sexual activities” or “specified anatomical areas.”
2. “Adult entertainment facility” means a building in which:
 - A. Entertainers routinely remove all or portions of their clothing as a part of their performance, regardless of whether the business has a license to sell alcohol; or
 - B. Entertainers allow patrons to observe specific sexual activities or specified anatomical areas involving such entertainers.

For the purpose of this section, an “entertainer” is a person who works as an employee of the business, is an agent of the business, or is an independent contractor who has been hired or is allowed by the business to perform for the apparent pleasure or gratification of the patron. Examples of adult entertainment facilities would include but not be limited to gentlemen’s clubs, strip-bars, “full-nudity” juice bars, and nude modeling clubs.

3. “Adult movie theater” means an enclosed building used for presenting motion picture films, videocassettes, DVDs, cable television, or any other visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to “specific sexual activities” or “specified anatomical areas,” as defined in this section, for observation by persons therein. For purposes of this section, the size and description of the viewing room shall not affect characterization of the buildings as a theater; however, nothing in this section shall be deemed to regulate the viewing habits of person in the privacy of their homes.
4. “Specific sexual activities” means displays of the following:
 - A. Any act of sexual intercourse, actual or simulated, including genital-genital, anal-genital, or oral-genital, whether between human beings, or a human being and an animal.
 - B. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

- C. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.
 - D. Physical contact as stimulated physical contact with the unclothed pubic area or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
 - E. An act of sexual assault where physical violence or drugs are employed to overcome the will or of achieve the consent of a person to an act of sexual conduct and the effects or results of the violence or drugs are shown.
5. "Specified anatomical areas" shall include the following:
- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below the point immediately above the top of the areola; and
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
6. "Used" describes a continuing course of conduct exhibiting "specific sexual activities" and "specified anatomical areas" in a manner that appeals to the prurient interest.

124.02 REGULATIONS.

1. Adult movie theaters, adult bookstores, and adult entertainment facilities are prohibited within 2,000 feet of the following specified uses or zones:
- A. Any residential zone.
 - B. Any public or private school.
 - C. Any church or religious facility or institution.
 - D. Any public park.

The distance provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

2. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance or any business, building, or use which violates any other provisions of law.
3. No adult movie theater, adult bookstore, or adult entertainment facility shall be located closer than 300 feet to any other adult movie theater, adult bookstore, or adult entertainment facility.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices
135.02 Obstructing or Defacing
135.03 Placing Debris On
135.04 Playing In
135.05 Traveling On Barricaded Street or Alley
135.06 Use for Business Purposes
135.07 Washing Vehicles

135.08 Burning Prohibited
135.09 Excavations
135.10 Property Owner's Responsibility for Maintenance
135.11 Failure to Maintain
135.12 Dumping of Snow
135.13 Driveway Culverts

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy, or carry away from any street or alley any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected, or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass, or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal, or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer, or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store, or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale, or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning their own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate, or in any manner disturb any street, parking, or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing, and Lighting. Adequate barricades, fencing, and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing, or warning lights shall be paid to the City by the permit holder or property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of \$1,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of \$1,000.00 may be filed with the City.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys, and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder or property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder or property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder or property owner.

9. Responsibility for Costs. The permit holder or property owner shall bear all costs and expenses incident to the excavation. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

11. Permit Fee. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of the permit fee a permit shall be issued. A separate permit shall be required for each excavation.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]

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

135.11 FAILURE TO MAINTAIN. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the Business District it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice, and Accumulations	136.13 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Defacing
136.07 Permit Required	136.17 Debris on Sidewalks
136.08 Sidewalk Standards	136.18 Merchandise Display
136.09 Barricades and Warning Lights	136.19 Sales Stands
136.10 Failure to Repair or Barricade	

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

136.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within a reasonable time (48 hours), the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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



136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace, or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee in an amount set by resolution of the Council.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used to construct and repair sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at an established grade.
5. Length, Width, and Depth. Length, width, and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than four feet long.
 - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.

- C. Driveway areas shall be not less than six inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway, or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables, or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.
(Code of Iowa, Sec. 364.12[2a])

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.
(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.
(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.
(Code of Iowa, Sec. 174.15[2] and 364.7[3])

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CHAPTER 138

STREET GRADES

138.01 Purpose and Definition
138.02 Established Grades

138.03 Record Maintained

138.01 PURPOSE AND DEFINITION. This chapter is designed to meet the requirements of the *Code of Iowa* for the establishment of street grades. As used herein, “grade” means the longitudinal reference lines, as established by ordinance of the Council, which designate the elevation at which a street or sidewalk is to be built.

138.02 ESTABLISHED GRADES. The grades of all streets, alleys, and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

138.03 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR’S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted, establishing street or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
64	June 4, 1956		
104	October 1, 1973		
128	November 10, 1977		
136	July 17, 1980		
144	July 7, 1986		
159	April 15, 1993		

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
2. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.[†]

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor, and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Slater, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

[†] **EDITOR'S NOTE:** Ordinance No. 70, adopted on September 4, 1962, changing and establishing the names of streets, is specifically saved from repeal.

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CHAPTER 140

CURBS AND GUTTERS

140.01 Construction Specifications

140.03 Changes for Special Cases

140.02 Plan Approval and Permit Required

140.01 CONSTRUCTION SPECIFICATIONS. No curb or gutter shall hereafter be constructed or reconstructed in the City unless it shall conform to the following specifications:

1. The work shall be constructed of Portland cement concrete.
2. The curb shall be six inches in width and the gutter or apron shall be 24 inches in width, poured in one unit, making the overall width of such curb and gutter 30 inches.
3. The gutter part of the curb and gutter unit shall be at least six inches in thickness.
4. The curb and gutter shall be constructed so that the back side thereof nearest the lot line shall be 12½ feet from said lot line.
5. The gutter part or apron shall slope toward the curb so as to facilitate drainage of surface water from the street.
6. The work shall be done so that when completed the top of such curb and gutter will be lower than the established grade for sidewalks so as to cause a gradual slope from the outside edge of the sidewalk to the top of such curb and gutter.

140.02 PLAN APPROVAL AND PERMIT REQUIRED. Before constructing or reconstructing any curb and gutter in the City, the owner of the land adjacent thereto shall furnish the Clerk specifications for the same which shall contain the name of the owner of the property, and a legal description of the land in front of which the proposed curb and gutter will be constructed or reconstructed in accordance with the plans and specifications and in accordance with the provisions of this chapter. Upon the approval of said plans and specifications by the Building Official, said official shall file the same with the Clerk and shall forthwith issue a permit for said construction or reconstruction.

140.03 CHANGES FOR SPECIAL CASES. In special cases where conditions warrant the construction or reconstruction of a curb and gutter other than in accordance with the foregoing provisions of this chapter, the foregoing specifications may be ordered changed by a resolution of the Council specifying the street along which and the property in front of which the curb and gutter shall be constructed or reconstructed, the material to be used, the character of the curb and gutter to be built, the width thereof and the time within which the same shall be completed.

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CHAPTER 141

DRIVEWAYS

141.01 Definitions
141.02 Permit Required
141.03 Permit Fee
141.04 Construction Specifications

141.05 Sidewalk Grade Not Altered
141.06 Excavations
141.07 Revocation of Permit
141.08 Inspection and Approval Required

141.01 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. “Driveway” means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
2. “Paving” means any kind of hard surfacing including, but not limited to, Portland cement concrete, asphaltic concrete, or combinations of such material, with the necessary base. Paving does not include servicing with oil, gravel, or chloride.

141.02 PERMIT REQUIRED. Before any person shall construct or repair a driveway, said person shall obtain a written permit from the Building Official. A written application for the permit shall be filed with the Building Official. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width, and type of surfacing material to be used. No other plan shall be followed except by written permission of the Building Official, who may allow amendments to the application or permit that do not conflict with this chapter. The Building Official shall issue the permit, bearing their signature, on the date of issuance, if the proposed plan meets all the requirements of this chapter, if the fee required under this chapter has been paid, and if construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire one year after the date of issuance, if not constructed within that time.

141.03 PERMIT FEE. Before any permit is issued, the person who makes the application shall pay an amount to be set by resolution of the Council to the Building Official.

141.04 CONSTRUCTION SPECIFICATIONS. All driveways shall be of a paving of not less than five inches, and shall contain not less than number nine wire mesh every six inches and shall be at least 10 feet in width. The driveway may be placed directly on compact and well-drained soil. Where soil is not well drained, a four-inch sub-base of compact, clean, coarse gravel, sand, or rock shall be laid. All driveways shall be of paving.

141.05 SIDEWALK GRADE NOT ALTERED. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

141.07 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly. Any street, sidewalk, or other public property that is affected by the work shall be restored to as good a

condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for three months after refilling.

141.08 REVOCATION OF PERMIT. The Building Official may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

141.09 INSPECTION AND APPROVAL REQUIRED. The driveway must be inspected and approved in writing by the Building Official within 30 days after completion of the work. The Building Official shall keep a record of such approvals in the Building Official's office. If the Building Official refuses to approve the work, it must be corrected immediately so that it will meet with approval. If the work has been done improperly, the Building Official shall have the right to finish or correct the work and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

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CHAPTER 142

CONSTRUCTION AND RECONSTRUCTION OF ROADWAYS AND BRIDGES

142.01 Purpose

142.02 Level of Service

142.03 Design Criteria

142.01 PURPOSE. The purpose of this chapter is to establish policy for the construction of roads, reconstruction of roads, construction of bridges, reconstruction of bridges and other roadway and drainage features associated with road and bridge construction.

142.02 LEVEL OF SERVICE. The level of service shall be based on traffic counts, pavement type, roadway geometrics, and other data used in accepted engineering design as established by the City Engineer, Iowa Department of Transportation, and the Federal Highway Administration.

142.03 DESIGN CRITERIA. In implementation, this policy shall set the minimum design standards that the City will follow in the construction or reconstruction of roads and bridges. These criteria shall be based on accepted engineering practices and standards established by the Iowa Department of Transportation and the Federal Highway Administration. The City Engineer shall assure the minimum design standards established herein are adhered to in a uniform manner unless, in their professional judgment, a deviation from standards is warranted. Minimum design standards are not subject to discretionary enforcement. Any deviations must be documented as unreasonable and or impossible to implement by the City Engineer or the Council.

1. Paved Routes.

A. New Pavement.

(1) New pavement shall be constructed with a 30 feet wide pavement and curb and gutter. Intersections with non-paved roads shall have pavement extended back onto the intersecting road 50 feet beyond the end of the intersection radius.

(2) Paved shoulders and edge line rumble stripes shall be constructed if crash data warrants based on accepted HSIP and TSIP cost/benefit analysis.

(3) Concrete rumble strips shall be installed on all approach stop situations where applicable.

(4) Concrete pavement will be the first choice for pavement provided clear zone and shoulder widths can be maintained by design requirements.

B. Reconstruction of Pavement.

(1) Paved roads shall be reconstructed with a 30 feet wide pavement or to the previous pavement width, whichever is greater with curb and gutter.

- (2) Concrete rumble strips shall be installed on all approach stop situations where applicable.
 - (3) Concrete pavement will be the first choice for pavement provided clear zone and shoulder widths can be maintained by design requirements.
- 2. Unpaved Roads.
 - A. Gravel Roads.
 - (1) New construction of a gravel road shall have a 28 feet finished top, including shoulders.
 - (2) Reconstruction of a gravel road shall be to the previous width prior to reconstruction.
- 3. Bridges and Drainage Structures.
 - A. Paved Routes.
 - (1) Bridges on paved routes shall be built with a minimum width of 30 feet. Wider structures will be installed when there are issues relating to oversized vehicles, pedestrian facilities, biking usage, or other issues where the additional width is felt to be warranted.
 - (2) Culverts under paved roads shall be concrete.
 - (3) Pipe culverts larger than 54 inches in diameter may be substituted with reinforced box culverts.
 - (4) Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, IOWA DOT, NRCS, or USGS may impact the size and type of the structure to be placed.
 - (5) Water and livestock will use separate structures whenever possible.
 - B. Unpaved Routes.
 - (1) Bridges will normally be a minimum of 24 feet on gravel roads. Dead end roads may be narrower at the discretion of the City Engineer.
 - (2) Culverts may be metal or concrete. Pipe culverts larger than 54 inches in diameter may be substituted with reinforced box culverts.
 - (3) Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.
 - (4) Water and livestock will use separate structures whenever possible.

C. Entrance Bridges. Any and all bridges/drainage structures that are fully or partially in the road right-of-way that serve as entrances to private property from the public roadway shall be considered the jurisdiction and responsibility of the City. If a structure does not sit fully or partially in the road right-of-way it will be considered a private structure and not under the jurisdiction of the City.

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CHAPTER 145

FIRE LIMITS

145.01 Purpose
145.02 Fire Zone 1 Established

145.03 Fire Zone 2 Established
145.04 Certification Required

145.01 PURPOSE. The purpose of this chapter is to create and establish fire limit districts for the protection of life, limb, property, safety, health, welfare.

145.02 FIRE ZONE 1 ESTABLISHED. The entire incorporated area of the City is hereby declared to be and is established a fire district, and said fire district shall be known and designated as Fire Zone No. 1. This zone shall include such territory or portions of the City that are illustrated, outlined, and designated on a certain plat on file in the office of the Clerk, and the same is adopted as the Fire Zoning Map of the City. Wherever reference is made to Fire Zone No. 1 for the application of regulations, it shall be construed to mean the fire zone created by this section.

145.03 FIRE ZONE 2 ESTABLISHED. The following townships are hereby declared to be and are hereby established as a fire district, and said fire district shall be designated as Fire Zone No. 2. These townships are:

Palestine Township, Story County; Lincoln Township, Polk County; Garden Township, Boone County; and Union Township, Story County.

This zone shall be illustrated, outlined, and designated on a certain plat on file in the office of the Clerk, and the same is adopted as the Fire Zoning Map of the City. Wherever reference is made to Fire Zone No. 2 for the application of regulations, it shall be construed to mean the fire zone created by this section.

145.04 CERTIFICATION REQUIRED. A copy of the ordinance codified in this chapter and a plat of the fire zones established shall be certified by the Clerk to the County Recorder for recording, as required by State law. The Clerk is hereby authorized to pay the necessary recording fees.

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CHAPTER 146

DANGEROUS STRUCTURES

146.01 Findings	146.08 Service of Notice
146.02 Dangerous Structures Defined	146.09 Abatement
146.03 Blighted Structures	146.10 Request for Hearing
146.04 Notice to Owner	146.11 Hearing
146.05 Notice Posted	146.12 Abatement by City
146.06 Occupation Prohibited	146.13 Building Official
146.07 Notice Contents	

146.01 FINDINGS. Dangerous and blighted structures, as defined in this chapter, are dangers to the owners and occupants thereof and to the general public health, welfare, and safety. They are blights on the community and public nuisances. The conditions causing any such structures should be abated by the owners thereof to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of the City and all of its residents. If the owner of a dangerous or blighted structure fails to abate the offending condition, the City has the right to obtain relief from such conditions.

146.02 DANGEROUS STRUCTURES DEFINED. The term “dangerous structure” means a structure, or any portion thereof, which for any reason:

1. Has collapsed or is likely to collapse, either partially or completely, because of the collapse, removal, movement, instability, destruction, or other absence of:
 - A. Load-bearing or supporting members, walls, or foundations; or
 - B. Any portion of the ground necessary for the support of such structure; or
2. Is both:
 - A. A structure that is one or more of the following:
 - (1) An attractive nuisance to children;
 - (2) A fire hazard;
 - (3) Unfit for human habitation;
 - (4) Likely to cause sickness or disease;
 - (5) Manifestly unsafe for the purpose for which it is being used;
 - (6) A refuge or habitation for vagrants or criminals;
 - (7) Used in activity involving the unauthorized delivery or manufacture of a controlled substance, illegal gambling, bootlegging, prostitution, pimping, or pandering is occurring;
 - (8) A refuge or habitation for animals or dangerous or destructive insects; or
 - (9) Is imminently likely to be detrimental to public health, safety, or welfare; and

- B. A structure that is one or more of the following:
- (1) Demolished in whole or part and remaining on a site after the demolition or destruction thereof and continuing in such condition for a period in excess of six months;
 - (2) Unfinished in excess of six weeks after the expiration of a building permit and for which no application for a building permit to complete the work has been made;
 - (3) On a site or is an excavation of three feet or more below grade that remains unfilled in excess of six weeks or around which there is no fencing;
 - (4) Has suffered the collapse or partial collapse of walls, roof, or foundations;
 - (5) Has been abandoned and continuing in such condition for a period in excess of six months; or
 - (6) Has not been connected with the public sewer or otherwise drained or provided adequate sanitation in the manner required by City ordinance or State or federal law.
3. The term “collapse” and “likely to collapse” as used in this chapter mean conditions that includes the ordinary meanings of those words and, in addition, any condition that may include, by way of illustration and not of limitation, the following:
- A. Failing walls, roofs, or parts of walls or roofs, including any component part thereof such as bricks, tiles, stone, mortar, timbers, or pieces thereof; or
 - B. Visibly sagging or leaning foundations, walls, or roofs; or
 - C. Visible rot or decay; or
 - D. Any combination thereof.

146.03 BLIGHTED STRUCTURES.

1. A blighted structure has any condition described in Section 146.02(2)(A) or (B), or is visibly decayed by any condition that may include, by way of illustration and not of limitation, the following:
- A. The absence of a door;
 - B. The absence of one or more windows or the existence of more than one broken window or both;
 - C. The existence of failing walls, roofs, signs, awnings, or other structures exterior to a building, or of any part thereof, including any component part thereof, such as bricks, tiles, stone, mortar, timbers, or pieces thereof;
 - D. Visibly sagging or leaning foundations, walls, or roofs;
 - E. Visible rot or decay; or
 - F. Any combination thereof.

2. If the Building Official determines that a structure, though not a dangerous structure as defined herein, is a blighted structure, the Building Official may proceed in the alternative as follows:

A. The Building Official may serve a notice as provided by Section 146.07 and cause the blighted structure to be abated in the same manner as a dangerous structure, but no notice need be posted as provided in Section 146.05 unless deemed by the Building Official necessary to protect the public.

B. The Building Official may cite the owner for a municipal infraction as provided by Section 364.22 of the *Code of Iowa* and Chapter 3 of this Code of Ordinances. Each day a violation continues to exist may be treated as a separate violation. Nothing herein shall preclude the City from seeking or obtaining the alternative relief provided by Section 364.22(9) of the *Code of Iowa*.

146.04 NOTICE TO OWNER. If the Building Official, upon reasonable belief, finds a structure to be a dangerous structure, the Building Official shall give to the owner of the structure written notice of the finding as provided herein.

146.05 NOTICE POSTED. If the Building Official, upon reasonable belief, finds a structure to be a dangerous structure, the Building Official shall post conspicuously upon the structure or the grounds thereof one or more signs advising the public that the structure is a dangerous structure and notifying all persons that it is unlawful to enter the structure or specified portion thereof. It shall be unlawful for any person to remove, cover, or mutilate any notice posted by the Building Official without the permission of the Building Official, and any person convicted thereof shall be guilty of a simple misdemeanor.

146.06 OCCUPATION PROHIBITED. It shall be unlawful for any person to occupy or to permit the occupancy of a dangerous structure after 48 hours after serving notice upon the owner and a notice is posted on the premises, whichever is later, except for the purpose of carrying out the required repairs or demolition. Pursuant to Section 364.12(3)(h) of the *Code of Iowa*, if the Building Official, upon a reasonable belief that the structure poses an imminent danger to health and safety or is used for unlawful activities, the Building Official may immediately evacuate the structure and prohibit use or occupancy of the structure or immediate grounds surrounding the structure, or any part thereof. Any person convicted of occupying a structure in violation of this section without the permission of the Building Official shall be guilty of a simple misdemeanor.

146.07 NOTICE CONTENTS.

1. The notice to the owner shall state:

A. That the Building Official finds that the structure is a dangerous structure and describing the conditions causing it to be a dangerous structure;

B. That the owner is required to abate the dangerous structure by repair, rehabilitation, demolition, or removal;

C. That all work shall be completed within 90 days from date of service of the notice, unless the Building Official deems a longer period of time appropriate, which time shall be described in the notice;

D. That the owner may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

2. The notice may:
 - A. Require the owner, within 48 hours or such reasonable time as the circumstances require, either to commence the required repairs or improvements or to commence the demolition and removal of the building or structure or portions thereof;
 - B. Designate the minimum action necessary to abate the dangerous structure;
 - C. Require the structure or portion thereof to be vacated forthwith and not occupied until the required repairs and improvements are completed, inspected, and approved by the Building Official; or
 - D. Any combination of these.

146.08 SERVICE OF NOTICE. Notwithstanding any other notice or service provisions of this Code of Ordinances, the notice required by this chapter shall be served upon the owner of record as shown by the records of the County Auditor or County Assessor by:

1. Depositing the notice with the United States Postal Service as “certified mail” addressed to owner; or
2. By personal service as provided in the Iowa Rules of Civil Procedure, except that if the Council determines that service by publication is necessary, no affidavit shall be required.

146.09 ABATEMENT. An owner shall, within 90 days of service of the notice, abate the dangerous structure by repair, rehabilitation, demolition, removal, or any combination of these.

146.10 REQUEST FOR HEARING. If an owner wishes to have a hearing before the Council, the owner must make the request, if at all, before the expiration of 90 days after service of notice. The request for hearing shall be in writing made and given under penalty of perjury and containing the name, address, telephone number, and signature of the owner, and it shall state whether the owner denies that the structure is dangerous structure and the type of relief requested of the Council. A request for hearing that denies or fails to deny that the structure is a dangerous structure shall be deemed an owner’s agreement that the City or its agents may enter the structure or the grounds thereof for such further examination and testing as may be reasonable and necessary.

146.11 HEARING. If requested by the owner within the 90 days after service of notice, the Council shall conduct a hearing. The hearing shall be conducted at the next regular Council meeting, but not less than 48 hours following the request, and upon agreement of the parties may be continued from time to time. The burden shall be upon the City to establish that the structure is a dangerous or blighted structure, as appropriate, and the Building Official shall present findings supporting the notice of abatement. If the Council finds that the structure is a dangerous or blighted structure, the burden shall shift to the owner to show cause why the alleged dangerous or blighted structure should not be abated or that the time within which action is required is unduly burdensome. The Council shall make findings of fact and shall issue appropriate orders affirming, modifying, or reversing the action of the Building Official. If the order modifies the action of the Building Official, the order shall be in the form of a resolution of the Council which shall contain the information required by Section 146.07 (relating to notice contents) and which shall be served by ordinary mail.

146.12 ABATEMENT BY CITY. The Council may order work done by the City or an independent contractor for the abatement of a dangerous or blighted structure and shall order the payment of the cost thereof from City funds.

1. Pursuant to Section 364.12(3)(h) of the *Code of Iowa*, if the Council finds that emergency conditions exist requiring immediate action to preserve or protect the health, safety, or welfare of the public, the Council may order work to be undertaken immediately with such notice as the Council may prescribe or without notice.
2. If an owner fails to comply with a notice to abate a dangerous or blighted structure within the prescribed time as provided in this chapter, the Council may, without further notice to an owner, order the work be undertaken.
3. After completion of the work abating the dangerous or blighted structure, if the Council finds that the City should be reimbursed for the work, the Council shall cause to be served by ordinary mail upon the owner at the owner's last known address and by publication in accordance with Section 362.3(2) of the *Code of Iowa* a notice of proposed assessment of costs and notice of setting the time and place of hearing. Pursuant to Section 364.12(3)(h) of the *Code of Iowa*, after hearing to determine the appropriateness of recovering the cost of abatement and the amount that should be assessed to the owner, the Council may certify for collection as a special assessment to the County Auditor all or part of the cost of the abatement.
4. After completion of the work abating the dangerous or blighted structure, pursuant to Section 364.12(4) of the *Code of Iowa*, in addition to any other remedy available, the Council may authorize the City Attorney to seek reimbursement for costs by a civil action for damages.

146.13 BUILDING OFFICIAL. The Mayor shall be the Building Official charged with enforcing the provisions of this chapter.

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CHAPTER 147

DEMOLITION

147.01 Definitions	147.08 Issuance
147.02 Demolition of Buildings	147.09 Denial
147.03 Application and Fee	147.10 Filling and Grading of Site
147.04 Disconnection of Sewer and Water	147.11 Seeding of Site
147.05 Bond Required	147.12 Assessment of Costs to Property
147.06 Insurance	147.13 Revocation of Permit
147.07 Safety Precautions	147.14 Application to Existing Property

147.01 DEFINITIONS. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. “Accessory structure” means a building consisting of less than 120 square feet in area, on a property with and of a nature customarily incidental and subordinate to the principal structure, which has no basement, crawl space, or other depression from existing grade of more than 12 inches in depth.
2. “Building” means any structure, except an accessory structure, which is used for residential, business, storage, commercial, industrial, institutional, educational, recreational, or other purposes.

147.02 DEMOLITION OF BUILDINGS. Any owner of property who desires to demolish, tear down, or remove a building, including a building that has been totally or partially destroyed by fire, explosion, windstorm, or other casualty, other than by the moving of the building, must first secure a permit therefor from the Building Official.

147.03 APPLICATION AND FEE.

1. A property owner shall submit an application for a permit prior to commencing work on the demolition or removal of the building.
2. The application for the permit shall be made in writing on forms provided by the Building Official, and shall be filed in the office of the Building Official. The application shall contain such information as may be required by the Building Official.
3. The application for a permit to demolish or remove a building shall be accompanied by a permit fee in such amount as is established by the Council from time to time.

147.04 DISCONNECTION OF SEWER AND WATER. No permit to demolish shall be issued until it has been established that existing sewer, water, gas, and electric services have been properly disconnected and approved.

147.05 BOND REQUIRED.

1. Before a permit is issued to remove a building which has been ordered removed as a public nuisance and which period of time granted by the City or by the courts for removal or other remedial action by the applicant or other party of interest has expired, the applicant may be required to post a cash bond equal to the estimated costs of the

removal of the building and the disconnection of the existing utility services and removal of obstructions from public lands. If the applicant does not remove the building at the time the permit expires at a time specified by the Building Official, such bond shall be forfeited and used toward the costs of the City to remove it.

2. If the building is removed by the applicant prior to the time the permit expires, such bond shall be returned to the applicant. A return of the bond does not exempt the applicant from further assessments to the real estate for costs that have occurred prior to the issuance of the permit.

147.06 INSURANCE.

1. If, in the opinion of the Building Official, the demolition places the City at risk by use of public lands or creates obstructions in the right-of-way, the Building Official shall require liability insurance showing the City as named additional insured and providing a minimum limit of liability in the amount of \$500,000.00 each accident, for accidents caused. The insurance policy shall contain a provision whereby such insurance may be canceled or materially altered only after giving the City 10 days' written notice of the change or cancellation.

2. The Building Official may require the applicant to obtain insurance against hazards to neighboring property and persons or both in the interest of public health, safety, and welfare which, in their opinion, are commensurate with the severity of hazard, either demonstrated or anticipated.

147.07 SAFETY PRECAUTIONS.

1. The Building Official shall have the authority to impose at any time reasonable requirements and safety precautions in the interest of public health, safety, and welfare which, in their opinion, are commensurate with the severity of hazard, either demonstrated or anticipated, provided that such requirements may be appealed to and reviewed by the Council at the request of the affected party.

2. The discharging, loading, or dumping of building materials from any building shall be accomplished in such manner as to minimize the creation of dust and scattering of debris. Materials shall not be dropped by gravity to any point lying outside the building walls except through an enclosed chute, unless such materials are dust free and the height of drop is at least equal to the horizontal distance to the nearest property or barricade line. Where such horizontal distance is not available and practical necessity dictates the dropping of relatively large masses of materials, the Building Official may approve appropriate protective measures designed to provide protection from danger equivalent to that afforded by the otherwise required horizontal setback; provided, however, that in all cases such materials shall be handled in a manner approved by the air pollution control division of the County Health Department.

3. When necessary to protect the public health, safety, or welfare, every demolition project shall be barricaded, fenced, lighted, and signed with warning or directional signs in a manner approved by the Building Official. The Building Official may also require the presence of approved security guards or flag persons. Such barricades, fences, lights, and signs as may be deemed necessary by the Building Official for protection of the public shall be maintained after completion of the demolition work until such time as the site is cleaned of all debris and all excavations, basements, and depressions in the ground are restored to grade and rendered harmless.

4. Adequate precautions shall be taken to ensure that procedures or conditions relating to the demolition work do not constitute a fire hazard. If, in the opinion of the Fire Chief, a fire hazard exists or is likely to exist, he or she may order the cessation of work or require that appropriate protective measures approved by them be taken.

5. All streets, alleys, and public ways adjacent to the demolition site shall be kept free and clear of any rubbish, refuse, and loose material resulting from the demolition work unless an obstruction permit for such space has been obtained.

147.08 ISSUANCE. Upon the filing of the application for a permit to demolish or remove a building, and payment of the fee therefor, and upon approval of the application by the Building Official, the permit shall be issued by the Building Official upon such conditions as the Building Official may deem necessary.

147.09 DENIAL. If for any reason the Building Official determines that the application should be denied, the Building Official shall deny the application and state the reasons for such denial in writing endorsed upon the application or, in the alternative, the Building Official may grant the application for demolition or removal of the building, conditioned upon reasonable requirements relating to the public health or the safety of persons or property.

147.10 FILLING AND GRADING OF SITE. Within 60 days following demolition of the building, the property owner shall either submit an application for a building permit for a new building or structure on the property, or shall fill and grade the site to a topographic elevation equal to or level with the surrounding adjacent natural grade elevations.

147.11 SEEDING OF SITE. Within 30 days of final grading of the site, or at the earliest opportunity thereafter during the growing season which is conducive to plant germination, the owner shall seed the site with grass or similar vegetative ground cover acceptable to the Building Official. The property owner shall take reasonable measures to insure the proper germination of the planted vegetation, and shall thereafter maintain the property in accordance with all applicable City ordinances.

147.12 ASSESSMENT OF COSTS TO PROPERTY. In the event the owner fails to fill and grade the site, seed the site with grass or vegetative ground cover, or fails to insure proper germination of the vegetation on the property, the City may then perform said work, levy the costs thereof as assessments, which shall thereafter be a lien on the property, and the Clerk shall certify such assessments to the County Auditor as assessments to be paid in installments as provided by law.

147.13 REVOCATION OF PERMIT. Any person who shall, in the application for a permit required by this chapter, make any false or untrue statement, or who shall violate any of the provisions of this chapter, including compliance with any conditions placed upon approval of the application for a permit, shall have their permit revoked by the Building Official.

147.14 APPLICATION TO EXISTING PROPERTY. The provisions of this chapter shall be applicable to all properties in the City, regardless whether the demolition of any building on any such properties occurred prior to or subsequent to the effective date of the ordinance codified by this chapter, this chapter being for the protection of the public health and safety.

[The next page is 1207]

CHAPTER 150

TREES

150.01 Definition

150.02 Planting Prohibited

150.03 Duty to Trim Trees

150.04 Trimming Trees to be Supervised

150.05 Disease Control

150.06 Inspection and Removal

150.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

150.02 PLANTING PROHIBITED. It is unlawful to plant any street trees within the City limits, and no existing street trees shall be replaced following their removal. As used in this section “street tree” means trees, shrubs, bushes, and all other woody vegetation on land lying outside of the lot and property lines and inside the curb lines, as shown by the assessor’s web page, upon the public streets within the City. If owners do not remove a tree planted in violation of this section within one week of written notice, the City staff will remove the tree and charge the hourly City rate set by resolution of the Council.

150.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

150.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 150.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

150.05 DISEASE CONTROL. Any dead, diseased, or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

150.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased, or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining

property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant, or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

(Code of Iowa, Sec. 364.12[3b and h])

[The next page is 1213]

CHAPTER 151

PROPERTY MAINTENANCE CODE

151.01 Short Title

151.02 Adoption of Property Maintenance Code

151.03 Amendments, Modifications, Additions, and Deletions

151.04 Conflicts

151.01 SHORT TITLE. This chapter shall be known as the Slater Property Maintenance and Housing Code, and may be cited as such, and may be referred to herein as this chapter.

151.02 ADOPTION OF PROPERTY MAINTENANCE CODE. The *International Property Maintenance Code*, 2009 Edition; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified, or amended. An official copy of the *International Property Maintenance Code*, 2009 Edition, as adopted and a certified copy of this chapter are on file in the office of the Clerk.

151.03 AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS. The *International Property Maintenance Code*, 2009 Edition (hereinafter known as the IPMC), is amended as hereinafter set out.

1. Application of Other Codes. Application of other codes, of the IPMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Application of Other Codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the adopted *International Building Code*, *International Residential Code*, *International Mechanical Code*, *Uniform Plumbing Code*, *International Fire Code*, the Slater Zoning Code, and the *National Electrical Code*.

2. Housing Code. Subsection 102.11, *Housing Code* is hereby established by adding the following subsections:

102.11.1 Housing Code. In addition to provisions of the *Property Maintenance Code* of the City of Slater, this section shall be hereafter known as the City Housing Code and may be cited as such and will be referred to as such in this section.

102.11.2 Scope. The provisions of this section shall be deemed to apply to all dwellings or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued as provided in previously adopted Building Code(s) except such structures as are found to be substandard as defined in this Code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all of the requirements of this Code applicable to dwellings.

102.11.3 Dwellings - Definition. A dwelling is any house or building or portion thereof which is occupied in whole or in part as a home or residence of one or

more human beings, either permanently or transiently. No part of a building hereafter constructed as or altered into a dwelling may be occupied in whole or in part for human habitation until the issuance of a certificate by the Code Official that such part of the dwelling conforms to requirements relative to dwellings hereafter erected. The certificate shall be issued within 14 days after written application therefore if the dwelling at the date of such application shall be entitled thereto. Such certificate shall hereafter be known as an occupancy certificate.

102.11.4 Housing inspector. The Council may designate, by resolution, the Building Official and their representatives or designees as housing inspectors, or, the Council may, by resolution, approve certain qualified firms or persons who by training or experience are familiar with the provisions of this Code to perform inspections of dwelling units in the City, to insure their compliance with this Code.

102.11.9 Entrance and Survey of Buildings. The Building Official and all inspectors and such other persons as may be authorized by the Council may, without fee, examine, make necessary records, and survey all rental dwellings within the City. If entry into the interior portion of a dwelling unit is required, 24 hours' notice to the tenant shall be given by the City. The owner or their agent or representative and the lessee and occupant of every rental dwelling and every person having the care and management of the same shall, at all reasonable times when required by such officers or persons, give them free access to such rental dwellings and premises. The owner of a rental dwelling, and their agents and employees, shall have right of access to such dwellings at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued thereunder.

102.11.15 Civil Liability. The owner of any dwelling or of any building or structure upon the same lot with a dwelling, or of the lot, or any violation of this chapter, or where a nuisance as herein defined exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of \$50.00 to be recovered for the use of Planning and Zoning in a civil action brought in the name of the municipality by the Code Official. Such person or persons and also the premises shall be liable in such case for all costs, expenses, and disbursements paid or incurred by Planning and Zoning, including attorneys' fees, paid or incurred by the City, by any of the officers, agents, or employees thereof, in the removal of any such nuisance or violation.

102.11.16 Additional Liability. Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter in the respect named in such notice or order, shall also be subject to a civil penalty of \$100.00. For the recovery of such penalties, costs, expenses, or disbursements, an action may be brought in a court of competent civil jurisdiction.

102.11.19 Authority to Execute. In case any notice or order issued by such Code Official is not complied with, the Code Official may apply to the district

court for an order authorizing them to execute and carry out the provisions of the notice or order, to correct any violation specified in the notice or order or to abate any nuisance in or about dwelling.

102.11.21 Duties of Occupant. It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage, or remove a part of the premises or to knowingly permit any other person to do so, or to remove, without permission of the landlord, any furniture or other items of personal property belonging to the land, or to cause damage resulting in noncompliance with the codes as adopted by the City.

3. Fees. Subsection 103.5, Fees, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Schedule of Permit Fees. Permits and rental housing certificates shall not be issued until the fees, as set forth and established by resolution of the Council, have been paid to the City. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

4. Work Commencing Before Permit Issuance. Subsection 103.6, Work commencing before permit issuance, of the IPMC, is hereby established by adding the following subsection:

Work Commencing Before Permit Issuance. Any person who commences any work under the provisions of this chapter before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

151.04 CONFLICTS. In the event there are requirements of this Code that conflict with applicable State and federal requirements, the more stringent shall apply.

[The next page is 1221]

CHAPTER 152

BLIGHTED STRUCTURES AND STORAGE OF NON-PERMANENT ITEMS AND EQUIPMENT

152.01 Definitions

152.02 Purpose

152.03 Prohibited Acts

152.04 Removal by City

152.05 Permit

152.06 Storage of Firewood

152.01 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. “Blighted structure” means without limitations, any dwelling, garage, or outbuilding, or any other structure or part of a structure, temporary or set on a foundation, which because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for the purpose for which it may have been intended.
2. “Building materials” means without limitations, lumber, bricks, concrete, or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, cement nails, screws, or any other materials used in constructing any structure.
3. “Junk” means without limitation, equipment, parts of machinery or motor vehicles, trailers, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal, non-permanent items, or any other castoff matter of any kind, whether or not the same could be put to any reasonable use.
4. “Person” means all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent, or employee. All persons who violate any of the provisions of this chapter, whether as owner, occupant, lessee, agent, servant, or employee shall, except as herein otherwise provided, be equally liable as principals.
5. “Trash and rubbish” means any and all forms of debris not herein otherwise classified.

152.02 PURPOSE. It is hereby determined that the storage or accumulation of trash, rubbish, junk, building materials, and the maintenance of blighted structures upon any private property within the City tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety, and general welfare of the community.

152.03 PROHIBITED ACTS.

1. It is unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, or junk on any private property in the City except within a completely enclosed building without a permit granted by the City.
2. It is unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, abandoned vehicle or otherwise, or any appliance or machinery, unless a permit for such activity is granted by the City.

3. It is unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the City and unless such construction is completed within a reasonable time.

4. It is unlawful for any person to store or permit the storage or accumulation of building materials on any private property except in a completely enclosed building or except where such building materials are a part of the stock in trade of a business located on said property or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the City, provided, however, it shall be unlawful to allow any trash, construction waste or discarded materials to accumulate in such a manner so as to create an unsanitary condition, become a harborage for insects or rodents or become a nuisance to adjacent properties due to blowing or scattering debris.

152.04 REMOVAL BY CITY. The Public Works Department may remove or cause to be removed any junk, trash, rubbish, or building materials from any unenclosed private property. Notice shall be served upon the owner or occupant of the property via certified mail, or may be posted in a conspicuous place on the property if the property is occupied. Such junk, trash, etc., shall be removed and disposed of in accordance with law within 48 hours unless otherwise specified, or a request for a time extension complete with a plan for clean-up be filed with the Clerk's office. If after the designated time has passed, such junk remains and no extension has been received and granted it may be disposed of by the Public Works Department. Such removal by the Public Works Department shall not excuse or relieve any person of the obligation imposed by this chapter to keep their property free from storage or accumulation of junk, trash, or rubbish nor from the penalties for violation thereof.

1. Any junk, trash, or rubbish, removed from unenclosed private property as provided in this section, or coming into the possession of the Public Works Department by abandonment on public property in the City shall be disposed of as allowed by law.

2. The cost of removal shall include, but is not limited to, equipment use, labor, and disposal fees. The cost for removal of such junk, trash, or rubbish shall be billed to the owner or owners of the property with a minimum charge starting at \$50.00.

152.05 PERMIT. A permit is required for any non-permanent structure, item, or piece of equipment to be allowed to sit unenclosed on a property for more than five days. Permits may be granted for any length of time at the City's discretion.

152.06 STORAGE OF FIREWOOD. No person shall store firewood within the City except in accordance with the following regulations:

1. Storage is limited to a maximum of two neat piles no larger than 6 feet x 10 feet x 20 feet without a permit issued by the City.

2. Storage is only allowed in the backyard or the back half of any interior side yard.

3. Storage shall be no closer than five feet from the property line and no closer than six feet from any house or garage for fire safety.

4. The wood must be neatly cut and securely stacked a minimum of six inches off the ground on a well-supported, non-rotting base.
5. The wood must not be of a deteriorating state where it is an insect, vermin, or rodent habitat.
6. Firewood stored on a premises shall be for use at the location only and not for resale.
7. Firewood stored in an enclosed area, not including a front porch area, and not attached to a house, is stored at resident's discretion.

[The next page is 1229]



CHAPTER 153

BUILDING CODE

153.01 Short Title

153.02 Administrative Provisions

153.03 Adoption of Building Codes

153.01 SHORT TITLE. This chapter shall be known as the Slater Building Code and may be cited as such and will be referred to herein as “The Building Code.”

153.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the following sections of the several codes named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes, constituting the City’s Building Codes. The Building Official shall be appointed by the Mayor, subject to approval of the Council, for the enforcement of the Building, Electrical, Plumbing, Mechanical, Fire, Housing, Existing Buildings, and Property Maintenance, and such other ordinances as shall be assigned to them, that function, and shall perform such other duties as may be required by the Mayor or Council. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code, subject to approval of the Council of the City, as they may deem necessary in order to clarify the application of the provisions of this Code. Such rule, regulations, and interpretations shall be in conformity with the intent and purpose of this Code.

153.03 ADOPTION OF BUILDING CODES. The Building Code to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings, or structures within the City and the same is by this reference incorporated herein as fully and completely as if set forth in full herein.

1. The International Building Code, 2006 Edition, as published by the International Code Council.

Sec. 101.1. Title. Insert “City of Slater, Iowa.”

Sec. 101.4.1 Electrical. Delete “ICC Electrical Code” and insert “National Electrical Code, 2008 Edition, as published by the National Fire Protection Association.”

Sec. 104.11 Alternative Methods. After paragraph insert “the *Iowa Administrative Code* 661, Chapter 16, Div. VI, Part 2 Manufactured Home Construction is hereby adopted for installation of mobile (manufactured) homes.”

Sec. 108.2. Fees. After “in accordance with the” insert “In accordance with the resolution setting fees as established by the City.”

Sec. 108.3. Valuations. At the end of last sentence delete period and insert “using the lasted Building Valuation Data Sheet.”

Sec. 1612.3 Insert “City.”

Sec. 1612.3. Insert date of latest flood map.

2. The *International Mechanical Code and Appendix Chapters*, 2006 Edition, as published by the International Code Council.

Sec. 101.1. Title. Insert "City"

Sec. 106.6.2. Fee Schedule. Insert "as set by the City trade permit."

Sec. 108.4. Penalties. Insert "per municipal infraction as listed in the Municipal Code of the City."

Sec. 108.5. Stop work. Insert "\$500.00"

Delete Appendix B

3. The *International Plumbing Code and Appendix Chapters*, 2006 Edition, as published by the International Code Council.

Sec. 101.1. Title. Insert "City"

Sec. 106.6.2. Fee Schedule. Insert "as set by the City trade permit"

Sec. 108.4. Penalties. Insert "per municipal infractions as listed in the Municipal Code of the City."

Sec. 108.5. Stop Work. Insert "\$500.00"

Sec. 305.6.1. Insert "43 inches" in two places.

Sec. 904.1.1. Insert "12 inches"

Delete Appendix A

4. State §661 *Iowa Administrative Code* Chapter 504, including The *National Electrical Code and Appendix Chapters*, 2008 Edition, as published by the National Fire Protection Association with Amendments:

Permit fees for electrical work shall be according to the fees established by the City trade permit.

5. The *International Fire Code and Appendix Chapters*, 2006 Edition, as published by the National Fire Protection Association. As adopted by the State.

Sec. 101.1. Title. Insert "City"

Sec. 109.3. Penalties. Insert "per municipal infractions as listed in the Municipal Code of the City."

Sec. 111.4. Stop Work. Insert "\$500.00"

6. The *International Residential Code for One- and- Two-Family Dwellings and Appendix Chapters*, 2006 Edition, as published by the International Code Council.

Sec. R101.1. Title. Insert "City"

Sec. R104.11. Alternative Methods. After paragraph insert "The *Iowa Administrative Code* 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction is hereby adopted for installation of manufactured (mobile) homes."

Sec. R108.2. Permit Fees. After "in accordance with the" insert "attached schedule as established by the City for the regular Building Permit Fee Schedule."

Delete Appendix F

Delete Appendix L

Delete Appendix P

R105.5 - 12 Month Expiration. Every permit issued under the provisions of this Code shall expire 12 months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Building Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or their agent and by payment of the renewal fee as established by resolution of the Council, and provided no changes have been made in plans or location. No permit shall be renewed more than once. The fee for the extension shall be \$75.00 re-inspection fee if the project is at the finish (drywall and trim installed) stage and 50 percent of the original building permit fee if the project is at the rough-in stage (drywall and trim not installed).

Table R301.2(1) Climactic and Geographic Design Criteria. Table R301.2(1), Climactic and Geographic Design Criteria is hereby amended by modifying said table as follows:

Table R301.2(1)

Climactic and Geographic Design Criteria

Ground Snow Load	Wind Speed MPH	Seismic Design Category	Subject to Damage From:				Winter Design Temp	Ice Barrier Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay			NFIP Adoption		
30 PSF	90	A	Severe	42"	Moderate- Heavy	Slight- Moderate	-5° F	No	1982	1833	48.6° F

Replace Table R403.1 with the following:

Table R403.1

Foundations for Stud Bearing Walls

Number of Stories	Thickness of Foundation Walls (inches)	Minimum Width of Footing (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (inches)
1	8	16	8	42
2	8	16	8	42
3	10	18	12	42

7. The *International Energy Conservation Code and Appendix Chapter*, 2006 Edition, as published by the International Code Council.

Sec. 101.1. Title. Insert “City”

8. *International Fuel Gas Code and Appendix Chapters*, 2006 Edition, as published by the International Code Council.

Sec. 101.1. Title. Insert “City”

Sec. 105.5.2. Fee Schedule. Insert “as set by the City trade permit fees schedule as attached for the mechanical and plumbing permit fee.”

Sec. 108.4. Penalties. Insert “per municipal infractions as listed in the municipal code of the City.”

Sec. 108.5. Stop Work. Insert \$500.00 (amount in two places).

9. The *International Existing Building Code and Appendix Chapters*, 2006 Edition, as published by the International Code Council.

Sec. 101.1. Title. Insert “City”

Sec. 108.2. Permit Fees. Delete after “established” and insert “for the various disciplines herein adopted.”

[The next page is 1289]



CHAPTER 160

FLOODPLAIN MANAGEMENT

160.01 Definitions	160.07 Floodway Fringe (Overlay) District (FF)
160.02 Statutory Authority, Findings of Fact, and Purpose	160.08 General Floodplain (Overlay) District (GF)
160.03 General Provisions	160.09 Appointment and Duties of Board of Adjustment
160.04 Administration	160.10 Nonconforming Uses
160.05 Establishment of Zoning (Overlay) Districts	160.11 Penalties for Violation
160.06 Floodway (Overlay) District (FW)	160.12 Amendments

160.01 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood.”)
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. “Board of Appeals” means the City Council of the City.
6. “Development” means any manmade change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Development does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
7. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 160.07(2)(D)(1); and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage; and
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation; and
 - D. The enclosed area is not a basement as defined in this section.

8. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.
9. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
10. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. “Factory-built home” means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes; and also include recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
12. “Factory-built home park or subdivision” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
13. “Five hundred year flood” means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.
14. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
15. “Flood Insurance Rate Map” (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
16. “Flood Insurance Study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
17. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
18. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including (but not limited to) emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
19. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

20. "Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.
21. "Floodway fringe" means those portions of the Special Flood Hazard Area outside the floodway.
22. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
23. "Historic structure" means any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register.
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either:
 - (1) An approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
24. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor are met.
25. "Maximum damage potential development" means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
26. "Minor projects" means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.
27. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
28. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the

factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

29. "Recreational vehicle" means a vehicle which is:
- A. Built on a single chassis;
 - B. Four hundred square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
30. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles, and replacing siding.
 - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
 - C. Basement sealing.
 - D. Repairing or replacing damaged or broken window panes.
 - E. Repairing plumbing systems, electrical systems, heating, or air conditioning systems, and repairing wells or septic systems.
31. "Special Flood Hazard Area" (SFHA) means the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, or A99.
32. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

33. “Structure” means anything constructed or erected on the ground or attached to the ground, including (but not limited to) buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, or other similar uses.

34. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. [Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

35. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the start of construction of the improvement; or
- (2) If the structure has been substantially damaged and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure’s designation as a historic structure.

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

36. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

37. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

160.02 STATUTORY AUTHORITY, FINDINGS OF FACT, AND PURPOSE.

1. Statutory Authority. The Legislature of the State of Iowa has in Chapter 414 of the *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all

of which adversely affect the public health, safety, and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by:

(1) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and

(2) The cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 160.02(2)(A) with provisions designed to:

A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.03 GENERAL PROVISIONS.

1. Lands to Which Chapter Applies. The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain, and Shallow Flooding (Overlay) Districts, as established in Section 160.05.

2. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Maps (FIRM) for Story County and Incorporated Areas, City of Slater, Panels 19169C0265F, 0270F, 0380F, 0385F, dated January 15, 2021, which were prepared as part of the Flood Insurance Study for Story County are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

3. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the

Floodplain Manager/Building Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Manager/Building Administrator in the enforcement or administration of this chapter.

4. Compliance. No structure or land shall hereafter be used, and no structure shall be located, extended, converted, or structurally altered, without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

5. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, or any officer or employee thereof, for any flood damages that result from reliance on this chapter or on any administrative decision lawfully made thereunder.

8. Severability. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.04 ADMINISTRATION.

1. Appointment, Duties, and Responsibilities of Administrator.

A. The Floodplain Manager is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include (but not necessarily be limited to) the following:

(1) Review all Floodplain Development Permit Applications to assure that the provisions of this chapter will be satisfied.

(2) Review Floodplain Development Applications to assure that all necessary permits have been obtained from federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3) Record and maintain a record of:

a. The elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures; or

- b. The elevation to which new or substantially improved structures have been floodproofed.
- (4) Notify adjacent communities, counties, and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
- (5) Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.
- (6) Submit to the Federal Insurance Administration an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration.
- (7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- (8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the Board of Adjustment of potential conflict.
- (9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:
 - a. Development placed within the Floodway (Overlay) District results in any of the following:
 - i. An increase in the base flood elevations; or
 - ii. Alteration to the floodway boundary.
 - b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 - c. Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- (10) Perform site inspections to ensure compliance with the standards of this chapter.
- (11) Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Floodplain Development Permit.

A. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation, or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address, or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions.
- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
- (8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.05 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The floodplain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Floodplain Zoning Map.
2. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway.

3. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Floodplain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as permitted uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

160.06 FLOODWAY (OVERLAY) DISTRICT (FW).

1. Permitted Uses. All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.
2. Performance Standards. All Floodway District uses allowed as a permitted use shall meet the following standards.
 - A. No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - B. All development within the Floodway District shall:
 - (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
 - C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
 - D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District, and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
 - F. Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
 - G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
 - H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

- I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.07 FLOODWAY FRINGE (OVERLAY) DISTRICT (FF).

1. Permitted Uses. All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. Performance Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the base flood elevation more than one foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

- A. All development shall:

- (1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.
- (2) Use construction methods and practices that will minimize flood damage.
- (3) Use construction materials and utility equipment that are resistant to flood damage.

- B. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), *Iowa Administrative Code*.

- C. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood; and that the structure, below the base flood

elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

D. All New and Substantially Improved Structures.

(1) Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

(2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or, in the case of nonresidential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water meters, gas meters, and other similar service utilities either elevated (or in the case of nonresidential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

E. Factory-Built Homes.

(1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the base flood elevation.

(2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or

subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

F. Utility and Sanitary Systems.

(1) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the base flood elevation.

(3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the base flood elevation.

(4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of Equipment and Materials. Storage of materials and equipment that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or:

(1) Not be subject to major flood damage and anchored to prevent movement due to flood waters; or

(2) Be readily removable from the area within the time available after flood warning.

H. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

J. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all

lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain Fringe (Overlay) District.

K. Accessory Structures to Residential Uses.

(1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the base flood elevation must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to resist flotation, collapse, and lateral movement which may result in damage to other structures.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of Section 160.07(2)(D)(1).

(2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles.

(1) Recreational vehicles are exempt from the requirements of Section 160.07(2)(E) regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy

requirements of Section 160.07(2)(E) regarding anchoring and elevation of factory-built homes.

M. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

N. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the two-tenths percent annual chance flood; and that the structure, below the two-tenths percent annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where a two-tenths percent chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

160.08 GENERAL FLOODPLAIN (OVERLAY) DISTRICT (GF).

1. Permitted Uses.

A. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.

B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine:

- (1) Whether the land involved is either wholly or partly within the floodway or floodway fringe; and
- (2) The base flood elevation.

The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (1) The bridge or culvert is located on a stream that drains less than two square miles, and
- (2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2b) *Iowa Administrative Code*.

2. Performance Standards.
 - A. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 160.06).
 - B. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 160.07).

160.09 APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT.

1. Appointment and Duties of Board of Adjustment. A Board of Adjustment is hereby established which, hereinafter referred to as the Board, shall hear and decide:
 - A. Appeals; and
 - B. Requests for variances to the provisions of this chapter, and shall take any other action which is required of the Board.
2. Appeals. Where it is alleged that there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board all the documents constituting the record upon which the action appealed from was taken.
3. Variance. The Board may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - A. Variances shall only be granted upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that:

- (1) The issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
- (2) Such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board.

A. Hearings. Upon the filing with the Board of an appeal or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 160.10(4)(B)(2).

(1) Factors Upon Which the Decision of the Board Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other land or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.

- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical, and water systems), facilities, streets, and bridges.
- m. Such other factors which are relevant to the purpose of this chapter.

(2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
- e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

5. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of

the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.

160.10 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
 - A. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations, or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
2. Except as provided in Section 160.10(1)(B), any use which has been permitted as a variance shall be considered a conforming use.

160.11 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.12 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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CHAPTER 165

ZONING REGULATIONS



EDITOR'S NOTE

The Zoning Ordinance of the City of Slater, Iowa, adopted December 17, 2007, by Ordinance No. 227, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Official Zoning Map, adopted on June 5, 2006, by Ordinance No. 218, and are hereby saved from repeal.

ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
277			
286			
291	June 13, 2022		
301	October 9, 2023		

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CHAPTER 170
SUBDIVISION REGULATIONS

EDITOR'S NOTE

The subdivision Ordinance of the City of Slater, Iowa, adopted December 17, 2007, by Ordinance No. 228, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect.

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APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. **OFFICIAL COPY.** The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. **DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. **SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. **RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

(Code of Iowa, Sec. 372.13[4])

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as shown in the following sample ordinance:

ORDINANCE NO. ____**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF _____, IOWA, BY ADDING A NEW SECTION
LIMITING PARKING TO 30 MINUTES ON A PORTION OF
_____ STREET**

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of _____, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO 30 MINUTES. It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. _____ Street, on the _____ side, from _____ Street to _____ Street.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 20____.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS, as shown in the following sample ordinance:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF _____, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON _____ STREET.

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of _____, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on _____ Street to stop at _____ Street.

SECTION 2. 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.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No.____ on the ____ day of _____, 20____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed, as shown in the following sample:

ORDINANCE NO. ____**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF _____, IOWA, BY AMENDING PROVISIONS
PERTAINING TO SEWER SERVICE CHARGES**

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of _____, Iowa, is repealed and the following adopted in lieu thereof:

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service charges in the amount of _____ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than \$_____ dollars per _____.

SECTION 2. 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.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

ORDINANCES NOT CONTAINED IN THE CODE OF ORDINANCES

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____

**AN ORDINANCE VACATING (INSERT LOCATION OR LEGAL
DESCRIPTION OF STREET OR ALLEY BEING VACATED) TO
_____, IOWA**

Be It Enacted by the City Council of the City of _____, Iowa:

SECTION 1. The *(location or legal description of street or alley)* to _____, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORMS

FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of _____, Iowa, will meet on the ____ day of _____, 20____, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of _____, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on (property owner's name), through (agent's name or "none"), agent, to abate the nuisance existing at (legal description and address) within ____ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ____ days after the service of this Order upon said owner or agent. and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner's name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(designate officer initiating notice)

NOTICE**REQUIRED SEWER CONNECTION**

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ (____) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

The nearest public sewer line within _____ (____) feet of the above described property is located

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: _____

City of _____, Iowa

By: _____, _____
(Name) (Title)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that the City Council of _____, Iowa, will meet on the ____ day of _____, 20__, at _____ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of _____, Iowa

By: _____, _____
(Name) (Title)

RESOLUTION AND ORDER
REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on
_____, (Name of Property
Owner)
through _____, Agent,
(Agent's Name or "None")

to make connection of the property described as

to the public sanitary sewer located _____
within _____ (_____) days from service of notice upon said owner or agent. and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent, _____
(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent. and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

_____,

(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

(Owner's Name)

_____, as provided by law.

(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____, _____, _____,

_____, _____, _____.

NAYS: _____, _____, _____,

_____, _____, _____.

Resolution approved this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk