

GENERAL CODE PROVISIONS

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CHAPTER 1

CODE OF ORDINANCES

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1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Zearing, 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 Zearing, Iowa.
3. “Clerk” means the city clerk of Zearing, 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 and/or a standard code adopted by reference).
5. “Code of Ordinances” means the Code of Ordinances of the City of Zearing, Iowa.
6. “Council” means the city council of Zearing, Iowa.
7. “County” means Story County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.

11. "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.
12. "Ordinances" means the ordinances of the City of Zearing, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. "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.
14. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
15. "Shall" imposes a duty.
16. "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.
17. "State" means the State of Iowa.
18. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
19. "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 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 all injury to or death of any person or persons whomsoever, and all 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 which 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 the 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 the 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 the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

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

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 the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Code of Iowa, Sec. 364.3[2])

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CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

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 Zearing, 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. 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 (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of two (2) 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)

EDITOR'S NOTE

Ordinance No. 56 adopting a charter for the City was passed and approved by the Council on May 22, 1975 and published on May 22, 1975.

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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 Criminal Penalties

3.01 MUNICIPAL INFRACTION. A violation of, or the omission or failure to perform any act or duty required by, this Code of Ordinances or any ordinance or code herein adopted by reference 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 which 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 one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$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 twenty-four (24) hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight (8) 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. 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 one copy 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 alter-native 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.

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 [8])

3.06 CRIMINAL 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[11])

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CHAPTER 4

BOUNDARIES

4.01 CORPORATE LIMITS. The corporate limits of the City as of January 1, 1980 are described as follows:

The East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-one (21), Township Eighty-Five (85) North, Range Twenty-One (21), West of the 5th P.M.; the East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-One (21), Township Eighty-Five (85) North, Range Twenty-One (21) West of the 5th P.M.; all of the Southeast Quarter ($SE\frac{1}{4}$) of Section Twenty-One (21), Township Eighty-Five (85) North, Range Twenty-One (21) West of the 5th P.M.; all of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-One (21), Township Eighty-Five (85) North, Range Twenty-One (21) West of the 5th P.M.

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.02 Bonds
5.03 Duties: General
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 being certified as elected but not later than noon of the first day which 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 Zeoring 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 office:

- 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[3])

5.03 DUTIES — GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and 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 which are combined with data processing software shall be in accordance with policies and procedures established by the City.

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

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to his or her 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)

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[1])

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[2])

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

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

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[5])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[6])

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[7])

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5[8])

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 (5%) 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[9])

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

(Code of Iowa, Sec. 362.5[4])

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of twenty-five hundred dollars (\$2500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[11])

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[12])

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[13])

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 thirty (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 thirty (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, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13 [2])

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13 [2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13 [2b])

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)

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 ten (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 & 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

7.01 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 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, 12C.1)

3. **Change Fund.** The finance officer is authorized to draw a warrant/check on the Utility Fund for establishing a change fund in the amount of fifty dollars (\$50.00) 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, 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.

(IAC, 545-2.5 [384,388], Sec. 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.

(IAC, 545-2.5[384,388] Sec. 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.

(IAC, 545-2.5[384,388] Sec. 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 and Road Use Tax Funds, 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 retained earnings calculated in accordance with generally accepted accounting principles in excess of:

- A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

- B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

(IAC, 545-2.5[384,388], Sec. 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 no later than February 15 of each year.
4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (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])

7. 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. 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.

(IAC, 545-2.2 [384, 388])

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.

(IAC, 545-2.3 [384, 388])

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

(IAC, 545-2.4 [384, 388])

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.

(IAC, 545-2.4 [384, 388])

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. Two signatures are required on all City checks. Checks shall be prenumbered and signed by any two of the following: the Clerk, Mayor and Mayor Pro Tem, 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, sub-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. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

URBAN REVITALIZATION TAX EXEMPTION

8.01 Definitions
8.02 Designated Area
8.03 Eligibility
8.04 Minimum Value Added
8.05 Duration
8.06 Amount

8.07 Application Period
8.08 Application Procedure
8.09 Contents of Application
8.10 Duties of Clerk
8.11 Approval
8.12 Application to Assessor

8.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. “Actual value added by the improvements” has the meaning ascribed to it in Section 404.3 of the Code of Iowa.
2. “Designated area” means the area within the boundaries of the City, the owners of which are eligible to apply for a partial tax exemption as provided in this chapter.
3. “Improvement” has the meaning ascribed to it in Section 404.3 of the Code of Iowa. Improvements include rehabilitation of buildings in existence at the time application is made for tax exemption and new construction upon real property of any assessment classification which is vacant or has existing structures at the time application is made for tax exemption.
4. “Qualified real estate” has the meaning ascribed to it in Section 404.3 of the Code of Iowa. Qualified real estate includes all zoning classifications as provided in the Zoning Ordinance (Chapter 165 of this Code of Ordinances).
5. “Qualified tenant” has the meaning ascribed to it in Section 404.6 of the Code of Iowa.

8.02 DESIGNATED AREA. The designated area includes the entire area with the limits of the incorporated City, as now existing and defined in Chapter 4 of this Code of Ordinances, or as hereafter composed.

8.03 ELIGIBILITY. All qualified real estate within the designated area is eligible to receive a partial exemption from taxation on the actual value added by the improvements.

8.04 MINIMUM VALUE ADDED. An owner of property shall not qualify for any exemption unless the percentage increase in actual value added by the

improvements of the qualified real estate is equal to or greater than fifteen percent for all zoning classifications.

8.05 DURATION. The exemption is for a period of three years.

8.06 AMOUNT. The amount of the exemption shall be determined as follows:

1. The amount of the exemption is equal to a percent of the actual value added by the improvements, determined as follows:
 - A. For the first year, one hundred percent.
 - B. For the second year, eighty percent.
 - C. For the third year, sixty percent.
2. The amount of the exemption shall be determined according to this section which shall be used in lieu of the schedules set forth in Section 404.3, subsections 1, 2, 3, and 4 of the Code of Iowa.

8.07 APPLICATION PERIOD. Application for tax exemption under this chapter may be made from the effective date of the Ordinance codified in this chapter (December 14, 1998). Application may be made for new improvements begun and installed on and after October 1, 1998.

8.08 APPLICATION PROCEDURE. A property owner seeking tax exemption under this chapter shall make application in writing with contents prescribed under this chapter and shall present two copies of such application for tax exemption to the City Clerk.

8.09 CONTENTS OF APPLICATION. An application for tax exemption under this chapter shall be in such form as the City Clerk may prescribe, shall be signed and dated by the property owner, and shall contain the following information:

1. The name, mailing address and telephone number of the property owner.
2. The address of the property.
3. The legal description of the property.
4. A description of the improvement.
5. The date of completion or estimated completion of the improvement.
6. The cost of the improvement.

7. The last assessed value of the property.
8. The assessment classification of the property.
9. The zoning classification of the property and a statement of whether the present and intended uses of the property and improvements are and will be in compliance with City and State zoning and platting laws.
10. The name and last known address of any tenant who occupied the property on November 9, 1997, a statement of whether such tenant presently occupies the property, and, if the tenant no longer occupies the property, a concise statement of the reason for the termination of the tenancy.

8.10 DUTIES OF CITY CLERK. The Clerk shall retain one copy of the application until thirty days after such application shall have been rejected as provided by law or until any exemption granted pursuant to such application shall have expired. The City Clerk shall promptly notify the Mayor and the City Council of the receipt of an application for tax exemption under this chapter.

8.11 APPROVAL. No application for tax exemption under this chapter shall be approved until:

1. Compensation of one month's rent and relocation expenses have been paid to a qualified tenant whose displacement is due to action on the part of a property owner to qualify for benefits under this chapter.
2. Approved by affirmative vote of not less than a majority of the City Council members.

8.12 APPLICATION TO ASSESSOR. The City Clerk shall promptly forward any application approved by the City Council to the Assessor of Story County, Iowa, as provided in Section 404.4 of the Code of Iowa.

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ADMINISTRATION, BOARDS AND COMMISSIONS

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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 (2) 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, 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 fourteen 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 & 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 the Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits which 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 following officials:
(*Code of Iowa, Sec. 372.4*)

1. Mayor Pro Tem
2. Library Board of Trustees, with Council approval
3. Zoning Board of Adjustment, with Council approval

15.04 COMPENSATION. The salary of the Mayor is twelve hundred dollars (\$1200.00) per year.
(*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*)

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 Pro Tem is 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 fifteen (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

COUNCIL

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

17.04 Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for overlapping terms of four (4) years.
(Code of Iowa, Sec. 372.4 & 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. 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 which may be specially assessed.

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

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

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

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

(Code of Iowa, Sec. 384.100)

5. 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])

6. 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 twenty-five thousand dollars (\$25,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (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 fourteen (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 fourteen (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. 380.4)

17.04 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 shall be on the second Monday of each month at 7:00 p.m. in the Council Chambers at City Hall. If such day shall fall on a legal holiday the meeting shall be held on the next succeeding day at the same time unless a different day or time is determined by the Council.

2. **Special Meetings.** Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. Notice of a special meeting shall specify

the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of notice shall be maintained by the Clerk.

(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])

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

1. City Clerk
2. City Attorney
3. Planning and Zoning Commission
4. Health Officer
5. Deputy City Clerk
6. Park Board
7. Zearing Economic Development Group

17.06 COMPENSATION. The salary of each Council member is three hundred dollars (\$300.00) per year.

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

CHAPTER 18

CITY CLERK

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| 18.01 Appointment and Compensation | 18.07 Certify Measures |
| 18.02 Powers and Duties: General | 18.08 Records |
| 18.03 Recording and Publication of Meeting Minutes | 18.09 Attendance at Meetings |
| 18.04 Recording Measures | 18.10 Issue Licenses and Permits |
| 18.05 Publication | 18.11 Notify Appointees |
| 18.06 Authentication | 18.12 Elections |
| | 18.13 City Seal |

18.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Clerk to serve at the discretion of the Council, and shall establish by resolution the Clerk's compensation.

(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 RECORDING AND PUBLICATION OF MEETING MINUTES. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting 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 claim.

(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 & 2])

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

1. Time. If notice of an election, hearing, or other official action is required by the Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

(Code of Iowa, Sec. 362.3[1])

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 – 105 W. Main

Zearing Public Library – 103 E. Main

U.S. Postal Services – 108 W. Main

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten 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.

(Code of Iowa, Sec. 362.3[2])

18.06 AUTHENTICATION. The Clerk shall authenticate all such 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 CERTIFY MEASURES. 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 (5) 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 eleven (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 & 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 which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 372.13[4 & 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. 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 ISSUE 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 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.

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

18.12 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations:

1. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election.

(Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

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 which 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 the words "TOWN OF ZEARING - STORY COUNTY, 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 and shall establish by resolution the City Attorney's compensation.

(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 which 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 and interested department heads, 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 or all questions of law relating to City matters, submitted by the Mayor or Council.

(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 which may be required for the use of the City.

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

CHAPTER 21

LIBRARY BOARD OF TRUSTEES

21.01 Public Library
21.02 Library Trustees
21.03 Qualifications of Trustees
21.04 Organization of the Board
21.05 Powers and Duties
21.06 Contracting with Other Libraries

21.07 Nonresident Use
21.08 Expenditures
21.09 Annual Report
21.10 Injury to Books or Property
21.11 Theft
21.12 Notice Posted

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

21.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, shall consist of five (5) members at large. Each member shall be an adult resident of one of the following: the City of Zearing, the City of McCallsburg, or the unincorporated territory of Lincoln, Sherman or Warren Townships of Story County. The Mayor shall appoint the members of the Board subject to confirmation by the Council. As used in this chapter, the terms "member" and "trustee" mean and refer to a member of the Board of Trustees of the Library.

21.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents as referred to in Section 21.02. Members shall be over the age of eighteen (18) years.

21.04 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 three (3) years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made annually of one-third (1/3) the total number, or as near as possible, to stagger the terms of the members.
2. Vacancies. The office of trustee shall be deemed vacated if a trustee no longer resides in the City of Zearing, the City of McCallsburg, or in the unincorporated territory of Lincoln, Sherman or Warren Townships of Story County, or if the trustee is absent from six (6) 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 except that 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.

21.05 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, that 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 (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency 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.

(Code of Iowa, Ch. 661)

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.

21.06 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 & 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 (5) 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 forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

21.07 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.

21.08 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. The check writing officer is the Clerk.

(Code of Iowa, Sec. 384.20 & 392.5)

21.09 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.

21.10 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)

21.11 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)

21.12 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 (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) 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. There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of five (5) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

23.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five (5) 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 residue 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 of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced 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. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

7. 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 whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

8. 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)

9. 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, disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

PARK BOARD AND CITY PARKS

24.01 Park Board Created
24.02 Members
24.03 Appointment and Removal
24.04 Terms
24.05 Compensation
24.06 Organization

24.07 Meetings
24.08 Records
24.09 Park Facilities Designated
24.10 Park Board Powers
24.11 Violation
24.12 Appeals

24.01 PARK BOARD CREATED. An administrative agency of the City having the title Park Board is hereby created. The Park Board shall manage the park facilities of the City as described in this chapter.

24.02 MEMBERS. The Park Board shall consist of five members. A Park Board member shall be an eligible elector, as defined by State law, who resides within the corporate limits of the City and who is neither an elected official nor an employee of the City.

24.03 APPOINTMENT AND REMOVAL. The Mayor shall recommend to the Council persons qualified to serve as Park Board members. The Mayor may solicit nominations of such persons from the Park Board. The Council shall appoint the members of the Park Board. The Council may appoint Park Board members from among the persons recommended by the Mayor or any other person the Council deems appropriate. The Council may, from time to time, remove Park Board members with or without cause and appoint a person to fulfill the balance of any term.

24.04 TERMS. The term of each Park Board member shall be three years commencing on January 1 and ending on December 31 of the third year following. A Park Board member shall serve no more than three terms or partial terms, or nine years, whichever is greater. The terms of the members of the Park Board shall be staggered such that the terms of two members shall begin in January of each of two consecutive years and the term of one member shall begin in January of every third year.

24.05 COMPENSATION. Park Board members shall serve without compensation and may be reimbursed in accordance with Council policies for personal expenditures in behalf of the City.

24.06 ORGANIZATION. The Park Board shall elect a Chair, a Vice Chair, and a Secretary from among their members. The Chair shall preside at meetings of the Park Board. The Vice Chair shall preside in the absence of the

Chair. The City Treasurer shall have custody of all moneys provided for the Park Board. The Park Board may form standing and ad hoc subcommittees to collect information and make recommendations to the Park Board.

24.07 MEETINGS. The Park Board shall meet at the call of the Chair, or in the absence of the Chair, at the call of the Vice Chair. The Park Board may establish their own rules of order but failing such shall comply with Roberts Rules of Order. Notices and proposed agendas of meetings shall be posted at City Hall as provided by Iowa law. Meetings shall be open to the public, except as required or permitted by Iowa law. The Secretary shall take minutes of the meetings of the Park Board. If the Secretary is absent from the meeting, the Park Board shall appoint another person as temporary recording secretary to take minutes.

24.08 RECORDS. The Clerk shall be the custodian of the records of the Park Board. The Park Board Secretary shall provide the original minutes of the Park Board, as approved, to the Clerk.

24.09 PARK FACILITIES DESIGNATED. The City owns certain real property and improvements within the corporate limits of the City that are designated as parks or park facilities as follows:

1. The DeLos and Lucile Dakins Community Center, located upon land at 105 East Main Street, legally described as Lot 4, Block 10, Original Town of Zearing, Iowa.
2. The DeLos and Lucile Dakins Park, located at 105 East Main Street, legally described as Lot 4, Block 10, Original Town of Zearing, Iowa.
3. Zearing City Park, located at 400 East Main Street, legally described as Lots 6 through 18, inclusive, Gogerty's Addition to Zearing, Iowa.

24.10 PARK BOARD POWERS. The Park Board shall have the following powers, duties and limitations:

1. Subject to the ordinances and direction of the Council, the Park Board shall have custody and control of the City's parks and park facilities and shall provide for the management and maintenance thereof.
2. The Park Board shall develop, oversee and implement plans, policies and procedures for the City parks, park facilities, and other City recreational facilities now existing or hereafter developed, including but not limited to shelter houses, swimming pools, golf courses and tennis courts.

3. The Park Board shall have the power to make rules and regulations for the use of parks or other recreational facilities, and such rules shall be either posted on the facilities or otherwise published in such a manner as to be noticed by the using public.
4. The Park Board shall annually prepare and present to the Council a proposed budget for the fiscal year.
5. The Park Board shall annually prepare and present to the Council a report on the status of City parks, park facilities, and other City recreational facilities.
6. The Park Board may receive restricted and unrestricted gifts of property and money for the purpose of expanding, maintaining, or improving public parks and park facilities, provided however, that the Council may decline a gift that the Council deems inappropriate for any reason.
7. The Park Board may authorize the expenditure of funds consistent with the municipal budget.
8. The Park Board shall have the power to establish fees for the use of the City parks, park facilities, or other recreational facilities, now or hereafter established, subject to the following:
 - A. The Council may, from time to time, adjust any fee when such action is necessary to produce gross revenues at least sufficient to pay the expenses of the operation and maintenance of a certain park, park facility or other recreational facility or to pay for the principal and interest of any revenue bonds as they become due.
 - B. No fee, charge or deposit shall be charged to the City, a City official, or an agency of the City if the facility is actually used for a public purpose.
9. The Park Board shall have the power to authorize and execute on behalf of the City, without action of the Council, contracts with public or private entities for services relative to City parks, park facilities, or recreational facilities, now or hereafter existing, provided such contracts shall be evidenced by a written contract approved by the City Attorney as to form.
10. The Park Board shall have the authority to lease, under reasonable rules and requirements, a particular park, park facility, or portion thereof, as follows:

A. For a period not in excess of ten days to charitable or fraternal and patriotic organizations to conduct celebrations, anniversaries and entertainments.

B. For a period as the Board deems proper for the purpose of permitting the playing of amateur or professional baseball or other athletic games.

No lease shall be required of the City, a City official, or an agency of the City if the facility is actually used for a public purpose.

24.11 VIOLATION. A violation of any provision of this chapter may be charged as a simple misdemeanor. A violation of any provision of this chapter may be charged as a municipal infraction. Without regard to whether a violation has been prosecuted, the Park Board may prohibit any person or group of persons from using any park facility or park facility upon finding that such person or persons have violated a provision of this chapter or a rule of the Park Board.

24.12 APPEALS. Any person aggrieved by any action of the Park Board may appeal to the Council, which may affirm, reverse, or modify such action of the Park Board.

(See Chapter 47 of this Code of Ordinances for park regulations including park curfew.)

CHAPTER 25

ZEARING ECONOMIC DEVELOPMENT GROUP

(Repealed by Ord. No. 148)

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POLICE, FIRE AND EMERGENCIES

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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, 28E.30)

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Training
35.04 Compensation
35.05 Election of Officers
35.06 Fire Chief: Duties
35.07 Obedience to Fire Chief

35.08 Constitution
35.09 Accidental Injury Insurance
35.10 Liability Insurance
35.11 Calls Outside Fire District
35.12 Mutual Aid
35.13 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 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.

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

35.04 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])

35.05 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 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.

35.06 FIRE CHIEF: DUTIES. 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 fire fighting 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 two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (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 & 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 which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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.

(Code of Iowa, Sec. 100.4)

12. Records. Cause to be kept records of the fire department personnel, fire fighting 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.

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

35.08 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.

35.09 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 fire fighters injured in the performance of their duties as fire

fighters whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.

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

35.10 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 & 517A.1)

35.11 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 & 3])

35.12 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 & 3])

35.13 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.

(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 Notification

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

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

1. "Cleanup" means the same as set out in Section 455B.381, subsection 1, of the Code of Iowa.
2. "Hazardous condition" means the same as set out in Section 455B.381, subsection 4, of the Code of Iowa.
3. "Hazardous substance" means any substance as defined in Section 455B.381, subsection 5, of the Code of Iowa.
4. "Hazardous waste" means any substance as defined in Section 455B.411, subsection 3, paragraph "a", Code of Iowa, and the rules of the Iowa Department of Natural Resources.
5. "Person having control over a hazardous substance" means the same as set out in Section 455B.381, subsection 7, of the Code of Iowa.
6. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or 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 person having control over a hazardous substance. If the person having control of a hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may proceed to procure cleanup services and bill the responsible person. If the bill for those services is not paid within thirty (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 NOTIFICATION. The first law enforcement officer or City employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the Story County Sheriff's Office which shall notify the proper State office in a manner established by the State.

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CHAPTER 37

EMERGENCY MEDICAL SERVICES DEPARTMENT

37.01 Establishment and Purpose
37.02 President's Duties
37.03 Emergency Responders
37.04 Emergency Responder Duties

37.05 Worker's Compensation and Hospitalization Insurance
37.06 Liability Insurance
37.07 Medical and Other Emergencies Outside City Limits
37.08 Emergency Response Personnel Association

37.01 ESTABLISHMENT AND PURPOSE. An emergency response department is hereby established to respond to medical emergencies and to other emergencies as enumerated in the department's standard operating procedures or a resolution adopted by the Council enumerating services.

37.02 PRESIDENT'S DUTIES. The Zearing Emergency Medical Service Department may elect the department President subject to the approval of the Council and Mayor. The President shall manage the emergency services department. The President shall command all operations of the department, ensure training and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to Council approval, the President shall establish and maintain departmental rules and standard operating procedures to carry out the requirements of this chapter. The President shall provide all personnel with a written copy of these rules and procedures. With the approval of the Council, the President shall appoint personnel, fill vacancies among them, and may discharge them. The President shall keep a record of the names, ages and residences of personnel and be responsible for their training and supervision, and shall maintain attendance records for activities.

37.03 EMERGENCY RESPONDERS. The President shall appoint personnel per established criteria. Prior to appointment and every year thereafter personnel must pass a medical physical examination.

37.04 EMERGENCY RESPONDER DUTIES. When called by the President, personnel shall report for duty immediately in the manner directed by the President. They shall be subject to call at any time. Personnel shall report to the President in advance if they expect to be absent from the City for twelve (12) hours or more. Personnel shall report for training as ordered by the President.

37.05 WORKER'S COMPENSATION AND HOSPITALIZATION 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 Zearing Emergency Medical

Service Department injured in the performance of their duties as responders. All department personnel shall be covered by the contract.

37.06 LIABILITY INSURANCE. The Council shall contract to insure against liability of the personnel of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.

37.07 MEDICAL AND OTHER EMERGENCIES OUTSIDE CITY LIMITS. The department shall answer calls to medical emergencies and other emergencies outside the City limits per the department's standard operating procedures, contracts, mutual aid and other agreements.

37.08 EMERGENCY RESPONSE PERSONNEL ASSOCIATION. Emergency response personnel may form an association and non-profit corporation to promote the welfare of emergency responders, emergency response capabilities and other civic and social duties as specified in association and corporation articles of incorporation.

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PUBLIC OFFENSES

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CHAPTER 45

PUBLIC OFFENSES

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

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 [1])

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 [2])

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

intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

45.02 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 such 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.

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

1. **Fighting.** Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that

participants in athletic contests may engage in such conduct which is reasonably related to that sport.

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

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

(Code of Iowa, Sec. 723.4 [2])

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

(Code of Iowa, Sec. 723.4 [3])

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4 [4])

5. False Report of Catastrophe. By 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 [5])

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 a public offense.

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

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

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

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

(Code of Iowa, Sec. 723.2)

45.05 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)

45.06 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 public or private land.

45.07 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)

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

(Code of Iowa, Sec. 718.6)

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

45.09 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)

45.10 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)

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

(Code of Iowa, Sec. 719.1)

45.12 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)

45.13 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])

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

45.15 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.

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

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

45.17 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)

45.18 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)

45.19 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.

45.20 TRESPASSING PROHIBITED. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term "property" includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term "trespass" means one or more of the following acts:

(Code of Iowa, Sec. 716.7 and 716.8)

1. **Entering Property Without Permission.** 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.

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

2. **Entering or Remaining on Property.** 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 by any peace officer,

magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

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

3. Interfering with Lawful Use of Property. Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

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

4. Using Property Without Permission. 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.

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

None of the above shall be construed to prohibit 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.

(Code of Iowa, Sec. 716.7(3))

45.21 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)

45.22 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)

45.23 FIREWORKS. The sale, use or exploding of fireworks within the City are subject to the following:

1. Definition. The term "fireworks" includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. 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 per person
- B. Property Damage: \$50,000
- C. Total Exposure: \$1,000,000
(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

45.24 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

45.25 PSEUDOEPHEDRINE RESTRICTIONS.

(Code of Iowa, Sec. 126.23A)

1. A retailer shall not sell and a person shall not purchase in a single transaction more than two packages containing pseudoephedrine as the product's sole active ingredient.
2. Except as otherwise provided, a retailer who offers for sale a product containing pseudoephedrine as the product's sole active ingredient shall display and offer such product for sale behind a counter where the public is not permitted or within twenty feet of a counter which allows the attendant to view the products in an unobstructed manner. A retailer may display or offer for sale without restriction a product containing pseudoephedrine as the sole active ingredient if the product is displayed using any type of antitheft device system, including but not limited to an electronic antitheft device system that utilizes a product tag and detection alarm which prevents the theft of the product.
3. A retailer shall post a notice at the location where a product containing pseudoephedrine as its sole active ingredient is displayed or offered for sale stating the following:

Iowa law prohibits the sale or purchase of more than two packages containing pseudoephedrine as the sole active ingredient.

4. The provisions of this section do not apply to:
 - A. Any package of a product containing pseudoephedrine as the product's sole active ingredient which is in liquid form.
 - B. Any package of a product containing pseudoephedrine as the product's sole active ingredient which is primarily intended for administration to children under twelve years of age according to the label, regardless of whether the product is in liquid or solid form.
 - C. Any package of a product containing pseudoephedrine as the product's sole active ingredient that the Board of Pharmacy Examiners, with the concurrence of the Department of Public Safety, upon application of a manufacturer, exempts from this section because the product is formulated to effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors.
5. An employee of a retailer who sells or a person who purchases pseudoephedrine in violation of subsection 1 of this section commits a simple misdemeanor, punishable in an amount equal to a scheduled violation under Section 805.8C (4a) of the Code of Iowa. If a citation is

issued for a violation of subsection 1, the citation shall be issued to both the employee and the purchaser. For each violation of subsections 1, 2 or 3 of this section by a retailer, the retailer shall be assessed an amount equal to a scheduled fine under Section 805.8C (4b) of the Code of Iowa, which is a civil penalty.

45.26 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.

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.04 Minors in Billiard Rooms

46.01 CURFEW. A curfew applicable to minors is established and shall be enforced as follows:

1. Definition. The term "minor" means in this section, any unmarried person below the age of 18 years.

2. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 11:00 p.m. and 5:00 a.m. on weeknights and between the hours of 12:00 midnight and 5:00 a.m. on weekend nights (Friday through Sunday).

3. Exceptions. The restriction provided by subsection 46.01(2) shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over eighteen (18) years of age, nor shall the restriction apply to any minor who is traveling between his or her home or place of residence and the place where any approved employment, church, municipal or school function is being held.

4. Responsibility of Adults. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 46.01(2), except as otherwise provided in subsection 46.01(3).

(Code of Iowa, Sec. 613.16)

5. Responsibility of Business Establishments. It is unlawful for any persons operating a place of business or amusement to allow or permit any minor to be in or upon any place of business or amusement operated by them within the curfew hours set by subsection 46.01(2) except as otherwise provided in subsection 46.01(3).

6. Enforcement. Any peace officer of the City while on duty is hereby empowered to arrest any minor who violates any of the provisions of Subsections 46.01(2) and (3). Upon arrest, the minor shall

be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products 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 and lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

46.04 MINORS IN BILLIARD ROOMS. It is unlawful for any person who keeps a billiard hall where beer is sold, or the agent, clerk, or employee of any such persons, or any person having charge or control of any such hall, to permit any minor under nineteen (19) years of age to remain in such hall or to take part in any of the games known as billiards or pool.

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 fires shall be built, except in a place provided therefor, 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 5:00 a.m.

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NUISANCES AND ANIMAL CONTROL

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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50.12 Failure to Abate

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 which 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, which, 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, which 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.

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. (See also Chapter 51)

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. (See also Chapter 52)

10. Dutch Elm Disease. Trees infected with Dutch Elm Disease.

11. Airport Air Space. Any object or structure hereafter erected within one thousand (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 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)

50.04 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

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

50.05 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. 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 such person.

50.06 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])

50.07 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.

50.08 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 which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.10 after notice to the property owner under the applicable provisions of Sections 50.04, 50.05 and 50.06 and hearing as provided in Section 50.07.

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

50.09 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])

50.10 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 (1) 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])

50.11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (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)

50.12 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.

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.

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. "Junk vehicle" means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.

C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard operated in compliance with the City's Zoning Regulations.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

CHAPTER 52

WEEDS AND RANK GROWTHS

52.01 Weeds, Growths To Be Cut
52.02 Enforcement

52.03 Fees

52.01 WEEDS, GROWTHS TO BE CUT. It is unlawful for the owner of any lot or parcel of ground to allow weeds or noxious growths of any kind to grow upon said lot or parcel or to allow weeds, grass over 6 inches tall or noxious growths of any kind to grow upon the parking in the street in front of, in the alley, or along such lot or parcel of ground owned by the owner. It is the duty of such owner to cut or cause to be cut down all weeds or other noxious growths upon said lot or parcel of ground, and to keep cut down reasonably close to the ground all grass, weeds and noxious growths upon the space between the lot line and the curb line or edge or traveled way along or in front of said lot or along the adjacent half of alley. Such growths are hereby declared to be a public nuisance.

52.02 ENFORCEMENT. It is the duty of the Weed Commissioner to serve notice upon the owner of any such lot or real property who has failed to comply therewith, ordering the owner to cause such weeds or other growths to be cut down upon such lot or parking, within five days' notice of the proposed assessment of the cost of the work done together with the cost of serving notices and all other costs connected therewith against the owner or the owner's property, which notice shall be signed by the Clerk. The aforesaid notice may be served personally, by certified mail, or by publishing two consecutive weeks in a newspaper of general circulation published in the City. If the owner does not protest said assessment before the next regular Council meeting after receipt of notice or last publication, the owner shall pay the amount stated in the notice within 30 days. If not paid within said period the Council shall, by resolution, assess the cost of such cutting to and against the owner of the lot or parcel of ground upon or opposite when such work was done and declare the same, together with the costs of serving notices and all other costs connected therewith, to be a lien and charge upon said lot or parcel of ground, and report the same to the County Treasurer, who shall take the necessary steps to cause the same to be placed on the tax list to be collected at the time and in the manner provided by law for the collection of other taxes.

52.03 FEES. The mowing charge is \$70.00 per hour, with a one-hour minimum, and an administrative fee in the amount of \$30.00 each time the property is mowed. Mowing fees include mowing of property and cleanup.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Owner's Duty
55.02 Animal Neglect	55.12 Confinement
55.03 Livestock Neglect	55.13 At Large: Impoundment
55.04 Abandonment of Cats and Dogs	55.14 Disposition of Animals
55.05 Livestock	55.15 Impounding Costs
55.06 At Large Prohibited	55.16 Unhealthful or Unsanitary Conditions
55.07 Damage or Interference	55.17 Allowing Animals to Escape
55.08 Annoyance or Disturbance	55.18 Bee Keeping
55.09 Vicious Dogs	55.19 Rabbits
55.10 Rabies Vaccination	55.20 Pet Awards Prohibited

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.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "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.
4. "Business" means any enterprise relating to any of the following:
 - 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.
5. "Fair" means any of the following:
 - 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.

6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.

7. "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)

8. "Owner" means any person owning, keeping, sheltering or harboring an animal.

9. "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.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

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

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 which 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. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

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

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or unless the area is zoned A-1.

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 or persons 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 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 licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which 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)

55.12 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 ten (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)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, 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.

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) 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, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) 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)

55.15 IMPOUNDING COSTS. Impounding costs are established by the animal shelter.

55.16 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin and free of odors arising from feces.
2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.
3. All feces removed as aforesaid shall be placed in an airtight container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.
4. An owner may, as an alternative to Section 55.16(3) collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

55.17 ALLOWING ANIMALS TO ESCAPE. No person, except the owner of a dog or the owner's agent, shall open any door or gate of any private

premises or otherwise entice or enable any dog to leave any private premises for the purpose of or with the result of setting the dog at large.

55.18 BEE KEEPING. It is unlawful for any person to keep or harbor bees within the City without obtaining the written consent of all the owners, lessees or occupants of property within the radius of three hundred (300) feet of the location where the bees are kept. Such consent must be filed with the Clerk.

55.19 RABBITS. It is unlawful to keep any rabbit hutch within fifty (50) feet of any dwelling. Rabbit hutches shall be kept in a sanitary condition.

55.20 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

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 event.
 - 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 which 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.

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CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

56.01 Definitions

56.02 Keeping of Dangerous Animals Prohibited

56.03 Keeping of Vicious Animals Prohibited

56.04 Seizure, Impoundment and Disposition of Dangerous
or Vicious Animals

56.05 Insurance

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

1. "Animal" means every wild, tame or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.
2. "Animal control officer" means the individual or individuals appointed by the City to enforce this chapter.
3. "At large" means off the premises of the owner, unless:
 - A. The animal is on a leash, cord, chain or similar restraint not more than six (6) feet in length and under the control of the person; or
 - B. The animal is within a motor vehicle; or
 - C. The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter; or
 - D. The animal is at heel.
4. "Dangerous animal" means
 - A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so;
 - B. Any animal declared to be dangerous by the Board of Health or Council or its designee; and
 - C. The following animals, which are deemed to be dangerous animals per se:
 - (1) Wolves and coyotes;
 - (2) Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - (3) Bears;

- (4) All apes (including chimpanzees), baboons and macaques;
 - (5) Monkeys, except the squirrel monkey;
 - (6) Elephants;
 - (7) Wild boar;
 - (8) Black widow spiders and scorpions;
 - (9) Snakes that are naturally venomous or poisonous;
 - (10) All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)
 - (11) Raccoons, opossums and skunks;
 - (12) Alligators and crocodiles;
 - (13) Pit bull terriers, including the following:
 - (a) The Bull Terrier breed of dog;
 - (b) The Staffordshire Bull Terrier breed;
 - (c) The American Pit Bull Terrier breed;
 - (d) The American Staffordshire Terrier breed;
 - (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
 - (f) Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.
5. "Dog" means and includes members of the canine species, male or female, whether neutered or not.
6. "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b)

did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on two separate occasions within a twelve-month period, or which has been found to possess such propensities by the Council, after hearing.

56.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit or show is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required Federal or State licenses.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the State Department of Natural Resources.
5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

While (a) constricting snakes exceeding six feet in length and (b) lizards exceeding two feet in length are not declared by this chapter to be dangerous per se, the owners of such animals shall, within two hours of knowledge of the possibility of such an animal being at large within the City, so notify the Council.

56.03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.

2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 56.04. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the Council that a guard dog is on duty at said premises.

56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS OR VICIOUS ANIMALS.

1. In the event that a dangerous or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the animal control officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous or vicious animal on premises in the City, the animal control officer shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the animal control officer shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Section 56.02 of this chapter to possess dangerous or vicious animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous or vicious animal shall not be required where such dangerous or vicious animal has previously caused serious physical harm or death to any person, in which case the animal control officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous or vicious animal issued by the animal control officer may be appealed to the Council. In order to

appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. After such hearing, the Council may affirm or reverse the order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the animal control officer, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed under Section 56.02 to possess dangerous or vicious animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the animal control officer is not appealed and is not complied with within three (3) days of its issuance, the animal control officer is authorized to seize and impound such dangerous or vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the District Court for a review of said order, the City shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 56.02 of this chapter to possess dangerous or vicious animals or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto constitutes a misdemeanor offense.

56.05 INSURANCE. Every person keeping or maintaining a dangerous animal as provided by one of the exceptions in this chapter, or a guard dog as provided in this chapter, shall accompany any application or display upon request by the animal control officer a certificate of insurance from an insurance company authorized to do business in the State with coverage of at least one hundred fifty thousand dollars (\$150,000.00) combined single limit liability for bodily injury. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless ten (10) days' written notice is first given to the Clerk. Failure to provide or display such certificate of

- . insurance shall immediately cause the applicant, licensee or owner of such animal to lose the exemption status as provided in this chapter.

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TRAFFIC AND VEHICLES

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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 Traffic Accidents: Reports
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 "Zearing 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 contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. "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.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. "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.

7. "Stop" means when required, the complete cessation of movement.
8. "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.
9. "Suburban district" means all other parts of the City not included in the business, school or residence districts.
10. "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.
11. "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 peace officer.

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, 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 & 321.236[2])

60.05 TRAFFIC ACCIDENTS: REPORTS. 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 & 321.274)

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. "Parade" Defined. "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.
2. Approval Required. No parade shall be conducted without first obtaining approval from the Council. The person organizing or sponsoring the parade shall provide information concerning the time and date for the parade and the streets or general route therefor, and any approval given to such person includes all participants in the parade, provided they have been invited to participate.
3. Parade Not A Street Obstruction. Any parade for which approval has been given 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.
4. Control By Peace Officers and Fire Fighters. 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 Council 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 Council shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Council is hereby authorized 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] & 321.255)

61.03 TRAFFIC LANES. The Council is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. 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] & 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 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 Quiet Zones
62.06 Tampering with Vehicle

62.07 Obstructing View at Intersections
62.08 Reckless Driving
62.09 Open Containers in Motor Vehicles
62.10 Excessive Acceleration
62.11 Careless Driving
62.12 Milling

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. Display of Registration and License to Drive: 321.17, 321.32, 321.37, 321.38, 321.79, 321.91, 321.98, 321.99, 321.174, 321.174A, 321.180, 321.180B, 321.193, 321.194, 321.216, 321.216B, 321.216C and 321.219 through 321.224.
2. All Terrain Vehicles, Golf Carts and Bicycles to Obey Traffic Regulations, Radar Jamming Devices, Road Workers: 321.232 through 321.234A, 235A and 321.247.
3. Traffic Signs, Signals and Markings: 321.259 and 321.260.
4. Accidents and Accident Reporting: 321.262 through 321.265.
5. Operation of Motorcycles and Motorized Bicycles: 321.275.
6. Drag Racing, Speed and Control of Vehicle: 321.278, 321.288, 321.295, 321.382 and 321.383.
7. Driving on Right, Meeting, Overtaking, Following or Towing: 321.297 through 321.299 and 321.302 through 321.310.
8. Turning and Starting, Signals on Turning and Stopping: 321.312 through 321.317.
9. Right-of-way: 321.319 through 321.324A.
10. Pedestrian Rights and Duties and Safety Zones: 321.329, 321.330, 321.332, 321.333 and 321.340.
11. Railroad Crossings: 321.341 through 321.344 and 321.344B.
12. Stopping, Standing, Parking: 321.354 and 321.359.

13. Unattended Vehicle, Obstructing Driver's View, Crossing Median, Following Fire Apparatus, or Crossing Fire Hose, and Putting Glass, Etc., on Streets: 321.362 through 321.365 and 321.367 through 321.371.

14. School Buses: 321.372.

15. Lighting Equipment Required and Time of Use: 321.384 through 321.390, 321.392 through 321.395, 321.398, 321.402 through 321.406, 321.408, 321.409, 321.415, 321.417 through 321.423. In accordance with authorization granted by Section 321.395, Code of Iowa, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from City street lights to reveal any person or object within a distance of five hundred (500) feet upon such street.

16. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.434; 321.436 through 321.442; 321.444 through 321.446, 321.449 and 321.450.

17. Size, Weight and Load: 321.454 through 321.458, 321.460 through 321.463, 321.465 and 321.466.

18. Unsafe Vehicles: 321.381 and 321.381A.

62.02 PLAY STREETS DESIGNATED. The Council has 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 shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

62.05 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

62.06 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, willfully to injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.07 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.

62.08 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.09 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284A)

As used in this section "passenger area" means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

62.10 EXCESSIVE ACCELERATION. It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave marks on the pavement or to throw sand and gravel, or to cause the wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

62.11 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

62.12 MILLING. It is unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

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

63.01 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 – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

63.03 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour 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 State 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 15 MPH Speed Zone. A speed in excess of 15 miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Center Street from E-18 to Cleveland Avenue.

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)

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-turns

64.03 Left Turn for Parking

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 Council 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 and at the following designated intersections.

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

1. At the intersection of Pearl Street and Main Street;
2. At the intersection of Pine Street and Main Street.

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

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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. Pearl Street. Vehicles traveling on Pearl Street shall stop at Main Street;
2. Cleveland Avenue. Vehicles traveling west on Cleveland Avenue shall stop at Elm Street;
3. Cleveland Avenue. Vehicles traveling on Cleveland Avenue shall stop at Ash Street;
4. Pine Street. Vehicles traveling south on Pine Street shall stop at Harrison Avenue;
5. Cleveland Avenue. Vehicles traveling on Cleveland Avenue shall stop at Center Street;
6. Cleveland Avenue. Vehicles traveling east on Cleveland Avenue shall stop at Pearl Street;
7. Pine Street. Vehicles traveling south on Pine Street shall stop at Main Street;
8. Vine Street. Vehicles traveling south on Vine Street shall stop at Main Street;
9. Spruce Street. Vehicles traveling south on Spruce Street shall stop at Main Street;
10. North Street. Vehicles traveling east on North Street shall stop at Elm Street;
11. Harrison Avenue. Vehicles traveling west on Harrison Avenue shall stop at Elm Street;
12. Gogerty Street. Vehicles traveling south on Gogerty Street shall stop at Main Street;

13. Gogerty Street. Vehicles traveling north on Gogerty Street shall stop at Garfield Street;
14. Custer Street. Vehicles traveling on Custer Street shall stop at Center Street;
15. Fremont Street. Vehicles traveling on Fremont Street shall stop at Center Street;
16. Grant Street. Vehicles traveling on Grant Street shall stop at Center Street;
17. Pearl Street. Vehicles traveling north, south and east on Pearl Street shall stop at Grant Street;
18. Harrison Avenue. Vehicles traveling east on Harrison Avenue shall stop at Olive Street;
19. Olive Street. Vehicles traveling north on Olive Street shall stop at E-18;
20. Olive Street. Vehicles traveling south on Olive Street shall stop at Garfield Street;
21. Pearl Street. Vehicles traveling north on Pearl Street shall stop at E-18;
22. Ash Street. Vehicles traveling north on Ash Street shall stop at E-18;
23. Elm Street. Vehicles traveling north on Elm Street shall stop at E-18;
24. Custer Street. Vehicles traveling east on Custer Street shall stop at Pearl Street;
25. Fremont Street. Vehicles traveling west on Fremont Street shall stop at Pine Street;
26. Fremont Street. Vehicles traveling east on Fremont Street shall stop at Pearl Street;
27. Pine Street. Vehicles traveling north on Pine Street shall stop at Grant Street;
28. Harrison Avenue. Vehicles traveling on Harrison Avenue shall stop at Pearl Street;
29. Harrison Avenue. Vehicles traveling on Harrison Avenue shall stop at Center Street;

30. Pine Street. Vehicles traveling north on Pine Street shall stop at Harrison Avenue;
31. Harrison Avenue. Vehicles traveling on Harrison Avenue shall stop at Ash Street;
32. Ash Street. Vehicles traveling south on Ash Street shall stop at North Street;
33. North Street. Vehicles traveling west on North Street shall stop at Spruce Street;
34. North Street. Vehicles traveling east on North Street shall stop at Pine Street;
35. Pine Street. Vehicles traveling on Pine Street shall stop at Garfield Street;
36. Garfield Street. Vehicles traveling on Garfield Street shall stop at Spruce Street;
37. Garfield Street. Vehicles traveling west on Garfield Street shall stop at Vine Street;
38. Garfield Street. Vehicles traveling on Garfield Street shall stop at Center Street;
39. Garfield Street. Vehicles traveling on Garfield Street shall stop at Pearl Street.

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 Main Street and Center Street.

65.03 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:
(*Code of Iowa, Sec. 321.345*)

1. Cleveland Avenue. Vehicles traveling east on Cleveland Avenue shall yield at Pearl Street.

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 ten (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*)

- NONE -

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
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges
66.05 Truck Route

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 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Council may, upon application and good cause being shown therefor, 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 City ordinance over those streets 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 & 321E.1)

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. Olive Street. Five-ton limit north of Garfield Street.
2. Vine Street. Five-ton limit from north of Main Street to Elm Street.
3. Elm Street. Five-ton limit on Elm Street from North Street to Cleveland Avenue.

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no

person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.473)

66.05 TRUCK ROUTE. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing five (5) tons or more, when loaded or empty, 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. Main Street from Highway 65 to gravel;
- B. Center Street from County Road E-18 to gravel.

2. Deliveries Off Truck Route. Any motor vehicle weighing five (5) tons or more, when loaded or empty, having a fixed terminal, 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)

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing

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)

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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 Park Adjacent to Curb – One-way Street
69.03 Angle Parking
69.04 Angle Parking – Manner
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited

69.07 Persons with Disabilities Parking
69.08 No Parking Zones
69.09 Truck Parking Limited
69.10 Loading Zones
69.11 Prohibited Parking During the Snow Season

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 eighteen (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 PARK ADJACENT TO CURB – ONE-WAY STREET. 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 eighteen (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.
2. North Center Street on both sides between Harrison Avenue and Cleveland Avenue.
3. West Cleveland Avenue on the south side of the school.

69.04 ANGLE PARKING – MANNER. Upon those streets or portions of streets which 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 parked within a diagonal parking

district, shall extend into the roadway more than a distance of sixteen (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 forty-eight (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 twenty (20) feet on either side of a mailbox which 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, or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358 [3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])
8. Stop Sign or Signal. Within ten (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 fifty (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 twenty (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 seventy-five (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 fifty (50) feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five (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 ten (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 shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided 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. 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 which 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. Center Street on the west side in front of the water plant except vehicles on City business.

69.09 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

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

1. **Business District.** 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 such vehicle, on any of the following designated streets. 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.

69.10 LOADING ZONES. It is unlawful to park any vehicle in any areas designated and properly marked as a loading zone, except while expeditiously loading or unloading.

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

69.11 PROHIBITED PARKING DURING THE SNOW SEASON. No person shall park, abandon, or leave unattended any vehicle on the traveled portion on any public street, from the hours of 2:00 a.m. to 10:00 a.m. Also all vehicles must be moved every forty-eight (48) hours on any City-owned off-street parking. This prohibited parking will be in effect during the months of November 1 to April 15 of each year during the snow season.

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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 & 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which 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 & 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of twenty-five dollars (\$25.00) for all violations except improper use of a persons with disabilities parking permit. The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Code of Iowa, Sec. 321.236 [1a] & 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. 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:

1. 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])

2. 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])

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. 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])

5. 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.

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

CHAPTER 75

ALL-TERRAIN VEHICLES, SNOWMOBILES AND OTHER MOTOR VEHICLES

75.01 Purpose	75.09 Operation of Golf Carts and Utility Vehicles
75.02 Definitions	75.10 Registration and Proof of Insurance
75.03 General Regulations	75.11 Safety Equipment
75.04 Operation of Snowmobiles	75.12 Operator Qualifications
75.05 Operation of All-Terrain Vehicles	75.13 Hours of Operation
75.06 Negligence	75.14 Special Events
75.07 Accident Reports	75.15 Violations
75.08 Dead Man Throttle	

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, utility vehicles, golf carts, 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 flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than eight hundred fifty (850) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321I.24 and 321I.25 of the Code of Iowa.
2. "Golf cart" means a three- or four-wheeled motor vehicle with a total dry weight of less than 1,000 pounds, dimensions not greater than 150 inches in length and 50 inches in width, and seats (but not saddles) for two to four passengers, and maximum speed not of 20 miles per hour. A golf cart is a motor vehicle originally designed for carrying passengers and golf equipment or passengers only.
3. "Motor vehicle" is defines in Section 321.1 of the Code of Iowa. ATVs, golf carts, utility vehicles, and snowmobiles are motor vehicles. For purposes of this chapter, a wheelchair is not a motor vehicle.

4. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.
5. "Traveled portion of a City street" means that part of the public right-of-way designed for the passage of motor vehicles and generally lying between the curbs or, where curbs do not exist, between the ditches or "parking."
6. "Utility vehicle" means a motor vehicle with three or more wheels, with total dry weight of less than 1,000 pounds, dimensions not greater than 150 inches in length and 50 inches in width, seats (but not saddles) for one to four passengers, and maximum speed of 20 miles per hour. A utility vehicle is originally designed for hauling or towing relatively small payloads for agricultural, industrial, or recreational use. A utility vehicle is not, however, an ATV.
7. "Wheelchair" means a wheeled conveyance with not more than one seat designed for and utilized by a person with limited mobility. The term wheelchair includes chairs propelled by the occupant and chairs having an electric motor not exceeding 10 miles per hour. Chairs not meeting the foregoing definition shall be treated as utility vehicles.

75.03 GENERAL REGULATIONS.

1. No person shall operate an ATV, a snowmobile, golf cart, a utility vehicle, or any other motor vehicle regulated by this chapter within the City, except as provided in this chapter.
2. Motor vehicles regulated by this chapter exceeding the maximum parameters set out in the Section 75.02 shall not be permitted upon the traveled portion of City streets or on other City lands.
3. A person utilizing a wheelchair is a pedestrian and shall conform to the rules and regulations for pedestrians upon the traveled portion of City streets. A person who operates a wheelchair along the traveled portion of a City street (but not merely crossing a street) shall display a bicycle safety flag.
4. No person shall operate a lawn mower upon the traveled portion of City streets unless the person has attained the age of twelve years and has displayed a bicycle safety flag.
5. When permitted by this chapter to be operated upon the traveled portion of a City street, the operator of any such all-terrain vehicle,

snowmobile, golf cart, utility vehicle, lawn mower, or other permitted motor vehicle shall conform to all laws relating to the movement of traffic and parking. Except where inconsistent with this chapter, the operator of a motor vehicle permitted under this chapter shall be subject to criminal liability for violations of State and City laws in the same manner as the operator of an automobile.

6. Government-Owned Vehicles. Motor vehicles otherwise regulated by this chapter and owned by and operated for government purposes, such as street maintenance or traffic control, shall be exempt from the limitations of this section.

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 on any street within the City for the sole and exclusive purpose of using the most direct roadway for the ingress to and egress from the City. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.

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 ninety degrees (90°) 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 which 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[4 g])

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. Snowmobiles 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" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

7. Private Property. No snowmobile shall be operated upon private property without the express consent of the owner thereof.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the sport of driving ATVs.

(Code of Iowa, Sec. 321I.10[1 & 2A])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[3])

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV 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[h])

4. Parks and Other City Land. ATVs 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 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. Private Property. No ATV shall be operated upon private property without the express consent of the owner thereof.

75.06 NEGLIGENCE. The owner and operator of a motor vehicle regulated under this chapter are liable for any injury or damage occasioned by the negligent operation of such vehicle.

75.07 ACCIDENT REPORTS. An operator of motor vehicle regulated under this chapter shall comply with the requirements of Chapter 321 of the Iowa Code with respect to the reporting of accidents.

75.08 DEAD MAN THROTTLE. No snowmobile shall be operated within the City unless equipped with a "dead man" throttle which when pressure is removed from the accelerator or throttle causes the engine to be disengaged from the drive mechanism.

75.09 OPERATION OF GOLF CARTS AND UTILITY VEHICLES. The operation of golf carts and utility vehicles shall comply with the following restrictions:

1. Streets. Golf carts and utility vehicles may be operated on the traveled portion of a City street, but only in accordance with provisions of this chapter.
2. Parks and Other City Land. Golf carts and utility vehicles shall not be operated off the established driveways and parking areas in any park, playground or upon any other City-owned property without the express permission of the City.
3. Sidewalk or Parking. Golf carts and utility vehicles 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."
4. Private Property. No golf cart or utility vehicle shall be operated upon private property without the express consent of the owner thereof.

75.10 REGISTRATION AND PROOF OF INSURANCE. No person shall operate a golf cart or a utility vehicle upon the traveled portion of a City street until such motor vehicle has been registered with the City Clerk upon forms prescribed for such purpose. The City may require evidence of insurance before permitting registration. Every golf cart or utility vehicle upon the traveled portion of a City street shall display a registration sticker provided by the City.

75.11 SAFETY EQUIPMENT. No person shall operate a golf cart or a utility vehicle upon the traveled portion of a City street until such motor vehicle has been equipped with a slow moving vehicle sign and a bicycle safety flag. As used herein, a bicycle safety flag refers to a fluorescent orange triangular or rectangular pennant having dimensions of not less than 6 inches by 9 inches mounted on a pole at least 6 feet in height.

75.12 OPERATOR QUALIFICATIONS. No person shall operate a golf cart or a utility vehicle upon the traveled portion of a City street unless such person has either (a) attained the age of 16 years or (b) possesses an instruction permit and has attained the age of 14 years.

75.13 HOURS OF OPERATION. No person shall operate a golf cart, a utility vehicle or a snowmobile upon the traveled portion of a City street before sunrise or after sunset.

75.14 SPECIAL EVENTS. The Council may, from time to time, by resolution, waive any or all regulations provided in this chapter for a limited period of time.

75.15 VIOLATIONS. A violation of this chapter may be charged as a municipal infraction or as a simple misdemeanor. The civil penalty assessed for a first offense shall be \$50.00, for a second offense shall be \$100.00, and for a third and each subsequent offense shall be \$200.00.

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WATER

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CHAPTER 90

WATER SERVICE SYSTEM

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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 "Waterworks" 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 cock 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 sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of 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 five dollars (\$5.00) for residential service connection and fifteen dollars (\$15.00) for commercial or industrial service connection 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 the amount of one hundred dollars (\$100.00) 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 Division 4, Plumbing Rules and Regulations, of the State Building Code.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections to the water system or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

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 premise may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than a

one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

3. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than 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.

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

90.11 CONSTRUCTION STANDARDS. Service lines and appurtenances shall be constructed in accordance with this chapter and/or the State Plumbing Code.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. The City shall install and maintain at its expense that portion of the service line from the main to the lot or easement line, including the necessary tap, fittings and shut-off valve; and the customer shall install and maintain that portion of the service from said lot or easement line to the customer's premises, including a stop and waste cock at the end of the house side of the service. The minimum earth cover of the customer's service shall be five (5) feet. The City shall determine the size and kind of service to be installed.

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 & 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 with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, 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 twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Superintendent 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, and the plumber's bond or cash deposit shall be security for the assessment. 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 & 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 AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb stop, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.20 CROSS CONNECTIONS PROHIBITED. Connection, cross connection or permitting the same of any separate water supply to premises which receive water from the City is prohibited.

90.21 CONSTRUCTION USE. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being ten dollars (\$10.00) and the amount to be

determined by the City depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

90.22 BOILERS AND PRESSURE VESSELS. Customers having boilers and/or pressure vessels receiving a supply of water from the City must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the City is discontinued or interrupted for any reason, with or without notice.

90.23 LINE EXTENSIONS. The City will construct extensions to its water lines to points within its service area, but the City is not required to make such installations unless the customer pays to the City the entire cost of the installation. All line extensions shall be evidenced by a contract signed by the City and the person advancing funds for said extension. If refund of the advance is to be made, the following method shall apply: twenty percent (20%) of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five (5) years, provided that the aggregate payments do not exceed the total amount deposited. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the City and such extension shall be the property of the City and no other person shall have any right, title or interest therein.

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CHAPTER 91

WATER METERS

91.01 Purpose	91.06 Meter Costs
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems- Exception	91.08 Right of Entry
91.04 Location of Meters	91.09 Meter Tests
91.05 Meter Setting	91.10 Estimated Readings

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 an approved plumber or the Superintendent.

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 open connection can 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 TESTS. Upon the written request of any customer, the meter serving said customer shall be tested by the municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve (12) months preceding the requested test; otherwise a charge of two dollars (\$2.00) will be made and then only if the test indicates meter accuracy within the limits of two percent (2%).

91.10 ESTIMATED READINGS. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon an average of the prior six (6) months' consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Rates Outside the City
92.04 Billing for Water Service
92.05 Service Discontinued

92.06 Lien for Nonpayment
92.07 Lien Exemption
92.08 Lien Notice
92.09 Customer Deposits

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. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

Gallons Used Per Month	Rate Charged
No usage to 1,000 gallons	\$10.77 (minimum amount due)
Over 1,000 gallons	\$6.62 per 1,000 gallons or part thereof

On or before January 2 of each year, the Clerk shall adjust the water rate based upon the multiplication of the current rate by a factor equal to the increase in the Consumer Price Index as established by the Federal Government for the preceding twelve-month period. The Council shall consider the recommendation and any proposed change in rate at the next Council meeting. This increase shall go into effect on January 15.

92.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the City which the City has agreed to serve at rates one hundred percent (100%) of the rates provided in 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[2] & 384.84)

92.04 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.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the twentieth (20th) day of the same month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.
4. When 24-hour notices are to be given or posted on the property for water, sewer and solid waste service to be discontinued for nonpayment of City utility bill, a service fee of \$25.00 shall be charged to cover the cost of said notice.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued 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 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 and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off the Water Superintendent shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the Water Superintendent's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. A fee of twenty-five dollars (\$25.00) 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 will be made only during normal business hours.

92.06 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 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)

92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential 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 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 ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

92.08 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. If the customer is a tenant and if the owner or landlord of the property 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 thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer a two hundred dollar (\$200.00) deposit intended to guarantee the payment of bills for service. For tenants, the deposit will be returned once the tenant has moved from the dwelling and has paid the utility bill in full. For property owners, after 12 consecutive months of payments being received on or

by the 20th of each month from the time the account was activated, the deposit will be released to the property owner.

(Code of Iowa, Sec. 384.84)

SANITARY SEWER

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose	95.10 Administrative Actions
95.02 Definitions	95.11 Actions Authorized
95.03 Superintendent	95.12 Civil Penalties
95.04 Prohibited Acts	95.13 Performance Bonds
95.05 Sewer Connection Required	95.14 Revocation of Discharge Permit; Termination Of Sewer Service
95.06 Service Outside the City	95.15 Reinstatement of Service
95.07 Right of Entry	95.16 Emergency Disconnection of Service
95.08 Use of Easements	95.17 Additional Remedies
95.09 Special Penalties	

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 (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.

2. “Building drain” means that part of the lowest horizontal piping of a 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 (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC, 567-69.3[1])

3. “Building sewer” means the extension from the building drain to the public sewer or other place of disposal.

(IAC, 567-69.3[1])

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 which 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 a dwelling or other facility serving the equivalent of fifteen persons (1500 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 which carries sewage and to which storm, surface, and groundwaters 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 storm waters 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, fees, or rentals 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 which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

21. "Storm drain" or "storm sewer" means a sewer which 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 and/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 which are removable by laboratory filtering.

24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

25. "Article." The term "article" as used in these sanitary sewer chapters numbered 95 through 100 refers to Chapters 95 through 100, inclusive.

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 which 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 which in turn 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 sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet (30.5 meters) 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])
(IAC, 567-69.3[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 & 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 ADMINISTRATIVE ACTIONS.

1. The Superintendent may issue a written notice to the user giving the specific nature of violations. The notice may also include the following:
 - A. An order requiring a plan of action for preventing reoccurrence of the violation.
 - B. An order requiring specific action for accomplishing remediation.
 - C. An order requiring the user to respond in writing within 30 days.
2. The Superintendent is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any noncompliance. Such orders will include specific action to be taken by the user to correct noncompliance within a time period specified by the order.
3. The Superintendent may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. Such orders and schedules may be incorporated as a revision to an existing wastewater discharge permit and shall not require the consent of the user.

95.11 ACTIONS AUTHORIZED.

1. Where there has been noncompliance with any section of this article, the Superintendent may request the City Attorney for that purpose, to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction, or both, or such other relief as may be appropriate, to compel the user's compliance with this article.
2. In addition to other remedies provided under this section or other sections of this article, in any action brought at the request of the Superintendent to enforce this article, the City Attorney or the attorney retained by the City is authorized to seek to recover all actual damages and remediation of the sewage system, costs of investigation and administration reasonably related to any particular violation and attorneys' fees.

95.12 CIVIL PENALTIES.

1. Each violation of any section of this article or of a permit issued under this article is declared to be a municipal infraction.

2. Each day that a violation of a section of this article continues, and each day that a violation of a permit issued under this article continues, shall be considered a separate municipal infraction.
3. Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, commits a municipal infraction punishable by a civil penalty.
4. Any person who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, commits an environmental violation and shall be guilty of a municipal infraction, punishable by a civil penalty.
5. Violation of a pretreatment standard or of a requirement referred to in 40 CFR 403.8 is an environmental violation punishable by a civil penalty.

95.13 PERFORMANCE BONDS. The Superintendent may decline to reissue a permit to any user who has failed to comply with this article or any order or previous permit issued under this article unless such user first files a satisfactory bond payable to the City in a sum not to exceed the value determined by the Superintendent to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall the bond be required to be greater than \$25,000.00. The user shall use a bond form prescribed by the City.

95.14 REVOCATION OF DISCHARGE PERMIT; TERMINATION OF SEWER SERVICE.

1. Grounds for revocation of discharge permit and/or for termination of sewer service. Any user who violates this article, any condition of its wastewater discharge permit, or any of the following is subject to having its discharge permit revoked and/or its sewer service terminated in accordance with the procedures of this section:
 - A. Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - B. Failure of the user to report substantial changes in process activity or in volume or character of pollutants being discharged into the sewage system at least 90 days prior to such change.
 - C. Tampering with monitoring equipment.

- D. Refusal to allow reasonable access by City or operating contractor personnel to the user's premises for the purpose of inspection, monitoring, or sampling.
 - E. Violation of permit conditions.
 - F. Failure to report an upset, failure, or bypass of the user's pretreatment facilities.
 - G. Failure to pay fines, fees, or sewer user charges.
 - H. Failure to follow enforcement orders or compliance schedules.
 - I. Failure to correct a condition that impedes or alters the City's ability to monitor the user's discharge or has the potential to cause interference or pass through.
 - J. Failure to obtain a wastewater discharge permit as required by this article after notification by the Superintendent that such permit is required.
2. Procedure for revocation of discharge permit and for termination of sewer service. The procedure for revocation of a discharge permit and termination of sewer service shall be as follows:
- A. Any permit issued to a user pursuant to this article may be revoked or sewer service terminated or both, by written order of the Superintendent, specifying the grounds. The Superintendent shall cause the order to be sent to the user by certified mail, return receipt requested, addressed to the user's address, and shall be deemed delivered when placed in the mail. The order shall state that the user shall have an opportunity for hearing before the City Council.
 - B. The order shall not take effect until hearing thereon. The hearing shall be held at the next regular meeting not less than seven days nor more than 40 days from the date of mailing. If the user does not appear for the hearing, the Council shall affirm the order revoking the permit and/or terminating sewer service, which shall take effect immediately.
3. Additional actions or sanctions following revocation of permit or termination of sewer service.
- A. A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the Superintendent.
 - B. Upon determination by the Superintendent that the user's sewer service connection to the sewage system be terminated, the

City public works department shall cause the user's connection to the sewer to be severed or plugged. The manner of severance and procedure for disconnection shall be determined by the City public works department. Upon completion of the disconnection, the City public works department shall certify the City's cost to disconnect the user's sewer service. The Superintendent shall forward to the user whose service was disconnected by certified mail, return receipt requested, or personal service a bill for the cost of making the disconnection, including all costs for labor and materials, and a service charge of \$100.00 for City supervision.

C. Any building at which sewer service is disconnected as herein provided shall be inspected by the City building official and if appropriate shall be posted as unfit for human occupancy.

95.15 REINSTATEMENT OF SERVICE. If service is severed pursuant to this division, the service may be reinstated in the following manner:

1. Upon payment to the City of any delinquency in full, supervision fee of \$100.00, and an inspection by the Superintendent to determine whether the original cause for termination has been corrected, the City will issue a permit for reconnection of the building service line to the sewage system. Such reconnection costs, plus inspection fees for the City in accordance with this Code, shall be at the sole expense of the user.
2. Upon reconnection and payment of all costs described in subsection (1) of this section, the City, through its agents, shall remove the posting from the building, and the building shall, so far as the City is concerned, be fit for human occupancy.

95.16 EMERGENCY DISCONNECTION OF SERVICE.

1. Conditions for Immediate Disconnection of Service. The Superintendent may, after informal notice, suspend sewer service to a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the sewage system, or the environment.
2. Procedure for Immediate Disconnection. When the Superintendent determines that a discharge as described in subsection 1 of this section exists, an oral order shall be issued, followed immediately by a written order, to the user stating the problem and requiring immediate cessation of the discharge. A user orally notified of a

suspension of its wastewater permit or sewer service shall immediately stop or eliminate all discharges. If a user fails to immediately and voluntarily comply with the suspension order, the Superintendent shall take immediate action to eliminate the discharge, including disconnection from the sewage system. Methods of informal notice to a user shall include but not be limited to any of the following: personal conversations between user and personnel or the City or its operating contractor, telephone calls, letters, hand-delivered messages or notices posted at the user's premises or point of discharge. The procedure for immediate disconnection shall be as follows:

95.17 ADDITIONAL REMEDIES.

1. In addition to remedies available to the City set forth elsewhere in this article, if the City is fined by the Iowa Department of Natural Resources or the U.S. Environmental Protection Agency for violations of the National Pollutant Discharge Elimination System permit for the sewage system, or for violations of water quality standards as the result of a discharge of pollutants by an identifiable user, the fine, and all legal, sampling, analytical testing costs and any other related costs, shall be charged to the responsible user. Such charge shall be in addition to any other remedies the City may have under this article at law or in equity.
2. If the discharge from any user results in a deposit, obstruction, damage or other impairment to the sewage system, the user shall become liable to the City and/or the City for any expense, loss, or damage caused by the violations or discharge. The City may add to the user's charges and fees the costs incurred by the City and by the City for any cleaning, repair, or replacement work caused by the violations or discharge.
3. The remedies provided in this article shall not be exclusive, and the City may seek whatever other remedies are authorized by statute, at law or in equity against any persons violating this article.
4. In addition to any other remedies provided in this article, the City and/or the City may initiate an action, either in law or in equity, to obtain an injunction against further violations of this article and for judgment for all costs incurred by the City and/or the City occasioned by the user's violation of any requirements of this article.

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
96.11 Unsanitary Conditions

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 location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any 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 sixty (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 the amount of twenty-five dollars (\$25.00) 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 the amount of two hundred dollars (\$200.00) 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 plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewer chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written

report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the minimum sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

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 connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. 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 ten (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 twelve (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 (4) inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:

- A. Four (4) inch lines: one-fourth ($\frac{1}{4}$) inch per foot.
- B. Six (6) inch lines: one-eighth ($\frac{1}{8}$) inch per foot.
- C. Minimum velocity: 2.50 feet per second with the sewer half full.
- D. Deviations: any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with properly curved pipe and 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 Division 4 of the State Building 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. Cast and ductile iron water pipe - A.S.T.M. A-377.
- D. PVC - DWV - A.S.T.M. D-2665.

10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.

11. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used, subject to the approval of the Superintendent.

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 (6) 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 provided by the Iowa Public Health Bulletin and Division 4 of the State Building 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 "Y" saddle 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 and attached with 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 under ground 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 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 thirty (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])

96.11 UNSANITARY CONDITIONS. It is unlawful to use or occupy a premises for dwelling purposes for a period of thirty (30) days or more without proper connection to a lawful sewer system. Any person who violates any provision of this section shall be guilty of a simple misdemeanor. The enforcement officer designated in Chapter 145 of this Code of Ordinances may deem such premises a dangerous building as provided in Chapter 145 and may authorize the posting of signs and the removal of occupants from the premises.

CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges - Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as 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 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 in excess of two (2) 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 fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two (2) percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. 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 (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. 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 one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees 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 ($\frac{1}{2}$) 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 which 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 or 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 which 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 which 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 which 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 which 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. 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; and/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 of 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 twenty-four (24) hour composite of all outfalls of a premise 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 twenty-four (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 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.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of an 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.

(IAC, 567-69.1[3 & 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.

(IAC, 567-69.1[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.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rate
99.03 Special Rates
99.04 Private Water Systems

99.05 Payment of Bills
99.06 Lien for Nonpayment
99.07 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 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount and rate of water consumed as follows:

Gallons Used Per Month	Rate Charged
No usage to 1,000 gallons	\$47.25 (minimum amount due)
Over 1,000 gallons	\$4.62 per 1,000 gallons or part thereof

In no case shall the minimum service charge be less than \$11.15 per month, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility. On or before January 2 of each year, the Clerk shall adjust the sewer service rate based upon the multiplication of the current rate by a factor equal to the increase in the Consumer Price Index as established by the Federal Government for the preceding twelve-month period. The Council shall consider the recommendation and any proposed change in rate at the next Council meeting. This increase shall go into effect on January 15.

99.03 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)

99.04 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)

99.05 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 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.06 LIEN FOR NONPAYMENT. 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 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)

99.07 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.

CHAPTER 100

REGULATION OF AND CHARGES FOR PROHIBITED OR RESTRICTED DISCHARGES

100.01 Application of Chapter

100.02 Inspection, Sampling and Recordkeeping Authority

100.03 Identification of Restricted Discharges

100.04 Surcharges on Extra Strength Discharges

100.01 APPLICATION OF CHAPTER. The regulations of this chapter shall apply in the absence of a special agreement permitted (as permitted by section 99.07) or determination of the superintendent (as permitted by sections 97.04 or 97.05) related to the prohibited and restricted discharges defined in chapter 97. As used in this chapter, the term "article" refers to these sanitary sewer chapters numbered 95 through 100, inclusive.

100.02 INSPECTION, SAMPLING AND RECORDKEEPING AUTHORITY. By connection to the sewage system, users shall be deemed to have accepted the following:

1. Users shall permit the superintendent or authorized representatives or agents to enter upon all properties and all parts of the premises for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties.
2. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this chapter.

100.03 IDENTIFICATION OF RESTRICTED DISCHARGES.

1. The City shall determine which users have wastewater discharges with strengths greater than maximum normal domestic wastewater. All costs associated with surcharge sampling or evaluation will be assessed to the user. Based upon this initial determination, the City shall notify the user of the surcharge rate to be charged each month during the next six months or until the next time the surcharge rate is calculated.
2. The City shall provide for the analysis of at least three successive composite samples for each discharge point for users determined by the Superintendent to discharges greater than maximum normal domestic wastewater. The samples shall be analyzed for pH, CBOD5 (or COD), TSS, and TKN (or NH3). Samples taken for facilities with less than two years of historical data containing surcharge parameter analyses must be collected in as close a time frame as possible. Samples collected for other purposes,

containing the required information, may be used. When requested by the user, on a case-by-case basis, the City may allow the use of a single composite sample for the purpose of determining a monthly surcharge rate.

3. Any user may have more samples analyzed than required. The additional data may be used to modify or revise the surcharge rate as appropriate; however, the surcharge rate will not be revised more frequently than once every six months unless significant process changes have occurred. All costs for the additional sampling shall be the responsibility of the user.

4. All sample collection and analytical work shall be done by competent individuals or firms regularly involved in wastewater collection and analysis. All samples and analyses shall comply with the procedures specified in 40 Code of Federal Regulations (hereinafter referred to as CFR) 136. Any data sets which do not meet this requirement shall be rejected.

100.04 SURCHARGES ON EXTRA STRENGTH DISCHARGES. To provide for the recovery of costs from users of the sewage system and for the implementation of the pretreatment program established by this article, the following fees are hereby established and shall be applicable to discharges by all users:

1. Contribution fees. All users contributing wastewater in excess of the following concentrations during any part of the billing cycle shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

A. For BOD or CBOD in excess of 300 mg/l, \$.20 per 1,000 gallons.

B. For TSS in excess of 350 parts per million, \$.20 per 1,000 gallons.

2. Laboratory Fees. The user shall pay the cost of the City's laboratory fees.

3. Handling and Inspection Fees. The user shall pay \$30.00 per test for the costs of inspecting facilities and for the costs of obtaining, processing and transporting samples.

4. Identifiable Increases. Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the biosolids from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment work, shall pay for such increased costs. The charge to each such user shall be as determined by the Superintendent.

CHAPTER 101

STORM WATER UTILITY

101.01 Short Title	101.09 Prohibited Acts
101.02 Findings	101.10 Permit for Right-of-Way Discharge
101.03 Storm Water Utility Established	101.11 Land Division
101.04 Purpose	101.12 New Construction
101.05 Management and Enforcement Authority	101.13 New Utility Accounts
101.06 Fund	101.14 Order for Connection or Abatement
101.07 Surcharge	101.15 Violations and Penalties
101.08 Fees	101.16 Appeal

101.01 SHORT TITLE. This chapter shall be known as the Zearing Storm Water Utility Code.

101.02 FINDINGS.

1. The City Council finds that the detention, management, and discharge of surface and subsurface storm waters materially affects the health, safety, and welfare of the population of the City. The City Council further finds that the systems of a storm water 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.

2. The City Council finds that storm water management provides numerous benefits to the City, property owners, and citizens, all of which are of benefit to all citizens and real properties both directly and indirectly, including, but not limited to:

A. Providing important systems of collection, conveyance, detention, treatment and release of storm water;

B. Reducing the hazard to life and property resulting from storm water runoff and flooding;

C. Improving general health and welfare through reduction of undesirable storm water conditions and flooding, including reductions in pestilence and disease; and

D. Improving water quality in the storm water and surface water system and its receiving waters.

3. Based upon utility department and engineering studies and recommendations, the City Council finds that the infiltration of storm water into the sanitary sewer and wastewater treatment systems is a serious and on-going problem for municipal utility systems. It is necessary to reduce and ultimately to eliminate storm waters from the sanitary sewer and wastewater treatment systems in order to -

A. Maintain compliance with federal and state wastewater treatment permits and regulations; and

B. Reduce or limit the burdensome costs of maintaining or expanding wastewater treatment systems.

4. The City Council finds that there is a significant, burdensome, and on-going economic cost to the City, to tax-payers, and to the citizens thereof, which affects utility rates and general property taxes, caused by persons who refuse or neglect, regardless of their knowledge of the circumstances, to come into compliance with ordinances requiring disconnection and removal of storm water effluents from the sanitary sewer and wastewater treatment systems.

101.03 STORM WATER UTILITY ESTABLISHED.

1. A Storm Water Utility is created.
2. The City Council is the governing body of the Storm Water Utility.
3. The Storm Water Utility shall be responsible for storm water management within the corporate boundaries of the City and shall provide for the collection, treatment, and disposal of storm water, surface water, and groundwater and the management, protection, control, regulation, use, and enhancement of storm water management systems and facilities.
4. The Storm Water Utility consists of and includes 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 man-made, within the corporate boundaries of the City, which control or convey storm water 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 that (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 storm water 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.

101.04 PURPOSE. The Storm Water Utility shall provide for repairing, replacing, improving, and constructing of storm water sewers, drainage ditches, and other storm water collection, detention, management, and discharge facilities. The Storm Water Utility shall provide for the disconnection of storm water drains and rectification of other infiltration sources into the sanitary sewer and wastewater treatment systems.

101.05 MANAGEMENT AND ENFORCEMENT AUTHORITY.

1. The utility superintendent shall supervise the day-to-day operation of the Storm Water Utility.
2. The utility superintendent shall have the authority to enforce the provisions of this chapter and shall carry out the policy directives of the City Council acting in its role as governing body. As used in this chapter the term "utility superintendent" includes the utility superintendent's designee.

3. The utility superintendent shall have the authority to inspect within or upon private property all connections to public utility systems to determine compliance with this chapter and this Code of Ordinances.

4. The utility superintendent may determine and assess civil penalties provided herein in the absence of direction by the governing body. The utility superintendent may suspend or defer civil penalties upon such conditions as in the opinion of the utility superintendent will achieve compliance with the provisions of this chapter.

5. The utility superintendent may prescribe additional written regulations for the administration of the terms of this chapter.

101.06 FUND. A separate fund shall be created for the accounting of revenues and expenditures associated with the Storm Sewer Utility.

101.07 SURCHARGE. The surcharge for the Storm Water Utility shall be charged to each customer as defined in Section 90.01. The utility superintendent shall cause the surcharge to be billed together with monthly water and sewer utility charges as part of the combined service account as provided in Section 92.04. The surcharge provided in this chapter and delinquencies thereof shall be subject to the provisions of Sections 92.05, 92.06, 92.07, and 92.08.

101.08 FEES. The monthly storm water charge shall be \$1.50 per month for each customer.

101.09 PROHIBITED ACTS.

1. No person shall discharge storm water into the sanitary sewer system.

2. No person shall discharge storm water by a sump line on to the public right-of-way, unless the person shall first have obtained an inspection of the person's utility lines and have obtained a permit for discharge.

3. No person shall break, damage, destroy, uncover, deface, or tamper with any structure, pipe, appurtenance, equipment or other facility that is part of the storm water management system.

4. No person individually or through another shall throw, drain, allow to seep, or otherwise discharge into the storm water management system any substance, whether liquid, solid, or gas, other than storm water.

5. Alter or connect to the storm water management system without the consent of the utility superintendent.

101.10 PERMIT FOR RIGHT-OF-WAY DISCHARGE. The utility superintendent may issue a permit for right-of-way discharge to a responsible person if, in the opinion of the utility superintendent, (1) the public storm sewer is not within a reasonable proximity to the property, (2) the discharge does not create a traffic or pedestrian hazard, and (3) there is adequate surface drainage capacity available. The responsible person shall accept the permit subject to the condition that the utility superintendent may withdraw the permit and discontinue permission to discharge upon a right of way at any time the conditions required by this paragraph shall no longer be true.

101.11 LAND DIVISION. No new subdivision of land shall be approved by the City until the responsible person shall have provided for the adequate detention, management, removal, or a combination of detention, management, and removal of storm water from the land to be divided. The governing body may require the installation and dedication to the public of storm sewers and other structures, easements for detention or flowage of surface waters, connection to municipal storm sewers or storm water management systems, sump lines, and on-site management and detention facilities.

101.12 NEW CONSTRUCTION.

1. No building permit shall be issued until the applicant shall have provided for the adequate detention, management, removal, or a combination of detention, management, and removal of storm water from the land upon which the structure is to be constructed.
2. If the building permit is for an addition to an existing structure, no building permit shall be issued unless the applicant has is in compliance with this chapter.
3. The applicant shall disclose to the City and comply with an approved plan for detention, management, and removal of storm water during construction and when construction is completed.

101.13 NEW UTILITY ACCOUNTS. No water or sewer service shall commence until the applicant for such utility service shall be in compliance with this chapter. Compliance may be established by an inspection of the utility superintendent.

101.14 ORDER FOR CONNECTION OR ABATEMENT. The utility superintendent may order a property owner to install a sump pump and discharge line and to connect the discharge line to the public storm sewer system if, in the opinion of the utility superintendent the public storm sewer system is within a reasonable proximity to a property. The abatement order may be joined with a notice of nuisance or a notice of municipal infraction.

101.15 VIOLATIONS AND PENALTIES.

1. A violation of this chapter may be charged as a municipal infraction. The governing body may by separate resolution establish a schedule of civil penalties to be assessed for particular violations.
2. A violation of this chapter may, in addition to or in place of other remedies provided herein, be charged as a simple misdemeanor.
3. A violation of this chapter is a public nuisance. Upon notice and after opportunity for hearing, the City Council may cause a violation to be abated and the reasonable expenses thereof to be taxed to the real property, all in accordance with section 364.12 of the Code of Iowa.

101.16 APPEAL. An aggrieved person may, within 20 days, appeal a decision of the utility superintendent to the City Council. The City Council may affirm, modify, or reverse the decision of the utility superintendent.

GARBAGE AND SOLID WASTE

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CHAPTER 105

SOLID WASTE CONTROL

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105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361[2])

3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

6. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

7. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

8. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

9. "Residential premises" means a single-family dwelling and any multiple-family dwelling.

10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

(IAC, 567-20.2[455B])

11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. "Sanitary disposal project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301)

14. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and

domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

(Code of Iowa, Sec. 455B.301)

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth ($\frac{1}{4}$) mile from any building

inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

6. Back Yard Burning. The open burning of residential waste on the property where such waste is generated, at dwellings of four-family units or less.

(IAC, 567-23.2[3f] and 567-20.2[455B])

7. Training Fires and Controlled Burning. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods and the controlled burning of a demolished building, provided that the training fires and controlled burning are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

8. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

10. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. 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.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 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)

(IAC, 567-102.13[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. **Container Specifications.** Waste storage containers shall comply with the following specifications:

- A. **Residential.** Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and

waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.

4. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.

105.11 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.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Ames Solid Waste Recovery System are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

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 leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

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 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. For each residential premises and for each dwelling unit of a multiple-family dwelling – \$18.00 per month.

B. For commercial accounts charges as follows:

(1) With once a week pickup, fee is \$20.50.

(2) With dumpsters, rates set by Jerry's Sanitation, the charges are as follows for each account per month:

Colo-NESCO Middle School	- \$175.00
Colonial Manor	- \$313.00
Southside Apartments	- \$136.00
Apartments on Main	- \$136.00
Cissy's	- \$140.00
Browning	- \$ 35.00

C. Rates for property owners that discontinue solid waste collection for the purpose of leaving the City for an extended time but who will return will be charged a solid waste per capita per month for each person living at said property. Solid waste per capita rates will be based on the solid waste per capita charge the City pays to the City of Ames each year.

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 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and 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 together with a collection fee of \$2.50.

(Code of Iowa, Sec. 384.84)

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CHAPTER 107

SOLID WASTE DISPOSAL

107.01 Purpose
107.02 Definitions
107.03 General Prohibition
107.04 Commercial Activities
107.05 Waste Container
107.06 Waste Disposal
107.07 Sanitary Disposal Facility

107.08 Burning Prohibited
107.09 Littering Prohibited
107.10 Notice of Violation
107.11 Hearing on Notice
107.12 Method of Giving Notice
107.13 Municipal Infraction

107.01 PURPOSE. Modern society produces great quantities of solid and semi-solid substances and materials that are the resulting products of processes of agriculture, business, trade, manufacturing and domestic household living. After they have been used to varying degrees for their original intended purpose and discarded, these substances and materials constitute solid waste that threatens the health, safety and welfare of the community with fire, disease, damage to property and injury to persons. Dangers to the welfare of the community may also arise out of the unsafe or unsanitary storage of these substances and materials before they are discarded. It is the duty of municipal government to combat these dangers by the adoption and enforcement of remedial legislation. It is, therefore, the purpose of this chapter to protect and enhance the health, safety and welfare of the City's residents by providing for the sanitary and safe storage and disposal of solid waste.

107.02 DEFINITIONS. When used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Mayor or the Mayor's designated City employee.
2. "Building" means any structure with a fully enclosed interior space designed for the storage, shelter or protection of persons, animals or property.
3. "City" means the City of Zearing, Iowa.
4. "Discard" means to place or store, or allow to be placed or stored, a substance or material, other than any motor vehicle subject to the registration laws of the State, upon real property for a continuous period of more than seven (7) 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. Any motor vehicle subject to the registration laws of the State shall be deemed to be "discarded" after being placed or stored upon real property for a

continuous period of more than three (3) 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.

5. "Person" means a natural person; a trustee, executor or other fiduciary; and a partnership, limited liability company, corporation or other artificial legal entity.

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 be virtue of having any other interest in the real property and included a person's agent or managing officer who is authorized to exercise 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. "Solid waste" means solid or semi-solid substances or materials that are the resulting product of any process of agriculture, business, trade, industry, manufacturing or domestic household living and that have been discarded. Solid waste does not include grass clippings, leaves and other landscape wastes originating on the real property; or soil, sand, gravel and other inert natural resources existing in their natural state. Solid waste does include, by way of illustration and not limitation, the following discarded substances and materials:

- A. Garbage, refuse and rubbish.
- B. Food, food containers and soiled diapers.
- 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, communications 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 motor vehicle subject to the registration laws of the State that is not currently registered.

H. Any motor vehicle subject to the registration laws of the State with a broken, cracked or loose windshield, window, side-view mirror, headlight, taillight, fender, door, bumper, hood, hood ornament, door handle, running board, trunk, radio antenna or tail pipe which would make the operation of such motor vehicle on a public road or street unlawful under the laws of the State or the ordinances of the City.

I. 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.

J. Disassembled parts from previously used vehicles, machinery, equipment, tools and appliances.

K. Previously used petroleum products.

L. Any "toxic material, hazardous substance and hazardous waste" as may be defined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. § 6901 *et seq.*) or in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (42 U.S.C. § 9601 *et seq.*).

9. "Waste container" means a fully enclosed rust-proof and watertight container specifically designed and manufactured for the temporary storage of solid waste.

107.03 GENERAL PROHIBITION. A responsible person shall not place or store solid waste on real property, except inside a building or inside a waste container or at a sanitary disposal facility.

107.04 COMMERCIAL ACTIVITIES. Irrespective of whether it may serve a reasonable, functional purpose or have a direct supporting relationship to a responsible person's lawful use of the real property:

1. A responsible person shall not place or store, or allow to be placed or stored, solid waste on real property used for commercial or industrial purposes, for a continuous period of more than seven (7) 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 five (5) feet nor more than six (6) feet high.

2. Solid waste which is stored inside an area fully enclosed by a solid opaque fence or wall of uniform design and color not less than five (5) feet nor more than six (6) feet high shall be stored in such a manner that such substances or materials cannot be seen by a person six (6) feet in height standing a distance of fifty (50) feet from the edge of the enclosed area.

107.05 WASTE CONTAINER. Responsible persons shall provide and made 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, soiled diapers and other garbage that is produced by the activities conducted on the real property.

107.06 WASTE DISPOSAL. Responsible persons shall cause all solid waste containing any food, food containers, soiled diapers or other garbage to be removed from the real property and deposited at a sanitary disposal facility at least once each week. Any solid waste containing food, food containers, soiled diapers or other materials which attract prowling animals shall be stored by responsible persons at all times in a waste container.

107.07 SANITARY DISPOSAL FACILITY. There are hereby established official sanitary disposal facilities at such place or places as the Council may by resolution direct where solid waste shall be disposed. All persons shall comply with the regulations governing the use of such sanitary disposal facilities.

107.08 BURNING PROHIBITED. No person shall burn solid waste within the City except in an incinerator authorized by law and the regulations of the Iowa Department of Natural Resources.

107.09 LITTERING PROHIBITED. No person shall deposit, dump, leak or spill any solid waste upon any alley, street, highway or public ground of the City.

107.10 NOTICE OF VIOLATION. If the Administrator determines that there is probable cause to believe a violation of this chapter has occurred, the Administrator shall serve upon the responsible person or persons either:

1. A written notice thereof, which notice shall:
 - A. Specify the alleged violation;
 - B. Order the alleged violator to eliminate or cure the violation within seven (7) days after the notice is given or within such other specified period of time as is reasonable under the circumstances; and

C. 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 (7) days after the notice is given; or

2. A citation for the municipal infraction which shall be in a form consistent with the requirements of Section 364.22 of the Code of Iowa.

107.11 HEARING ON NOTICE. A person who receives a violation notice from Administrator 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 (7) days after the notice is given by the Administrator. Within thirty (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 Administrator'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 Administrator's notice as affirmed or modified by the resolution of the Council.

107.12 METHOD OF GIVING NOTICE. Except as may be otherwise required by Section 364.22 of the Code of Iowa with respect to service of municipal infraction, 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 States Postal Service in the City in the form of certified mail addressed to the last known mailing address of the person entitled thereto, or (3) served on the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

107.13 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. The civil penalty for a violation of this chapter shall be in accordance with Chapter 3 of this Code of Ordinances. In addition to the civil penalty, the Administrator may seek such other relief as may be allowed by law.

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FRANCHISES AND OTHER SERVICES

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted
110.02 Standard of Service
110.03 Maintenance and Operation
110.04 Restoration of Property

110.05 Extension of Mains
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110.07 Rates
110.08 Successors and Assigns

110.01 FRANCHISE GRANTED. The City of Zearing, Iowa, hereby grants unto Iowa Electric Light and Power Company, an Iowa corporation, its successors and assigns, hereinafter called the Grantee, a nonexclusive franchise and right for a period of twenty-five (25) years from and after the date this chapter became effective, to erect, construct, reconstruct, maintain and operate within corporate limits of said City of Zearing, Iowa, as the same now are or hereafter may be located or extended, a natural gas plant or plants, and/or a plant or plants for the manufacturing and processing of any and all kinds of gas, and to erect, construct, reconstruct, maintain and operate within said corporate limits distributing systems for the distribution of natural gas or any and all other types and kinds of gas, whether said plant or plants and distribution systems have been heretofore or hereafter may be constructed, together with the franchise and right to enter upon and to use and occupy the streets, avenues, alleys, bridges and other public places of said City as the same now are or hereafter maybe located or extended, for the purpose of constructing, reconstructing, maintaining and operating therein, thereon and thereunder systems for the distribution of natural gas and/or any and all other kinds of gas, consisting of mains, pipes, pipelines, distributing lines, conduits, and other equipment, appurtenances and construction necessary or incident to said distribution systems, and together with the franchise and right to supply, distribute and sell natural gas and/or any and all other kinds of gas to said City and to the inhabitants thereof and others within and without the corporate limits of said City for any and all purposes, and upon such terms and conditions and under such restrictions and regulations as are hereinafter contained, and such other reasonable rules and regulations as hereafter may be provided by the rule-making body having jurisdiction thereof.

110.02 STANDARD OF SERVICE. The Grantee shall maintain within said City a modern gas service, with sufficient capacity to meet the reasonable requirements of its patrons, and shall supply same in such a manner as to render efficient service unless prevented by an Act of God, a public enemy, a governmental authority, or by a cause not under the control of the Grantee, and in any such event, the Grantee may adopt reasonable rules and regulations

governing the volume of gas which it shall be required to furnish its patrons or any class of patrons.

110.03 MAINTENANCE AND OPERATION. The systems for the distribution of gas shall be constructed, maintained and operated by the Grantee in such a manner as not to endanger persons or property, and so as not to interfere unreasonably with any improvements the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, avenues, alleys, bridges or other public places, and so as not to interfere with the sewers, drainage or water systems of said City.

110.04 RESTORATION OF PROPERTY. Whenever the Grantee, in erecting, constructing or maintaining said distribution systems, shall take up or disturb any pavement or sidewalk or make any excavations in the streets, avenues, alleys, bridges or public places of said City, such excavations shall at once be refilled and the pavement, sidewalk or other improvement replaced to the satisfaction of the City officials and, in case of its failure to do so as promptly as practicable, the City may do so at the expense of the Grantee.

110.05 EXTENSION OF MAINS. The Grantee shall extend its mains as provided by its most current gas tariff and applicable rules promulgated by the governing regulatory body for customers in all cases where bona fide customers apply in writing to be supplied with gas.

110.06 INDEMNITY. The Grantee shall hold the said City harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of said systems for the distribution of gas and other construction hereby authorized.

110.07 RATES. Said Grantee shall have the right to supply, distribute and sell gas for any and all purposes to said City and to the inhabitants thereof, and to charge therefor such just and reasonable rates as hereafter may be fixed and determined by the rate-making body established under the laws of the State of Iowa and given jurisdiction thereof.

110.08 SUCCESSORS AND ASSIGNS. All of the provisions of this chapter shall apply to the successors or assigns of the Grantee with the same force and effect as they do to the Grantee itself.

EDITOR'S NOTE

Ordinance No. 102 adopting a gas franchise for the City was passed and adopted on October 28, 1992. Voters approved the franchise at an election held on November 24, 1992.

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted
111.02 Construction Standard
111.03 Restoration of Property
111.04 Service Extension

111.05 Rates
111.06 Successors
111.07 City Held Harmless

111.01 FRANCHISE GRANTED. The City of Zearing, Iowa, hereby grants unto Iowa Electric Light and Power company, an Iowa corporation, its successors and assigns, hereinafter called the Grantee, a nonexclusive franchise and right, for a period of twenty-five (25) years from and after the date this chapter became effective, to erect, construct, reconstruct, maintain and operate within the corporate limits of said City of Zearing, Iowa, as the same now are or hereafter may be located or extended, a power plant or plants for the generation of electricity, and/or a system or systems for the transmission and distribution of electricity, whether said power plant or plants and transmission and distribution systems have been heretofore or hereafter may be constructed, together with the franchise and right to enter upon and to use and occupy the streets, avenues, alleys, bridges and other public places of said City as the same now are or hereafter may be located or extended, for the purpose of constructing, reconstructing, maintaining and operating thereon, therein, thereunder and thereover said systems for the transmission and distribution of electricity, consisting of poles, posts, wires, cables, conduits and other equipment, appurtenances and construction necessary or incident to said systems, including a high potential electric transmission line or lines, to and through said City, and together with the franchise and right to supply, distribute and sell electric energy to said City and to the inhabitants thereof and others within and without the corporate limits of said City for any and all purposes, and upon such terms and conditions and under such restrictions and regulations as are hereinafter contained, and such other reasonable rules and regulations as hereafter may be provided by the rule-making body having jurisdiction thereof.

111.02 CONSTRUCTION STANDARDS. The construction of said transmission and distribution systems shall be in accordance with the specifications of the National Electrical Safety Code, issued by the United States Department of Commerce, Bureau of Standards, as approved by the rule-making body having jurisdiction thereof. All poles, posts, wires, cables, conduits and other equipment, appurtenances and construction connected therewith shall be located, erected, adjusted and maintained so as not to interfere unreasonably with any improvements the City may deem proper to

make, or to hinder unnecessarily or obstruct the free use of the streets, avenues, alleys, bridges or other public places.

111.03 RESTORATION OF PROPERTY. Whenever the Grantee, in erecting, constructing or maintaining said transmission and distribution systems, shall take up or disturb any pavement or sidewalk or make any excavations in the streets, avenues, alleys, bridges or public places of said City, such excavations shall at once be refilled and the pavement, sidewalk or other improvement replaced to the satisfaction of the City officials.

111.04 SERVICE EXTENSION. The Grantee shall extend its overhead transmission and distribution lines for each applicant for light, power or electric current as provided by the most current extension rules promulgated by the governing regulatory body.

111.05 RATES. Said Grantee shall have the right to supply, distribute and sell electricity for any and all purposes to said City and to the inhabitants thereof, and to charge therefor such just and reasonable rates as hereafter may be fixed and determined by the rate-making body established under the laws of the State of Iowa and given jurisdiction thereof.

111.06 SUCCESSORS. All of the provisions of this chapter shall apply to the successors or assigns of the Grantee with the same force and effect as they do to the Grantee itself.

111.07 CITY HELD HARMLESS. The Grantee shall hold the said City harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of said distribution and transmission systems and other construction hereby authorized.

EDITOR'S NOTE

Ordinance No. 91 adopting an electric franchise for the City was passed and adopted on February 9, 1989. Voters approved the franchise at an election held in April, 1989.

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CHAPTER 112

TELEPHONE FRANCHISE

112.01 Franchise Granted
112.02 Construction of System
112.03 Excavations
112.04 Moving Buildings

112.05 Damaging System
112.06 City Use of Poles
112.07 Successors and Assigns
112.08 Indemnification

112.01 FRANCHISE GRANTED. The City of Zearing, Iowa, hereby grants unto Minerva Valley Telephone Company, Incorporated, of Zearing, Iowa, an Iowa Corporation, its successors and assigns, hereinafter called the Grantee, a nonexclusive franchise and right, for a period of twenty-five (25) years from and after the date this chapter became effective, to erect, construct, reconstruct, maintain, operate and use within the corporate limits of said City of Zearing, Iowa, as the same now are or may hereafter be located, a telephone system, or systems, both local and long distance, together with the franchise and right to enter upon and to use and occupy the public streets, avenues, alleys, highways, bridges and public places of said City as the same now are or may hereafter be located or extended, for the purpose of installing, constructing, reconstructing, maintaining and operating thereon, therein, thereunder and thereover said telephone system, or systems, consisting of poles, posts, wires, cables, conduits and other equipment, apparatus and construction necessary or incident to said telephone system, or systems, and their use, and together with the franchise and right to furnish general telephone service, both local and long distance, to said City and to the inhabitants thereof and others within and without the corporate limits of said City for any and all purposes and under such restrictions and regulations as are hereinafter contained, and such other reasonable regulations as may hereafter be provided by ordinance.

112.02 CONSTRUCTION OF SYSTEM. All poles, posts, wires, cables, conduits, and other equipment, apparatus and construction connected with said telephone system, or systems, shall be located, erected, adjusted and maintained (subject to all ordinances, rules and regulations of said City) so as not to endanger persons or property or unreasonably interfere with any improvement the City may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, avenues, alleys, highways, bridges, or private or public property.

112.03 EXCAVATIONS. Whenever the Grantee, in erecting, constructing, or maintaining said telephone system or systems, shall take up or disturb any pavement or sidewalk or make any excavation in the streets, avenues, alleys,

highways or public grounds of said City, such excavation shall be at once refilled and the pavement, sidewalk, or other improvement, replaced to the satisfaction of the City officials.

112.04 MOVING BUILDINGS. Whenever it shall be necessary for any person or persons to move along or across any of the streets, avenues, alleys, highways or public grounds of said City any vehicle or structure of such height or size as to interfere with any poles or wires erected hereunder, the said Grantee, upon receiving twenty-four (24) hours notice served in writing upon its agent or manager at Zearing, Iowa, and upon receiving payment of the actual cost of so doing, shall temporarily remove its poles and wires from such place as must necessarily be crossed by such vehicle or structure; provided, however, that this section shall not be construed to apply to circus or other parades upon the public streets, avenues, alleys, highways or public grounds of said City.

112.05 DAMAGING SYSTEM. Any person who shall cut, injure or destroy any of the poles, wires, fixtures, conduits, cables or any other property of the Grantee lawfully erected, maintained or being within the corporate limits of said City, or who shall post bills or signs upon any of the poles or other property shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00), or imprisonment not exceeding thirty (30) days.

112.06 CITY USE OF POLES. The Grantee shall agree to allow said City to attach at any time to any of said poles of the Grantee, the City fire alarm and/or police wires, including necessary apparatus incident thereto, provided such attachments shall be made under the direction and supervision of the Grantee and made and maintained so as not to interfere with the Grantee's use of said poles.

112.07 SUCCESSORS AND ASSIGNS. All the provisions of this chapter shall apply to the successors or assigns of the Grantee, with the same force and effect as they do to the Grantee itself.

112.08 INDEMNIFICATION. The Grantee shall hold the City harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of said telephone system, or systems, and other construction hereby authorized.

EDITOR'S NOTE

Ordinance No. 46 adopting a telephone franchise for the City was passed and adopted on September 3, 1957. Voters approved the franchise at an election held on November 5, 1957.

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CHAPTER 113

CABLE TELEVISION FRANCHISE

113.01 Grant of Franchise
113.02 Effective Data of Franchise

113.03 Ownership of Franchise

113.01 GRANT OF FRANCHISE. A nonexclusive right is hereby granted to Zearing Cablevision, its successors and assigns, to establish, construct, operate, maintain, repair, replace, renew, reconstruct, and remove a cable television system across public property in the City limits for a term of twenty-five (25) years, in accordance with the laws and regulations of the United States of America and the State of Iowa, and the ordinances and regulations of the City, including the nonexclusive right, privilege and authority:

1. To sell and supply audio and video communication service to persons within the City;
2. To use public property within the City;
3. To engage in such further activities within the City as may now or hereafter be consistent with the generally accepted principles applicable to the operation of a cable television system.

113.02 EFFECTIVE DATA OF FRANCHISE. The franchise shall become effective from and after the effective date of this chapter and compliance by Zearing Cablevision with Federal Communications Commission rules and regulations.

113.03 OWNERSHIP OF FRANCHISE. Zearing Cablevision shall not assign or transfer any right granted under this chapter to any other person, company or corporation without prior consent of the Council, which consent shall not be unreasonably withheld, provided that the company shall have the right to assign this franchise to a corporation wholly owned by the company or to a limited partnership of which the company or other wholly owned subsidiary of Zearing Cablevision, is a general partner without prior consent of the City.

EDITOR'S NOTE

Ordinance No. 71 adopting a cable TV franchise for the City was passed and adopted on March 5, 1984. Voters approved the franchise at an election held on November 6, 1984. The Grantee accepted the franchise on November 6, 1984.

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CHAPTER 114

CABLE TELEVISION REGULATIONS

114.01 Purpose	114.13 City Rights
114.02 Definitions	114.14 Payments to City
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114.01 PURPOSE. The purpose of this chapter is to provide regulatory provisions of cable television systems in the City.

114.02 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. “Company” means Zearing Cablevision, Incorporated, an Iowa corporation maintaining its offices in Huxley, Iowa, the grantee of rights under the regulatory ordinance codified in this chapter.

2. “Federal Communications Commission” or “FCC” means the Federal agency by that name as constituted by the Communications Act of 1934, as amended.

3. “Gross subscriber revenues” means only those revenues derived from the monthly service charges paid by subscribers located within the City for regular cable television reception service, which service includes only the transmission of broadcast signals and the programming presented on the required access and origination channels, if any. Gross subscriber revenues shall not include any revenues received:

- A. As reimbursement of expenses in the operation of any access channels;
- B. As advertising payments;
- C. From the leasing of cable channels;
- D. From programs for which a per-channel, per-program or tier charge is made; and

E. From furnishing other communications and nonbroadcast services either directly or as a carrier for another party or any other income derived from the system. Gross subscriber revenues shall also not include revenues received as installation charges and fees for reconnections, inspections, repairs or modifications of any installations.

F. "System" means the lines, fixtures, equipment, attachments and appurtenances thereto which are used in the construction, operation and maintenance of the community antenna television system authorized by this chapter.

114.03 GRANTING OF FRANCHISE. The regulatory ordinance codified herein which grants to the company the nonexclusive right to construct, operate and maintain a cable television system in the City was passed and adopted by the Council after a full, open and public proceeding. The proceeding was held after public notice was given and afforded all interested parties the opportunity to comment upon the legal, character, financial, technical and other qualifications of the company. Having received at said proceeding all comments regarding the qualifications of the company, the City found that the company possesses the necessary legal, technical, character, financial and other qualifications and that the company's construction arrangements are adequate and feasible. Therefore, the City grants to the company a nonexclusive franchise, right and privilege to construct, erect, operate, modify and maintain in, upon, among, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in the City, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a cable television system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes set forth in this chapter.

114.04 COMPLIANCE REQUIRED GENERALLY. The company shall, at all times during the life of the regulatory ordinance codified in this chapter, be subject to all lawful exercise of the police power by the City and to such reasonable regulations as the City shall hereafter by resolution or ordinance provide. The construction, operation and maintenance of the system by the company shall be in full compliance with such portions of the National Electrical Safety Code as may be applicable and as the same may be amended

and revised from time to time, and in full compliance with all other applicable rules and regulations now in effect or hereafter adopted by the Federal Communications Commission, the City or any other agency of the State or the United States, which may hereafter acquire jurisdiction of the operations of the company authorized in this chapter.

114.05 NATIONAL ELECTRIC SAFETY CODE. All facilities and equipment of the company shall be constructed and maintained in accordance with the requirements of the National Electrical Safety Code, and such applicable ordinances and regulations set forth by the City and/or any local, State or Federal agencies.

114.06 FCC REGULATIONS. The company shall, at all times, comply with the rules and regulations governing CATV operations promulgated by the FCC, specifically those set out in Section 76.31 of the FCC Rules and Regulations. This shall include adherence by the company to FCC rules regarding technical and engineering specifications involved in the construction of the CATV system and signal carriage therein.

114.07 MODIFICATION OF FCC RULES. Consistent with the requirements of Rule 76.31 (a)(6) of the FCC, any modification of Rule 76.31 resulting from amendment thereto by the FCC shall be incorporated in this chapter by specific amendment thereto by lawful action of the Council within one year from the effective date of the FCC's amendment or at the time of renewal of the ordinance codified in this chapter, whichever occurs first.

114.08 TRANSFER. The company shall not sell or transfer its system to another, or transfer any rights under this chapter to another without written notice and approval by the City; provided, that such approval shall not be unreasonably withheld if the vendee, assignee or lessee has filed with the appropriate official of the City an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this chapter and agreeing to perform all conditions thereof.

114.09 COMPANY RULES AND REGULATIONS. The company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and perform its obligations under this chapter and to assure uninterrupted service to each and all of its customers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of Federal and State law.

114.10 FRANCHISE TERM. The franchise granted under this chapter shall terminate twenty-five (25) years from the date of grant, subject to renewal for period of reasonable duration on the same terms and conditions as contained in this chapter, or on such different or additional terms and conditions as may be lawfully specified by the Council and as are consistent with the requirements of Rule 76.31 of the FCC.

114.11 SYSTEM CONSTRUCTION, MAINTENANCE AND PROCEDURES.

1. In furtherance of the company's execution of contracts with public utility companies or any other owner or lessee of any poles located within or without the City to whatever extent such contract or contracts may be expedient and of advantage to the company for use of poles and posts necessary for proper installation of the system, the company may obtain right-of-way permits from appropriate State, County and Federal officials necessary to cross highways or roads under their respective jurisdictions, to supply main trunk lines from the company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a City, County, State or Federal agency may require. The company shall construct its cable system using material of good and durable quality and all work involved in the construction, installation, maintenance and repair of the cable system shall be performed in a safe, thorough and reliable manner. Any municipal property damaged or destroyed shall be promptly repaired or replaced by the company and restored to serviceable condition.
2. The company's system, poles, wires and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of persons or interfere with any improvements the City may deem proper to make or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.
3. In the event that the City annexes further territory as authorized by the law, the company shall extend energized trunk cable to the remaining portions of the City so annexed within an acceptable time thereafter, unless additional time is granted by the Council upon request of the company for good cause shown. Extension of service shall not be one of the requirements as set forth in this section.
4. All transmission and distribution structures, lines and equipment erected by the company within the City shall be so located as to cause

minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights of reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. The cable television system is to be an underground system with the lines buried to all subscribers' residences.

5. In case of any disturbance of pavement, sidewalk, driveway, grass or other surfacing, the company shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, grass or surface of any street or alley or other public or private property in as good condition as before said work was commenced.

6. In the event that at any time during the period of the franchise the City lawfully elects to alter or change the grade of any street, alley or other public way, the company, upon reasonable notice by the City, shall remove, relay or relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

7. The company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrants or mains and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys and public ways.

8. The company shall, on the request of any person holding a building moving permit issued by the City temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same and the company shall have the authority to require such payment in advance. The company shall be given no less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

9. The company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables. All tree trimming is to be done at the expense of the company.

10. The company shall provide, upon request and without charge, service to any municipal buildings owned and operated by the City and to any public or parochial elementary or secondary school. This shall

mean only an energized cable to such building. The cost of any internal wiring shall be borne by the institution.

114.12 LINE EXTENSION.

1. It shall be the obligation of the company to serve all residents of the City except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically unfeasible or economically noncompensatory. For purposes of determining compliance with the provisions of this section, and to provide for a reasonable and nondiscriminatory policy governing extensions of cable service with the City, the company shall extend service to new subscribers at the normal installation charge and monthly rate for customers of that classification where there are an average of forty-five (45) homes per each linear mile of new cable construction.
2. In the event the requirements of Section 114.12(1) are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

114.13 CITY RIGHTS.

1. City Rules. The right is reserved by the City to adopt, in addition to the provisions contained in this chapter and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police power; provided, that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights granted in this chapter, and shall not be in conflict with the applicable laws of the State or the United States.
2. Emergency or Disaster. In the case of any emergency or disaster, the company shall, upon request of the Clerk or any elected City official, make available its facilities to the City for emergency use during the emergency or disaster period.
3. No Property Right. Nothing in this chapter shall grant to the company any right of property in the City-owned property, nor shall the City be compelled to maintain any of its property any longer than or in any fashion other than in the City's judgment, its own business or needs may require.
4. Construction Approval by City. Except for individual service drops, the company shall not erect any pole, install any underground lines or conduits, run any line, make any attachment, nor shall any construction of any kind be commenced without the prior approval of the director of engineering or appropriate department of the City, which

approval shall not be unreasonably withheld, and the City shall have and maintain the right to inspect the construction, operation and maintenance of the system by the company to insure the proper performance of the terms of this chapter.

5. Correction of Defects. In the event the company should violate any of the terms of this chapter, or any of the rules and regulations as may be from time to time lawfully adopted, the City shall immediately give to the company sixty (60) days' written notice to correct such violation.

114.14 PAYMENTS TO THE CITY. The company shall, commencing one (1) year from the date of the first service and during each year of operation under the franchise, pay to the City three percent (3%) of the annual gross subscriber revenues received by the company for regular monthly cable television services rendered to customers within the City. At the time of this annual payment, the company shall furnish the City with an operating report showing the company's annual gross subscriber revenues during the preceding year. All payments as required by the company to the City shall be made semiannually and shall be due forty-five (45) days after the close of the six (6) month period.

114.15 RATES AND CHARGES. In consideration for services rendered to subscribers, the company shall have the right to charge and collect reasonable and just compensation which shall reflect, among other things, the company's need to attract new capital and provide a reasonable return on invested capital.

114.16 RECORD KEEPING. The company shall keep full, true, accurate and current books of account, which books and records and all other pertinent books, records, maps, plans, financial statements and other like materials, shall be made available for inspection and copying by the City upon reasonable notice and during normal business hours.

114.17 SERVICE PROCEDURES. During the term of the franchise, and any renewal thereof, the company shall maintain within the City a nearby business office or agent for the purpose of receiving and resolving all questions regarding the quality of service, equipment, malfunctions and similar matters. The provisions of this section shall be complied with if company may be reached by nearby toll-free telephone call and provides the Clerk's office number with the name, address and telephone number of a person who will act as the company's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters. The nearby office shall be open to receive inquiries or complaints from subscribers during normal business hours, and in no event less than nine (9:00) a.m. to five (5:00) p.m., Monday through

Friday. Any complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within four (4) business days of their receipt. The company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection by the City.

114.18 PROTECTION OF PRIVACY. The company shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services utilizing aural, visual or digital signals without first obtaining written permission of the subscriber. It is unlawful for any person to attach or affix or cause to be attached or affixed any equipment or device which allows access or use of the cable television service without payment to the company for same. Such action shall be a simple misdemeanor.

114.19 PROGRAM CONTENT RESTRICTIONS. In addition to providing basic cable television service consisting of broadcast, locally originated, access and automated signals, the company may offer subscribers optional services on a per-program or per-channel basis.

114.20 DISCRIMINATION PROHIBITED. The company shall not refuse to hire or discharge from employment or discriminate against any person regarding compensation, terms, conditions or privileges of employment because of sex, age, race, color, creed or national origin. The company shall take affirmative action to insure that employees are treated, during employment, without regard to their sex, age, race, color, creed or national origin.

114.21 LIABILITY AND INDEMNIFICATION. The company shall indemnify the City and hold it harmless from all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to this chapter. The City shall notify the company's representative within fifteen (15) days after the presentation of any claim or demand to the City, either by suit, or otherwise, made against the City on account of any negligence or contract as aforesaid on the part of the company. The company agrees as follows:

1. The company shall carry Worker's Compensation insurance with statutory limits and Employers' Liability insurance with limits of not less than one hundred thousand dollars (\$100,000.00) which shall cover all operations to be performed by the company as a result of this chapter.
2. The amounts of insurance to be carried for liability due to property damage shall be five hundred thousand dollars (\$500,000.00) as

to any one occurrence and against liability due to injury or death of persons, five hundred thousand dollars (\$500,000.00) as to any one person and one million dollars (\$1,000,000.00) as to any one occurrence. The City shall reserve the right during the term of the franchise to increase or decrease the amount of insurance coverage required. The company shall, within sixty (60) days of receipt of that written notice, obtain such insurance coverage as is specified in said notice.

3. Company's Worker's Compensation, Comprehensive General Liability and Comprehensive Automobile Liability insurance shall be written by an insurance company with a capital and/or surplus of not less than three million dollars (\$3,000,000) and company agrees to furnish the City with certified copies or certificates of insurance of said policies, which shall provide that insurance shall not be canceled unless ten (10) days' prior written notice first be given to the City.

4. Within six (6) months after the effective date of the ordinance codified by this chapter, the company shall file with the Federal Communications Commission such request, petition or other application as is then proper to secure from said Federal Communications Commission and all necessary permits, licenses, waivers or the like as may be necessary to be secured from said Federal Communications Commission to fully comply with the terms of this chapter. The company shall thereafter diligently pursue such application with the Federal Communications Commission and shall do all reasonable things necessary and proper to secure any such permit, license, waiver, approval or the like from it. The company shall keep the City advised, from time to time, of the progress of such application.

114.22 ACTIVITIES PROHIBITED.

1. The Company shall not allow its cable or other operations to interfere with television reception of persons not served by the company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the City.

2. The company shall not, as to rates, charges, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

3. No person shall wrongfully or unlawfully intercept the signals of the company.

114.23 VIOLATION; PENALTY. Should the company, its successors or assigns violate any of the provisions of this chapter or any reasonable rules and regulations established by the City pursuant hereto and should such violation continue for more than thirty (30) days after the City has given the company written notice of such violation, failure or default, the same shall be cause for the forfeiture or revocation of the franchise and the termination of all rights hereunder; provided, however, any delay in correcting such violation which is caused by factors beyond the control of the company shall not be included in computing the length of the continuance of such violation.

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REGULATION OF BUSINESS AND VOCATIONS

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CHAPTER 120

BEER, LIQUOR AND WINE CONTROL

120.01 General Prohibition

120.02 Persons Under Legal Age

120.03 Public Consumption or Intoxication

120.04 Open Container on Streets and Highways

120.05 License or Permit Required

120.01 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 terms, conditions, limitations, and restrictions enumerated in State law and this Code of Ordinances.

(Code of Iowa, Sec. 123.2)

120.02 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means twenty-one (21) years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer 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, wine, and beer during the regular course of the person’s employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

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, wine or beer from any licensee or permittee.

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

120.03 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 which provides teaching for any grade from kindergarten through grade twelve.

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 liquor control 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 or simulate intoxication in a public place.

3. 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)

120.04 OPEN CONTAINER ON STREETS AND HIGHWAYS. *(See Section 62.09 of this Code of Ordinances.)*

120.05 LICENSE OR PERMIT REQUIRED. It is unlawful for any person to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.2 and 123.171)

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CHAPTER 121

CIGARETTE 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. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
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, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.
6. “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.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; 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.

121.02 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13)

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) 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)

121.04 FEES. The fee for a retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13)

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, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

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 of the Code of Iowa.

(Code of Iowa, 453A.13)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person

under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products 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 three hundred dollars (\$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 fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (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 (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.
4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (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. Beginning January 1, 1999, 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 cigarettes or tobacco products, in a quantity of less than a carton, 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 Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose

122.02 Definitions

122.03 Registration Required

122.04 Registration Requirements

122.05 Registration Fee

122.06 Transient Merchant Bond

122.07 Time Restriction

122.08 Exemptions

122.09 Charitable and Nonprofit Organizations

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 REGISTRATION REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first registering with the City as herein provided is in violation of this chapter.

122.04 REGISTRATION REQUIREMENTS. The registration shall be in writing, filed with the Clerk, and shall set forth the following information:

1. The person's name, permanent and local address and business address if any, driver's license number and vehicle description.
2. The person's employer, if any, and the employer's address, the nature of the business and the length of time such business will be carried on in the City.
3. The names of all people who are to be working within the City and their vehicle descriptions and license numbers.

The registration is valid only for a seven-day period and must be renewed for each seven-day period thereafter. Failure to obtain a permit will result in a municipal infraction fine.

122.05 REGISTRATION FEE. A registration fee of twenty-five dollars (\$25.00) shall be paid at the time of registration to cover the cost of investigating the facts stated therein.

122.06 TRANSIENT MERCHANT BOND. Any person registering as a transient merchant shall provide to the Clerk evidence that such person has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 TIME RESTRICTION. Peddlers and solicitors shall conduct business in the City only between hours of 8:00 a.m. and 6:00 p.m.

122.08 EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Local Farmers. Local residents and local farmers.
4. Students. Students representing the Colo-NESCO School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.

6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.09 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa, or political candidates for State, local or Federal office desiring to solicit money or to distribute literature are exempt from the requirements of Sections 122.04 and 122.05. All such organizations or individuals are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, and the period during which such activities are to be carried on.

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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 Above Ground 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 one hundred (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. 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 Council, 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 five thousand dollars (\$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 per person; \$100,000 per accident.
2. Property Damage - \$50,000 per accident.

123.06 PERMIT FEE. A permit fee of five dollars (\$5.00) 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 flagmen 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 twelve (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 (1) inch in width for each one thousand (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 ABOVE GROUND 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

JUNKYARDS AND JUNK DEALERS

124.01 Purpose
124.02 Definitions
124.03 License Required
124.04 License Application
124.05 Processing of License Application
124.06 License Fee

124.07 License Issuance and Terms
124.08 Screening Requirements
124.09 General Operating Requirements
124.10 Inspections
124.11 License Renewal
124.12 License Suspension or Revocation
124.13 Appeals

124.01 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for the licensing and inspection of junkyards and the elimination of the open storage of junk except in authorized places.

124.02 DEFINITIONS. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this chapter:

1. "Business premises" or "premises" means the area of a junkyard as described in a junk dealer's license or application for license, as provided in this chapter.
2. "Inoperable motor vehicle" means any motor vehicle which lacks (a) current registration or (b) two or more wheels or other component parts the absence of which renders the vehicle totally unfit for legal use on the highways.
3. "Junk" means old or scrap copper, brass; rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled, or wrecked automobiles, or parts of automobiles; or iron, steel, or other old or scrap ferrous or nonferrous material; old bottles or other glass; bones; tinware, plastic, or discarded household goods, or hardware; and other waste or discarded material that might be prepared to be used again in some form; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of the person's own business or materials or objects held and used by a manufacturer as an integral part of its own manufacturing processes.
4. "Junk dealer" means any person who buys, sells, transfers, delivers, or stores junk, including all persons who carry on such business at a junk shop or junkyard or as a peddler, and any person who by advertisement, sign, or otherwise holds himself/herself out as a junk

dealer, or dealer in the articles described in Section 124.02(3), including a person engaged in the activity known as "auto salvage" but junk dealer shall not include businesses engaged in the towing, repairing, or storing of wrecked motor vehicles where sales of such wrecked motor vehicles is only incidental to the collection of repair and storage charges.

5. "Junkyard" means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity, or any place where more than two inoperable motor vehicles, or used parts and materials thereof, when taken together equal the bulk of two motor vehicles, are stored or deposited, and the term includes garbage dumps, sanitary fills, and automobile graveyards.

124.03 LICENSE REQUIRED. It is unlawful for any person to act as a junk dealer in the City, whether personally, by agents, or employees, singly, or in connection with some other business or enterprise, without first having obtained a license in accordance with the provisions of this chapter.

124.04 LICENSE APPLICATION. An applicant for a license under this chapter shall file with the Clerk a written application signed by the applicant, if an individual, by all partners, if a partnership, or by the president or chief officer of a corporation or other organization, together with one copy of such application and a fee as hereinafter prescribed. The application shall include the following:

1. Name, residence, address, and telephone number of each individual owner, partner, or, if a corporation or other organization, each officer and director.
2. Trade names used during the previous five (5) years by the applicant and each person signing the application, and the locations of prior establishments.
3. The trade name and address of the business on behalf of which application is made and its telephone number.
4. Exact address or location of the place where the business is or is proposed to be carried on, and a sketch of the actual premises to be used in connection with the business, showing adjoining roads, property lines, buildings, and uses.
5. I-Care Certificate.

124.05 PROCESSING OF LICENSE APPLICATION. Upon receipt of a completed application for license the Clerk shall forward one copy to each of the following City officials: Mayor and Council. Upon receipt of said copy the Mayor and Council shall cause an inspection to be made of the premises described in the application where the activities of the junk dealer are proposed to be conducted to determine whether or not said premises meet the requirements of all City and State fire regulations and whether or not any conditions exist thereon that would constitute a fire hazard or public nuisance. The Mayor and Council, after examination of the premises, shall submit an inspection report to the Clerk indicating whether or not the premises inspected are approved. If the premises are disapproved the Mayor and Council shall set forth in the report the reasons for disapproval. If the premises are disapproved and the unlawful conditions reported can be corrected, the Mayor and Council shall so state in the report and grant the applicant a reasonable but specific time to correct the condition. Final action on the application shall then be postponed until receipt of a supplementary report from the Mayor and Council after the specified date.

124.06 LICENSE FEE. \$100.00 will be paid to the City of Zeoring for the fee of Salvage Yard Permit. All licenses issued hereunder shall be effective from the date of issuance to and including the thirtieth day of June next succeeding the date of issuance. The license fee set forth above shall be prorated on a quarterly basis from the date of issuance to the time of expiration. If an application for license or renewal of license is denied, the license fee shall be refunded to the applicant.

124.07 LICENSE ISSUANCE AND TERMS. After approval of said application by the Council and receipt of the required license fee, the Clerk shall issue to the applicant a junk dealer's license and the Clerk shall also notify the Mayor and Council of the issuance of the license, the person to whom the same was issued, the effective dates thereof, and the address of the licensed premises. All licenses issued hereunder shall be numbered serially in the order issued, and they shall set forth the following information:

1. The name of the licensee.
2. The street address and an accurate description of the business premises or proposed business premises where junk dealer's activities will be conducted.
3. The fee paid.
4. The expiration date.

The licensee shall post the license in a conspicuous place on the licensed premises. No license issued hereunder shall be transferable, and a separate license shall be required for each business premises.

124.08 SCREENING REQUIREMENTS. Except in those instances described in subsection 2, a junkyard as defined in this chapter must be surrounded by a solid opaque fence or wall, of uniform design and color, and not less than six (6) feet high, which substantially screens the area in which junk is stored or deposited. The fence must be kept in good repair and shall not be used for advertising displays or signs. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours or when the junkyard is unattended. A portion of any gate, not to exceed ten (10) feet in length, may be constructed of a non-opaque material to permit observation of the fenced premises. No junk shall be permitted to be stored or deposited outside of the fence, nor may junk be stacked higher than the fence within thirty (30) feet of the fence. The Mayor and Council shall inspect the fences or gates of all junkyards on an annual basis.

Variations from the requirements of this section may be granted as follows:

1. If the perimeter of the junkyard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which renders thereby the opacity requirements hereof ineffective, the Mayor and Council may, upon application, allow the substitution of a suitable fence in place of the solid opaque fence required herein.
2. If two or more junkyards which otherwise meet the standards of this chapter abut each other and are located on lots adjoining each other, the fencing requirements of this chapter shall be waived by the Mayor and Council for such common boundary so long as the common boundary continues to exist.
3. If the junkyard that is the subject of the application abuts against an opaque fence which meets the fencing requirements, or an opaque structure which is not less than six (6) feet high, the fencing requirement of this section shall be waived by the Mayor and Council for such common boundary.

124.09 GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to all junk dealers in the City limits:

1. The junkyard, and all things kept therein, shall be maintained in a sanitary condition.

2. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
3. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.
4. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises.
5. Junk shall be stored and arranged so as to permit easy access to all such junk for firefighting purposes.
6. No combustible material of any kind not necessary to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.
7. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
8. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on a Sunday, any legal holiday, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
9. No automobile or part thereof shall be burned for wrecking or salvage purposes in or on premises occupied as a junkyard unless the same be burned in a manner that has been approved by the Fire Chief, and all motor vehicle gasoline and fuel tanks shall be separated and removed from motor vehicles intended for salvage purposes prior to cutting, stacking, or burning such vehicles.
10. Each junk dealer shall keep complete, accurate, and legible records of all purchases in the English language. The records shall be kept in a permanent type register that shall be kept on the premises. The records shall be available for inspection by any sheriff, deputy sheriff, peace officer, or authorized agent of the City for a period of at least six (6) months.

The records shall include:

- A. The name and residence of the person from whom the junk was received or purchased.
- B. Reasonably accurate inventory and description of each article.
- C. The value or amount paid for each article.

11. No junk dealer shall purchase or receive any personal property from any minor without first receiving the consent, in writing, of the parent or guardian. Such written consent shall be included in the permanent records as defined in subsection 10.

12. Upon written order of the Mayor and Council, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Mayor and Council. The holding period shall not exceed forty-five (45) days.

13. No junk dealer shall conceal, secrete, or destroy for the purpose of concealing, any article purchased or received by the dealer for the purposes of preventing identification thereof by an officer or any person claiming the same. No junk dealer shall sell, melt up, break up, or otherwise dispose of any article the dealer has reason to believe has been stolen, or which is adversely claimed by any person, or which the dealer has been notified not to sell or otherwise dispose of by any sheriff, deputy sheriff, or peace officer, without first obtaining a permit in writing from the Clerk.

124.10 INSPECTIONS. The Mayor and Council during the period a junk dealer's license is in effect, may inspect all premises licensed hereunder at such intervals as they shall deem reasonable to determine whether or not the premises are being operated and maintained in compliance with all applicable regulations, ordinances, and laws. No person shall prevent, hinder, or obstruct or attempt to prevent, hinder or obstruct the Mayor and Council in the performance of their duties set forth in this chapter.

124.11 LICENSE RENEWAL. Licenses may be renewed in the same manner and under the same conditions as originally issued hereunder. Applications for renewal of junk dealer's licenses shall be submitted to the Clerk at least thirty (30) days prior to the expiration of the license then in effect. Applications for renewal of junk dealer's licenses shall be processed in accordance with the provisions of Section 124.05 of this chapter. When renewal of a license is denied, the junk dealer previously licensed under the provisions of this chapter shall have a period of six (6) months immediately after such denial in which to conclude the business and dispose of the junk during which time the junk dealer shall be required to comply with all the terms and conditions of the ordinances of the City, except the licensing requirements of this chapter. If litigation is pending contesting the denial or revocation of a license, the Clerk may grant an extension of time during which the junk dealer may operate pending the final outcome of such litigation.

124.12 LICENSE SUSPENSION OR REVOCATION. The Clerk may suspend or revoke any license issued hereunder for any of the following reasons:

1. The licensee, an agent, or employee has been convicted of violation of any of the provisions of this chapter.
2. The Mayor or Council has found that the licensee has failed to comply with one or more of the provisions of this chapter or the licensed premises fail to comply with one or more of the provisions of this chapter or of some other regulations, ordinance, or statute, and the licensee has failed to correct such condition within the reasonable time specified by the Mayor and Council in accordance with the report submitted under Section 124.05.

124.13 APPEALS. Any applicant who has been denied a license or renewal under this chapter or any licensee under this chapter whose license has been suspended or revoked may appeal to the Council by filing with the Clerk, within seven (7) days after the aggrieved party receives notice of the adverse administrative decision, a written notice of appeal setting forth the grounds upon which the appeal is based. The Council shall, within fifteen (15) days after the filing of said notice of appeal, fix a time and place of hearing on the appeal. The hearing shall be commenced within thirty (30) days of the filing of the appeal. If the Council finds from the evidence presented at the hearing that the appellant has been denied a license without just cause, or that the appellant's license has been suspended or revoked without just cause, it may reverse or modify the administrative decision.

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STREETS AND SIDEWALKS

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CHAPTER 135

STREET USE AND MAINTENANCE

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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 his or her 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 therefor. 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 which 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/property owner.

4. **Bond Required.** The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$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 one thousand dollars (\$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/property owner.
7. **Inspection.** All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (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 twenty-four (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 therefor to the permit holder/property owner.
9. **Responsibility for Costs.** All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. 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 forty-eight (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 Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of one thousand dollars (\$1,000.00) to guarantee such compliance.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that 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 timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. 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 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	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice and Accumulations	136.12 Awnings
136.04 Responsibility for Maintenance	136.13 Encroaching Steps
136.05 City May Order Repairs	136.14 Openings and Enclosures
136.06 Sidewalk Construction Ordered	136.15 Fires or Fuel on Sidewalks
136.07 Permit Required	136.16 Defacing
136.08 Sidewalk Standards	136.17 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.18 Merchandise Display
	136.19 Sales Stands

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 and/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. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. For the purposes of this section, a reasonable time shall be deemed to be forty-eight (48) hours after the end of the snow fall or storm causing accumulation.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

(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 & 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.

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 in the construction and repair of 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 (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders 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 established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.
 - B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one (1) foot from 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 shall be 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 ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no

greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.

(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 (8) 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 (6) feet of any sidewalk.

136.15 FIRES OR FUELS 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 (3) 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 thirty (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)

(Code of Iowa, Sec. 364.7[3])

[illegible]

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 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.

138.02 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 and/or sidewalk grades and remain in full force and effect.

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED

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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.
3. 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 Zearing, 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.

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BUILDING AND PROPERTY REGULATIONS

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CHAPTER 145

DANGEROUS BUILDINGS

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145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner
145.05 Conduct of Hearing

145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs
145.09 Removal of Persons
145.10 Penalty

145.01 ENFORCEMENT OFFICER. The Mayor is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. **Owner's Rights.** At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. **Determination.** The Council shall make and record findings of fact and may issue such order as it deems appropriate.

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF ZEARING, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

145.09 REMOVAL OF PERSONS. The enforcement officer may order the occupants of any building or structure or portion thereof deemed to be unsafe to vacate all or such portion of the building or structure deemed unsafe. The enforcement officer may cause any person who fails to vacate all or such portion of the building or structure deemed unsafe to be removed therefrom.

145.10 PENALTY. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish; equip, use, occupy or maintain any building or structure; cause or permit the same to be done in violation of this chapter. It is unlawful to fail to obey the order of an enforcement officer to vacate all or such portion of the building or structure deemed unsafe, irrespective of whether the building or structure proves to be unsafe, or to violate the restrictions of posted signs and notices. Any person

who violates any provision of this section shall be guilty of a simple misdemeanor.

EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this Code of Ordinances.

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 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.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

151.03 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 fifteen (15) feet above the surface of the street and eight (8) 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 (5) 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, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, 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.

151.05 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.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be infected with or damaged by any disease or insect or disease pests, and such trees and shrubs shall be subject to removal as follows:

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 fourteen (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 & h])

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CHAPTER 152

SWIMMING POOL ENCLOSURES

152.01 Purpose

152.02 Permit Required

152.03 Fences and Gates

152.01 PURPOSE. The purpose of this chapter is to regulate the enclosure of swimming pools within the City.

152.02 PERMIT REQUIRED. A permit shall be obtained from the Council before construction begins on all swimming pools and fences.

152.03 FENCES AND GATES. All above-ground swimming pools over twenty-four (24) inches in height must have a fence of not less than forty-eight (48) inches in height from ground level and shall be equipped with a self-locking gate across any opening or removable ladder, so as to render the swimming pool inaccessible when the swimming pool is not in use.

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CHAPTER 153

SATELLITE AND RECEIVING ANTENNAS AND SOLAR COLLECTORS

153.01 Purpose
153.02 Definitions

153.03 Building Permit Required

153.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by regulating and providing certain specifications for the erection and installation of satellite receiving antennas and solar collectors.

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

1. "Rear yard" means that portion of the lot which is located behind the dwelling located on a lot to ten (10) feet from the rear yard lot line. The rear yard is also bounded on the sides by a line five (5) feet inward from the side lot lines. In the event that the lot in question does not contain a dwelling, the front boundary of the rear yard shall be consistent with the front rear yard lines of the adjoining lots.
2. "Satellite receiving antennas" means any accessory structure often called a "dish" or "earth station antenna" the purpose of which is to receive communication including, but not limited to radio and television or other signals from satellite or other extra-terrestrial sources whether affixed to the ground as permanent structure or a mobile unit such as a trailer or vehicle.
3. "Solar collector" means any accessory structure used for the purpose of collecting solar energy which is located more than two (2) feet from the residential structure on the property on which it is situated.

153.03 BUILDING PERMIT REQUIRED. No person shall install or construct a satellite receiving antenna and/or a solar collector except in accordance with the following:

1. Building Permit Required. Prior to the erection, construction or installation of any satellite receiving antenna or solar collector, a building permit fee in the amount of \$5.00 must be paid to the Clerk and a building permit obtained.
2. Location. The construction of all satellite receiving antennas and solar collectors shall be limited to the rear yard of the property on which

it is located. The placement of the satellite receiving antenna and/or the solar collector in the rear yard shall not take place closer than five (5) feet from the side lot lines nor ten (10) feet from the rear lot line. Construction of such structures in any location other than the rear yard of a lot is strictly prohibited.

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CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Purpose	160.11 Flood Plain Development Permit Required
160.02 Definitions	160.12 Application for Permit
160.03 Lands to Which Chapter Applies	160.13 Action on Application
160.04 Rules for Interpretation of Flood Plain (Overlay) District	160.14 Construction and Use to be as Provided in Application and Plans
160.05 Compliance	160.15 Variances
160.06 Abrogation and Greater Restrictions	160.16 Factors Upon Which the Decision to Grant Variances Shall be Based
160.07 Interpretation	160.17 Conditions Attached to Variances
160.08 Warning and Disclaimer of Liability	160.18 Nonconforming Uses
160.09 Flood Plain (Overlay) District Standards	160.19 Amendments
160.10 Administration	

160.01 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 flood losses with provisions designed to:

1. **Restrict Use.** 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.
2. **Vulnerable Uses Protected.** 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.
3. **Unsuitable Land Purchases.** Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. **Flood Insurance.** Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 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. **"Base flood"** means the flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood.)

2. "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."
3. "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 or drilling operations.
4. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure."
5. "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) was completed before the effective date of the flood plain management regulations adopted by the community.
6. "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).
7. "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 includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. "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.
10. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance,

the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

11. "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.

12. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.

13. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

14. "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.

15. "Floodway" means the channel of a river or stream and those portions of the flood plains 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 (1) foot.

16. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. "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 in 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; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.09(4)(A); 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 (1) foot above the 100-year flood level; and

D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "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 Flood Insurance Rate Map.

20. "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 flood plain management regulations adopted by the community.

21. "100-Year Flood" means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. "Recreational vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) 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.

23. "Special flood hazard area" means the land within a community subject to the "100-year flood." This land is identified as Zone A on the community's Flood Insurance Rate Map.

24. "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 and/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.

25. "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 and other similar uses.

26. "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 fifty (50) percent of the market value of the structure before the damage occurred.

27. "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 fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) 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 comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."

B. Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after the effective date of the Flood Insurance Rate Map shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

29. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

160.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all lands within the jurisdiction of the City which are located within the boundaries of the Flood Plain (Overlay) District. The areas within the jurisdiction of the City having special flood hazards are hereby designated as a Flood Plain (Overlay) District and shall be subject to the standards of the Flood Plain (Overlay) District (as well as those for the underlying zoning district). The Flood Plain (Overlay) District boundaries are shown on the Flood Insurance Rate Map (FIRM) for Story County, Iowa and Incorporated Areas, Panels 091 and 093, dated February 20, 2008.

160.04 RULES FOR INTERPRETATION OF FLOOD PLAIN (OVERLAY) DISTRICT. The boundaries of the Flood Plain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the 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 Administrator in the enforcement or administration of this chapter.

160.05 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.

160.06 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. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

160.07 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.

160.08 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 Flood Plain (Overlay) District 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 any administrative decision lawfully made thereunder.

160.09 FLOOD PLAIN (OVERLAY) DISTRICT STANDARDS. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the 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 determination.

1. All development within the Flood Plain (Overlay) District shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.

D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment), 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 shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, 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 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

A. 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:

- (1) 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.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that 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.

B. 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.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built Homes.

A. All 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 (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. 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 (1) foot above the 100-year flood elevation.

C. 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 (1) foot above the 100-year flood elevation.

D. 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.

7. 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 (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood within the altered or relocated portion.

10. 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 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 160.09(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- (2) 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.

B. Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements of Section 160.09 (5) of this chapter regarding anchoring and elevation of factory-built homes.

13. 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.

160.10 ADMINISTRATION. The Zoning Administrator shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit 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 flood plain construction.
3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the Flood Plain (Overlay) District.
4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been floodproofed.
5. Notify adjacent communities and/or 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.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

160.11 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.12 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.

2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.
4. Flood Elevation. Elevation of the 100-year flood.
5. Floor Elevation. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.13 ACTION ON APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain 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 therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

160.14 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits, issued 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, building 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.

160.15 VARIANCES. The Board of Adjustment 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:

1. Cause. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.
2. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Notice To Applicant. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

160.16 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED. In passing upon applications for variances, the Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. 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.
13. Such other factors which are relevant to the purpose of this chapter.

160.17 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 160.16, the Board of Adjustment 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:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. 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 purposes of this chapter.
5. Floodproofing measures.

160.18 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of 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 (6) 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.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, except 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.

160.19 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 from the Department of Natural Resources.

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ZONING AND SUBDIVISION

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GENERAL PROVISIONS AND DEFINITIONS

165.01 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Zeoring, Iowa.

165.02 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing as of the effective date of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by these regulations.
4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.
5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.04 of Ordinance No. _____ of the City of Zearing, Iowa," together with the date of adoption.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made to the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of these regulations which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned [AG] Agricultural until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.

3. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of the City of Zearing, Iowa."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

165.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated

as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;

8. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the center line of the vacation;

9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.05 DEFINITIONS. For purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word “shall” is mandatory; the word “may” is permissive.

The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied.”

The word “lot” includes the words “plot” or “parcel.”

1. Abutting - Having property or district lines in common.

2. Access - A way of approaching or entering a property from a public street.

3. Accessory Buildings - A subordinate building located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

4. Accessory Use - A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
5. Agricultural Services - Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.
6. Agriculture - The production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or land devoted to a soil conservation or forestry management program. "Agricultural" shall not include livestock confinements of greater than 250 animals unless the owners of said facility reside on the premises.
7. Alley - A public way, other than a street, thirty (30) feet or less in width, affording secondary means of access to abutting property.
8. Basement - A story having part but not more than one-half (1/2) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
9. Bed and Breakfast Houses - A house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
10. Board - The Board of Adjustment.
11. Boarding Houses - A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
12. Building - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
13. Building, Height of - The vertical distance from the average natural grade at the building line to the highest point of the coping of a

flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

14. District - A section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

15. Dwelling - Any building, or portion thereof, designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

16. Dwelling, Multiple - A building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.

17. Dwelling, Single-family - A building designed for or occupied exclusively for residence purposes by one family.

18. Elder Home - Any residential facility which meets the definition of an elder home as defined in Section 414.29 and referenced sections of the Code of Iowa.

19. Family - One or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include three (3), but not more than three (3), persons not related by blood, marriage or adoption but further provide that domestic employees employed on the premises may be housed on the premises without being counted as a family or families. When facilities for dwelling purposes are rented to other occupants of a building, those occupants shall not be considered part of the same family under this chapter.

20. Family Home - A community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.

21. Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

22. Frost-Free Foundation - A foundation supporting a structure which is required to be at least forty-two (42) inches below grade.

23. Garage - A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

24. Garage, Private - A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

25. Garage, Public or Storage - A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

26. Grade - The average elevation of the finished ground at the exterior walls of the main building.

27. Health Care Facility - Any residential care facility, intermediate care facility, or skilled nursing facility.

A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous

nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.

28. Home Occupation - An occupation conducted in a dwelling unit, provided that:

A. No more than one (1) person other than members of the family residing on the premises shall be engaged at any one time on the premises in such occupation, except by special exception by the Board of Adjustment.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty percent (30%) of the gross floor area in the dwelling unit shall be used in the conduct of the home occupation. Any extension of the home occupation beyond thirty percent (30%) of the gross floor area of the dwelling unit shall only be approved by special exception of the Board of Adjustment.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

D. No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

G. All home occupations shall be registered with the Zoning Administrator within twelve (12) months of the effective date of this chapter. If not registered, such home occupations shall lose any legal status provided by this chapter.

29. Hospital - An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

30. Hotel - A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

31. Junk Yard - Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

32. Kennel (Commercial) - An establishment in which dogs or domestic animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold.

33. Lodging House - A building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals,

or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

34. Lot - For purposes of this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

35. Lot Frontage - The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

36. Lot Measurements -

A. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac where eighty (80) percent requirement shall not apply.

B. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

37. Lot of Record - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

38. Lot Types - The chart on the following page illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots as follows:

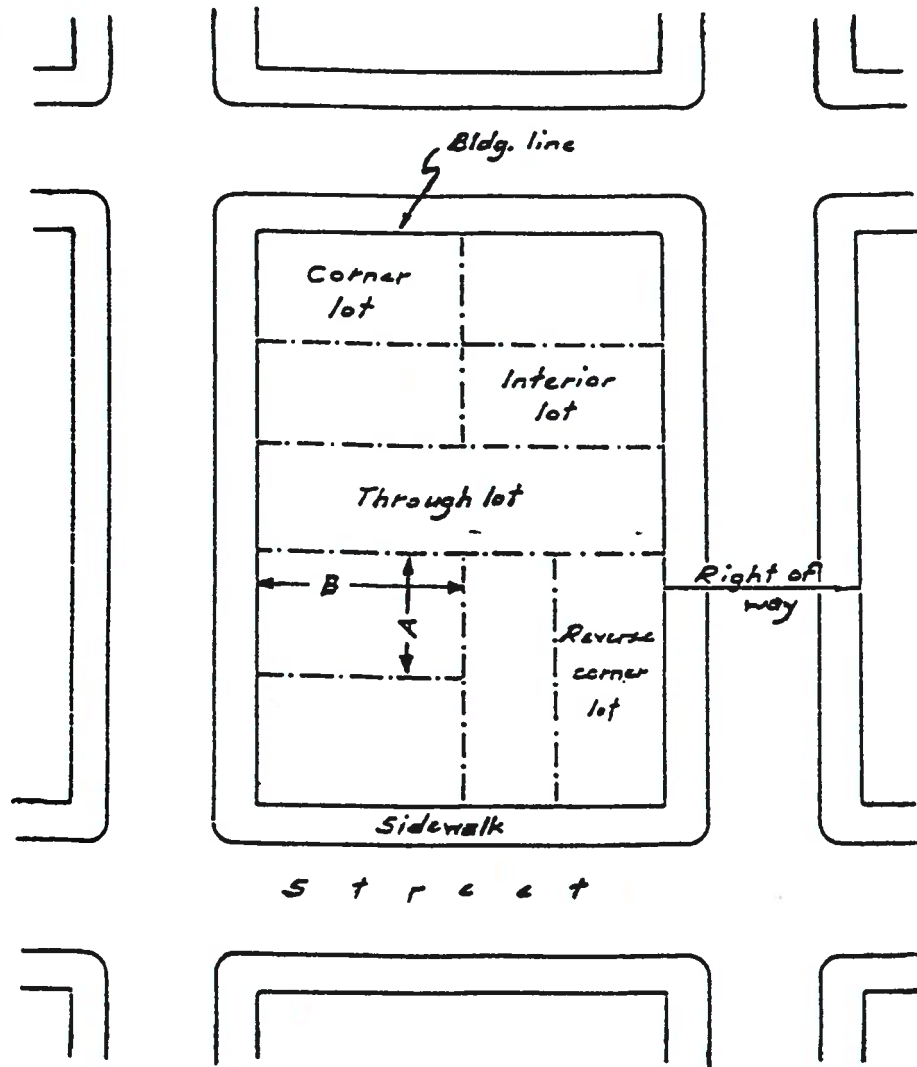
"corner" lot - a lot located at the intersection of two or more streets.

"interior" lot - a lot other than a corner lot with only one frontage on a street other than an alley.

"through" lot - a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as "through" lots.

"reversed corner" lot - a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART — LOT



A - Width of lot

B - Depth of lot

39. **Manufactured Home** - A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

40. **Mobile Home** - Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

41. **Motel (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court)** - A building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest's vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

42. **Nonconformities** - Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of enactment of the ordinance.

43. **Nursing or Convalescent Home** - A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

44. **Parking Space** - An area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

45. **Parking (Off-Street)** - Parking spaces solely developed on privately owned properties and not including any public right-of-way areas.
46. **Permitted Use** - A use by right which is specifically authorized in a particular zoning district.
47. **Principal Use** - The main use of land or structures as distinguished from an accessory use.
48. **Projections (into yards)** - Parts of buildings such as architectural features that extend beyond the building's exterior wall.
49. **Service Station (Gas Station)** - A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.
50. **Setback** - The required distance between every structure and lot line on the lot in which it is located.
51. **Signs** - Any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.
52. **Signs, On-Premises** - An advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.
53. **Signs, Off-Premises** - An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: on-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).
54. **Statement of Intent** - A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.
55. **Story** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

56. Story, Half - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

57. Street - All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

58. Street Line - The right-of-way line of a street.

59. Structural Alteration - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

60. Structure - Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including other structures specifically exempted by City resolution.

61. Swimming Pool - A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

62. Use - The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

63. Variance - A device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.

64. Yard - An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

65. Yard, Front - A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall have two (2) front yards and two (2) side yards. (See chart on following page)

66. Yard, Rear - A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)

67. Yard, Side - A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. (See chart on following page)

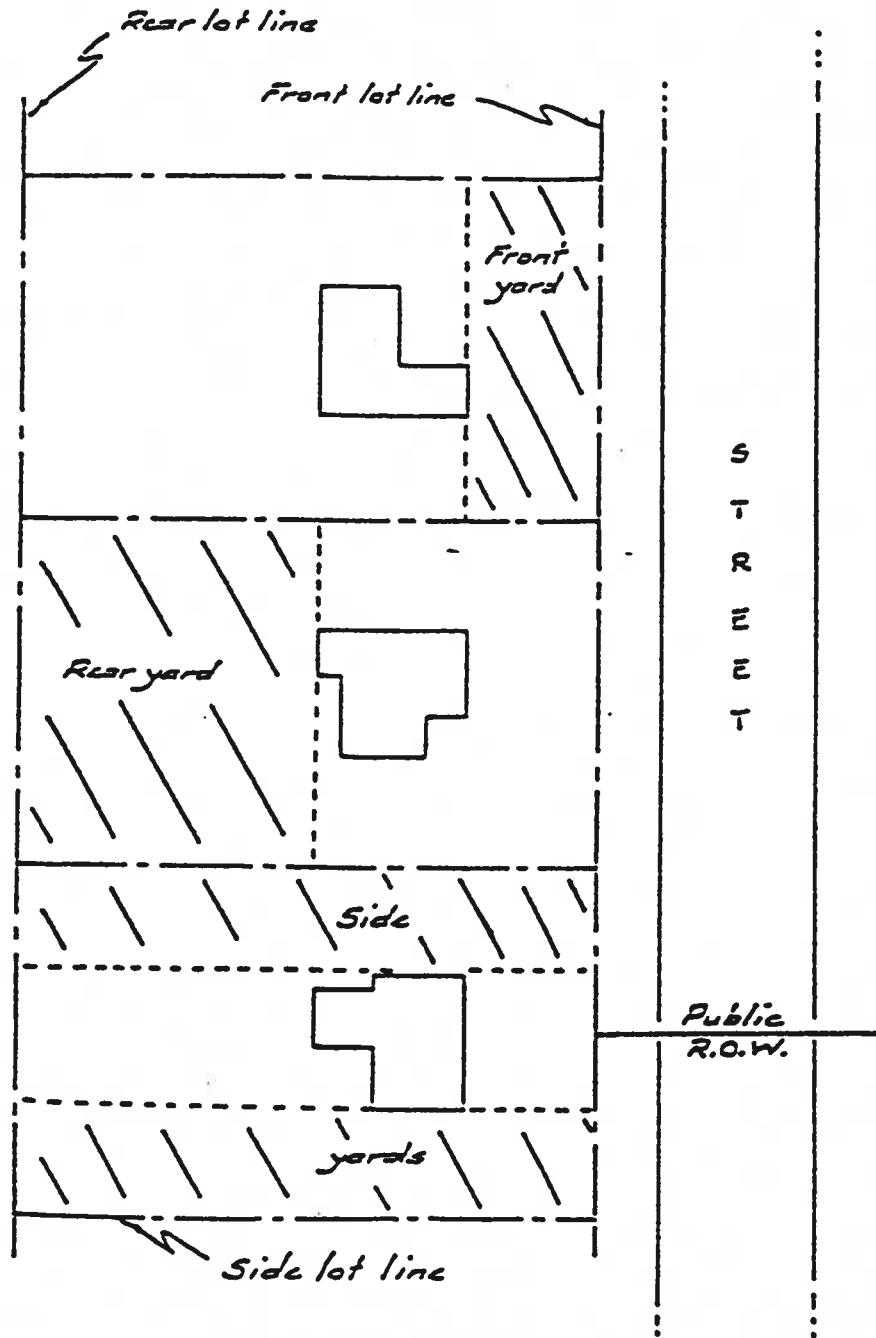
68. Zoning Administrator - The local official responsible for reviewing zoning permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning Administrator.

69. Zoning Commission - A Commission appointed by the Council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this chapter.

70. Zoning District - A section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

71. Zoning Map - The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

CHART — YARD



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NONCONFORMITIES

165.10 NONCONFORMITIES. Within the districts established by this chapter there exist:

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use,

which were lawful before these regulations were adopted or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district; however, it is the intent of this chapter to allow structures which were nonconforming under the previous chapter, but which are conforming under this chapter to be considered legal as of the date of adoption of this chapter and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

165.11 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot

is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

165.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of adoption of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

165.13 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. All nonconforming signs shall be removed within sixty (60) months of the effective date of this chapter.

165.14 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction. Replacement shall begin within six (6) months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within eighteen (18) months of the time of destruction or the nonconforming status shall expire.

165.15 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of adoption or amendment of this chapter shall not be increased.

165.16 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

DISTRICT REGULATIONS

165.20 DISTRICTS ESTABLISHED. The City is herewith divided into the following districts:

AG	Agricultural District
CN	Conservation District
RS	Residential Single-Family District
RM	Residential Multi-Family District
MH	Mobile Home District
HC	Highway Commercial District
BC	Central Business Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

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165.22 AG - AGRICULTURAL DISTRICT.

1. Intent. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.
2. Permitted Uses. The following uses are permitted in the AG District:
 - A. Agriculture, including the usual agricultural buildings and structures and excluding offensive uses and commercial livestock feed confinements that do not meet the definition of "Agricultural."
 - B. Home occupations.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District.
 - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - B. Private garages, barns and other farm buildings.
 - C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
 - D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Cemeteries, crematories or mausoleums.
 - B. Commercial kennels.

- C. Stables, private or public.
 - D. Greenhouses and nurseries.
 - E. Publicly operated sanitary landfills.
 - F. Private recreational camps, golf courses and recreational facilities.
 - G. Public or private utility substations, relay stations, etc.
 - H. Churches or accessory facilities (on or off site).
 - I. Publicly owned and operated buildings and facilities.
 - J. Agricultural services.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
2 acres	300	50	10	50	2½ stories or 35 feet

* No structure shall be allowed closer than 100 feet to any RS or RM District.

** Agricultural accessory buildings are exempted from these requirements.

6. Off-street Parking. The following off-street parking requirements shall apply in the AG District:

- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.
- B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- D. Roadside stands: one (1) parking space for each fifty (50) square feet of enclosed floor area.
- E. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.

7. Off-street Loading. The following off-street loading requirements shall apply in the AG District:

A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

8. Permitted Signs. The following signs shall be permitted in the AG District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the AG District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

I. Signs may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

165.24 CN - CONSERVATION DISTRICT. This district is intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. This district is also intended to provide for water conservation, erosion control, protection of wildlife habitat, protect natural erosion control, protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive areas.

1. Permitted Uses. The following uses are permitted in the CN District.

- A. Undeveloped and unused land in its natural condition.
- B. Public parks and recreation open space.

2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the CN District.

- A. Agriculture, exclusive of dwelling units.
- B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.
- C. Flood control structures.
- D. Roadside stands offering for sale only agricultural products or other products produced on the premises.
- E. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.

3. Special Exceptions. Certain uses may be permitted in the CN District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Cemeteries, crematories or mausoleums.
- B. Stables, private or public.
- C. Greenhouses and nurseries.
- D. Private recreational uses.
- E. Public or private utility substations, relay stations, etc.
- F. Publicly owned buildings and facilities.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the CN District.

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
5 acres	200 feet	50	20	50	2½ stories or 35 feet, excluding farm buildings

5. Off-street Parking. The following off-street parking requirements shall apply in the CN District.

A. Roadside stands: one (1) parking space for each fifty (50) square feet of floor area.

B. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

6. Off-street Loading. The following off-street loading requirements shall apply in the CN District.

A. All activities or uses allowed in the CN District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

7. Permitted Signs. The following signs shall be permitted in the CN District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

8. General Sign Regulations. The following sign regulations shall apply to the CN District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County,

Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

I. Signs may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

9. Floodway and Floodway Fringe Districts. All areas within the flood plain are subject to the City's Floodway and Floodway Fringe District regulations as adopted and which are included in this Code of Ordinances.

165.26 RS - RESIDENTIAL SINGLE-FAMILY DISTRICT.

1. Intent. This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.

2. Permitted Uses. The following uses are permitted in the RS District:

- A. Single-family detached dwellings.
- B. Family homes.
- C. Elder homes.
- D. Home occupations.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District:

- A. Private garages.
- B. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing two (2) acres or more and except within an enclosure at least one hundred fifty (150) feet from any residence now existing or hereafter erected.
- C. Private recreational facilities.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Special Exceptions. Certain uses may be permitted in the RS District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Multi-family dwellings.
- B. Nursery schools.
- C. Public or private utility substations, relay stations, etc.

- D. Churches and church-owned buildings and facilities.
- E. Publicly owned and operated buildings and facilities.
- F. Private schools with a curriculum similar to public schools.
- G. Golf courses but not miniature courses or separate driving tees.
- H. Bed and breakfast houses.
- I. Funeral homes.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

Min. Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
6 RS	6,000	50	25	10	20	2½ stories or 35 feet
10 RS	10,000	80	25	10	25	2½ stories or 35 feet
40 RS	40,000	200	50	20	50	2½ stories or 35 feet

Note: Corner lots shall have two (2) front and two (2) side yards.

6. Off-street Parking. The following off-street parking requirements shall apply in the RS District:

- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.
- B. Two-family dwellings: one (1) parking space on the lot for each dwelling unit.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- E. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each three hundred (300) square feet of gross floor area in the auditorium or gymnasium.

F. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.

G. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.

H. Public buildings and facilities: one parking space for each three hundred (300) square feet of gross floor area.

I. Nursery schools: one (1) parking space per employee.

7. Off-street Loading. The following off-street loading requirements shall apply in the RS District:

A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

8. Permitted Signs. The following signs shall be permitted in the RS District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for

churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the RS District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

- I. Signs may be erected on municipal utility structures by written approval of the City.
- J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

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165.28 RM - RESIDENTIAL MULTI-FAMILY DISTRICT.

1. Intent. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.

2. Permitted Uses. The following uses are permitted in the RM District:

- A. Single-family detached dwellings.
- B. Multi-family dwellings.
- C. Home occupations.
- D. Family homes.
- E. Elder homes.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RM District:

- A. Private garages.
- B. Parking lots.
- C. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing two (2) acres or more and except within an enclosure at least one hundred fifty (150) feet from any residence existing or hereafter erected.
- D. Private recreational facilities.
- E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Special Exceptions. Certain uses may be permitted in the RM District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Nursery schools.

- B. Public or private utility substations, relay stations, etc.
- C. Churches and church-owned facilities and publicly owned and operated buildings and facilities.
- D. Private schools with curriculum similar to public schools.
- E. Lodging houses, dormitories, fraternities and sororities.
- F. Bed and breakfast houses.
- G. Health care facilities.
- H. Hospitals.
- I. Funeral homes.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RM District:

Min. Lot Area Per Dwelling (sq. ft.)	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (feet)
3,000	10,000	80	25	10	25	3 stories or 45 feet

Note: Corner lots shall have two (2) front and two (2) side yards.

6. Off-street Parking. The following off-street parking requirements shall apply in the RM District:

- A. Single-family dwellings: two (2) parking spaces on the lot.
- B. Multi-family dwellings: one (1) parking space on the lot for each dwelling unit.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each three hundred (300) square feet of gross floor area in auditorium or gymnasium.
- E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.

F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.

G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

H. Nursery schools: one (1) parking space per employee.

7. Off-street Loading. The following off-street loading requirements shall apply in the RM District:

A. All activities or uses allowed in the RM District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

8. Permitted Signs. The following signs shall be permitted in the RM District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments,

provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the RM District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

I. Signs may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

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165.30 MH - MOBILE HOME DISTRICT.

1. Intent. This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.
2. Permitted Uses. The following uses are permitted in the MH District:
 - A. Mobile homes located in an approved mobile home park.
 - B. Home occupations.
3. Accessory Uses.
 - A. Private recreational facilities.
 - B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
4. Special Exceptions.
 - A. Public or private utility substation, relay stations, etc.
 - B. Nursery schools.
 - C. Churches or accessory facilities (on or off site).
 - D. Home occupations in accessory buildings.
5. Minimum Mobile Home Park Requirements. All applications for a permit to establish a mobile home park shall contain:
 - A. The area and dimensions of the tract of land.
 - B. The number, location, and size of all mobile home lots.
 - C. The location of water and sewer lines and riser pipes.
 - D. Plans and specifications of the water supply and refuse and sewage disposal facilities.

- E. Plans and specifications for all permanent buildings constructed or to be constructed within the mobile home development.
 - F. The location and details of lighting and electrical systems.
 - G. The Planning and Zoning Commission shall review all applications for permits under the provisions of this chapter, and the applicant may be granted a public hearing before the Planning and Zoning Commission. The results of Planning and Zoning Commission findings shall be forwarded to the City Council for approval of the said plans.
6. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the MH District:
- A. No mobile home shall be located within fifteen (15) feet of any other, within five (5) feet of any driveway or parking space, within forty (40) feet of the right-of-way line of a public street.
 - B. Each mobile home site shall be provided with a stand consisting of a solid, 6-inch thick, poured Portland cement concrete apron not less than eight (8) feet wide and forty-five (45) feet long and a paved outdoor patio of at least one hundred eighty (180) square feet located at the main entrance to the mobile home.
 - C. A greenbelt, at least thirty (30) feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.
 - D. Each mobile home shall be located on a lot having an area of at least 5,000 square feet.
 - E. Each mobile home shall be completely enclosed with skirting.
 - F. Each mobile home park shall be graded and drained so that rain water will not stand in pools or puddles.
 - G. Each mobile home park shall be enclosed by a fence or screen planting so as to provide privacy for the occupants of the park.
 - H. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least four (4) feet wide.
 - I. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following:

(1) No parking on street	1 way	14 feet
	2 way	24 feet
(2) Parallel parking on side	1 way	20 feet
	2 way	30 feet
(3) Parallel parking both sides	1 way	26 feet
	2 way	36 feet

7. Parking and Street Requirements.

A. All required off-street parking space shall be located not further than two hundred (200) feet from the unit or units for which they are designated.

B. A minimum of two off-street parking spaces must be provided for each mobile home unit space provided within the park. The two-unit space for occupant use must be within the distance from the unit established above. In addition, one (1) space per four (4) mobile home units shall be provided within the park.

8. Permitted Signs. The following signs shall be permitted in the MH District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for

churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the MH District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

I. Signs may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

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165.32 HC - HIGHWAY COMMERCIAL DISTRICT.

1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.
2. Permitted Uses.
 - A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
 - B. Offices and clinics.
 - C. Churches and publicly owned and operated buildings, facilities, parks, and campgrounds.
 - D. Hotels and motels.
 - E. Any other retail or service sales business, including food preparation for sale off-premises.
 - F. Publicly owned and operated buildings and facilities.
3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the HC District:
 - A. Private recreational facilities.
 - B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - C. Private garages.
 - D. Parking lots.
 - E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the HC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Public or private utility substations, relay stations, etc.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HC District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
10,000	80	20	10	20	3 stories or 45 feet

Note: Corner lots shall have two (2) front and two (2) side yards.

6. Off-street Parking. The following off-street parking requirements shall apply in the HC District:

- A. Sales and service buildings: one (1) parking space per three hundred (300) square feet of gross floor area.
- B. Offices/clinics: one (1) parking space per three hundred (300) square feet of gross floor area.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.

7. Off-street Loading. The following off-street loading requirements shall apply in the HC District:

- A. All activities or uses allowed in the HC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

8. Signs. Off-premises and on-premises signs are permitted in the HC District and shall comply with the following regulations:

- A. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage. Signs may be illuminated.
- B. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage, or one per individual business.

- C. Such advertising structure may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length.
- D. For corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
- E. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.
- F. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition.
- G. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- H. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- I. No sign may imitate or resemble an official traffic control sign, signal or device.
- J. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- K. Signs shall not encroach or extend over public right-of-way.
- L. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
- M. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- N. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- O. Signs may be erected on municipal utility structures by written approval of the City.
- P. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner

of said sign or owner of property thereunder shall remove or repair same.

165.34 BC - CENTRAL BUSINESS COMMERCIAL DISTRICT.

1. Intent. This district is intended to accommodate the major business and office concentration in the City. It is characterized further by a variety of stores and related activities which occupy the central commercial area of the City. This district is intended to be the single central business district of the City and no other use of this district shall be utilized other than contiguously with the currently established BC District. Bulk regulations further reflect a more in time use and development pattern.

2. Permitted Uses. The following uses are permitted in the BC District:

- A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
- B. Offices/clinics.
- C. Hotels and motels.
- D. Publicly owned and operated buildings and facilities.
- E. Hospitals.
- F. Health care facilities.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the BC District:

- A. Outdoor sales and service.
- B. Private garages.
- C. Parking lots.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- E. Accessory uses customarily incidental to any permitted principal use.

4. Special Exceptions. Certain uses may be permitted in the BC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Service stations.
- B. Warehousing.

- C. Churches or accessory facilities (on or off site).
- D. Outdoor storage.
- E. Dwellings.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the BC District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
None	None	None	None	None	3 stories or 45 feet

6. Off-street Parking.

None required.

7. Off-street Loading. The following off-street loading requirements shall apply in the BC District:

A. All activities or uses allowed in the BC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

8. Signs. Off-premises and on-premises signs are permitted in the BC District and shall comply with the following regulations:

A. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage. Signs may be illuminated.

B. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage, or one per individual business.

C. Such advertising structure may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length.

D. For corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.

E. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.

- F. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition.
 - G. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - H. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - I. No sign may imitate or resemble an official traffic control sign, signal or device.
 - J. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - K. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
 - L. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - M. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - N. Signs may encroach, extend or overhang a public right-of-way but in no instance shall said sign be closer than two (2) feet to the street line.
 - O. Signs may be erected on municipal utility structures by written approval of the City.
 - P. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.
9. Awnings. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) 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 full passage of pedestrians.

165.36 LI - LIGHT INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a fence at least six (6) feet high and said fence being within required building lines. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.
2. Permitted Uses. The following uses are permitted in the LI District:
 - A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
 - B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
 - C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
 - D. Assembly of appliances and equipment, including manufacture of small parts.
 - E. Wholesale distribution of all standard types of prepared or packaged merchandise.
 - F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six (6) feet high and said fence being within required building lines.
 - G. Contractors' offices and storage of equipment.
 - H. Public or private utility substations, relay stations, etc.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District.

- A. Accessory buildings and uses customarily incidental to a permitted use.
 - B. Living quarters for watchmen or custodians of industrial properties.
4. Special Exceptions. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
10,000	80	30	15	30	3 stories or 45 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the LI District:
- A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
 - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
7. Off-street Loading. The following off-street loading requirements shall apply in the LI District:
- A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
8. Signs. Off-premises and on-premises signs are permitted in the LI District and shall comply with the following regulations:
- A. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a residential district. Such signs may be illuminated.

B. The total surface area of all business signs on a lot shall not exceed three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.

C. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.

D. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

F. No sign may imitate or resemble an official traffic control sign, signal or device.

G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

H. Signs shall not encroach or extend over public right-of-way.

I. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

J. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

K. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

L. Signs may be erected on municipal utility structures by written approval of the City.

M. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

165.38 HI - HEAVY INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final City Council approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses are permitted.

2. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before a zoning permit is issued:

- A. Acid manufacture.
- B. Cement, lime, gypsum, or plaster of paris manufacture.
- C. Distillation of bones.
- D. Explosive manufacture or storage.
- E. Fat rendering.
- F. Fertilizer manufacture.
- G. Gas manufacture.
- H. Garbage, offal, or dead animals, reduction or dumping.
- I. Glue manufacture.
- J. Petroleum, or its products, refining of.
- K. Smelting of tin, copper, zinc, or iron ores.
- L. Stockyards or slaughter of animals.
- M. Junk yards. Must be surrounded by a solid fence at least six (6) feet high located within building lines and the junk piled not higher than the fence.
- N. Commercial livestock confinements not meeting the definition of "Agricultural."

Before granting such separate approval, the City Council shall refer applications to the Commission for study, investigation and report. If no report is received in thirty (30) days, the City Council may assume approval of the application.

The City Council shall then, after holding a public hearing, consider all of the following provisions in its determination upon the particular use at the location requested:

(1) That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;

(2) That such use shall not impair an adequate supply of light and air to surrounding property;

(3) That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;

(4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and

(5) That such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

3. Required Conditions.

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and Federal regulations.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where adjoining a railroad right-of-way, and fifty (50) feet from any commercial boundary.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District.

A. Accessory buildings and uses customarily incidental to a permitted use.

B. Living quarters for watchmen or custodians of industrial properties.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
10,000	80	30	15	30	3 stories or 45 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the HI District:
 - A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
 - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
7. Off-street Loading. The following off-street loading requirements shall apply in the HI District:
 - A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
8. Signs. Off-premises and on-premises signs are permitted in the HI District and shall comply with the following regulations:
 - A. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a residential district. Such signs may be illuminated.
 - B. The total surface area of all business signs on a lot shall not exceed three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.
 - C. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.
 - D. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
 - E. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - F. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

G. No sign may imitate or resemble an official traffic control sign, signal or device.

H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

I. Signs shall not encroach or extend over public right-of-way.

J. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

K. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

L. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

M. Signs may be erected on municipal utility structures by written approval of the City.

N. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

SUPPLEMENTARY DISTRICT REGULATIONS**165.40 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.
2. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
3. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
4. Accessory Buildings/Structures. No accessory building/structure may be erected in any required front yard and no separate accessory building/structure may be erected within five (5) feet of a main building. No accessory building/structure shall be closer than five (5) feet to the rear or side lot line. Accessory buildings/structures located in the rear yard may not occupy more than thirty (30) percent of the rear yard. No accessory building/structure shall be used without occupancy of the principal building. If a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be fifteen (15) feet. No accessory building shall exceed fifteen (15) feet in height.
5. Fences. No fence more than four (4) feet high may be located on any part of a lot except fences less than seven (7) feet high may be erected on those parts of a lot that are as far back or further back from a street than the main building. Higher fences may be allowed by special exception only. The front side (or good side) of the fence will face the neighbor, and the back side of the fence will face the property of the owner who has applied for the building permit to erect the fence. Zoning

Administration will be the board that deems if a survey is needed to define property lines. The survey will be done at the property owner's expense.

6. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the height regulations provided in specific district regulations.

7. Projections. Sills, belt courses, cornices, and ornamental features may project only two (2) feet into a required yard.

8. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning Administrator.

9. Porches. Open, unenclosed porches may extend ten (10) feet into a front yard.

10. Terraces/Decks. Terraces/decks which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least six (6) feet from the adjacent side lot line. Multiple levels are allowed at or below the ground floor elevation. Terraces/decks may project ten (10) feet into the required front yard. No terraces/decks, subject to this subsection, shall have a permanent roof-type structure.

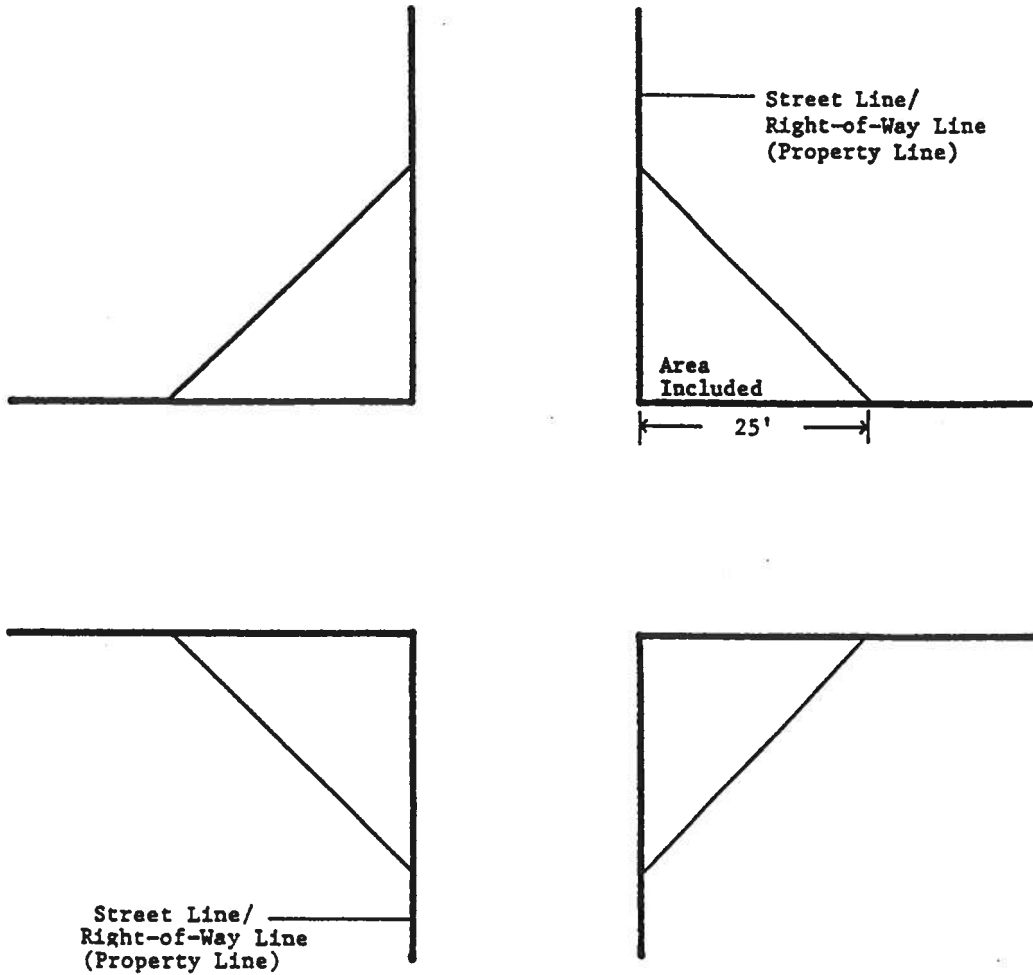
11. Service Lines. Nothing in these regulations shall have the effect of prohibiting utility service lines.

12. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of the intersection (see Diagram on following page).

13. Parking Spaces. All vehicular parking spaces located in required front yards shall be a minimum of ten (10) feet in width and be surfaced with gravel, concrete, or asphalt.

DIAGRAM

Corner Lots — Yards and Visibility



14. Swimming Pools. Private swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards. All above-ground swimming pools over twenty-four (24) inches in height must have a fence of not less than forty-eight (48) inches in height from ground level and shall be equipped with a self-locking gate across any opening or removable ladder, so as to render the swimming pool inaccessible when the swimming pool is not in use. All swimming pools and fences must be granted a permit by the Council before construction begins.

15. Satellite Dishes. Satellite dishes less than two (2) meters in diameter are not regulated by this chapter. Satellite dishes larger than 2 meters in diameter shall be allowed in all districts except in front yards. The placement of such satellite dish antennas, either permanent or temporary, shall be treated as accessory structures. When such dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of twelve (12) feet except for commercial use.

16. Planned Unit Development. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Council of the City of Zearing, Iowa, a plan for the use and development of the entire tract of land. The development shall be referred to the Planning Commission for study and report and for public hearing. If the Commission approves the development plan, the plan, together with the recommendation of the Commission, shall then be submitted to the City Council for consideration and approval. If the City Council approves the plan, a zoning/building permit may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plans do not conform in all respects to the district regulations of the district in which it is located except as follows:

- A. Only uses permitted in the "R" Districts shall be permitted.
- B. The average lot area per family contained in the proposed plan, exclusive of the area occupied by right-of-way, will not be less than the lot area per family required in the district in which the development is located.
- C. Said area shall then be designated on the Official Zoning Map.

ADMINISTRATION

165.50 ADMINISTRATION AND ENFORCEMENT. A Zoning Administrator designated by the City Council shall administer and enforce these regulations. The Administrator may be provided with the assistance of such other persons as the City Council may direct.

165.51 ZONING/BUILDING PERMIT REQUIRED. No building, fence, driveway, sidewalk or other structure or portion thereof, including signs, shall be erected, moved, demolished, or added to, without a zoning/building permit therefor issued by the Zoning Administrator. These permit requirements shall not apply to real estate or political signs. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for zoning/building permits shall be as provided by Council resolution. Zoning/building permits shall be applied for with the City Clerk and shall expire two (2) years after the date of issuance if work is begun within one hundred eighty (180) days of issuance or after one hundred eighty (180) days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning Administrator for good cause.

165.52 RESIDENTIAL DWELLING STANDARDS. All single-family dwelling units shall meet the following minimum standards:

1. The minimum width of a dwelling structure or principal building shall be twenty-two (22) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.
2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
3. All dwelling units shall provide for a minimum of nine hundred (900) square feet of floor space.

165.53 COMMERCIAL INDUSTRIAL STANDARDS. All commercial and industrial buildings shall be placed on a permanent frost-free foundation.

165.54 ZONING COMMISSION. In order to avail itself of the powers conferred by this chapter, the Council shall provide for a Zoning Commission.

Such Commission shall, with due diligence, prepare reports and hold public hearings on issues under this chapter and such Council shall not hold or take action until it has received the report or reports of such Commission.

BOARD OF ADJUSTMENT**165.60 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.**

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in that person's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning Administrator.

165.61 BOARD OF ADJUSTMENT; POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Zearing affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator, and with the Board a notice of

appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City thereof, and decide the same within thirty (30) days. At said hearing, any party may appear in person, by agent or by attorney.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City thereof, and decide the same within thirty (30) days.

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring, lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City thereof, and decide the same within thirty (30) days.

C. The Public Hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Adjustment shall make findings that requirements of Section 165.61 have been met by the applicant for a variance.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under this chapter. The variance shall become effective upon receiving in the office of the County Recorder and the copy filed with the City Clerk. These recording costs shall be paid for by the applicant.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

E. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

165.62 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

ENFORCEMENT AND AMENDMENTS

165.70 ADMINISTRATION. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, or that person's assistant, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

165.71 AMENDMENTS. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than twenty (20) days prior to the hearing.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths ($\frac{3}{4}$) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

165.72 PENALTIES FOR VIOLATION. Failure to comply with the provisions of this chapter or with any of its requirements (including violations

of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a violation of this chapter. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

165.73 SCHEDULE OF FEES, CHARGES, AND EXPENSES. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Administrator, and the City Clerk, and may be altered or amended only by the City Council, as recommended by the Planning and Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

165.74 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

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CHAPTER 166

SUBDIVISION CONTROL

166.01 Purpose
166.02 Jurisdiction
166.03 Definitions
166.04 Procedure
166.05 Subdivision Design Standards
166.06 Preliminary Plan Requirements

166.07 Final Plat and Accompanying Material
Requirements
166.08 Fees
166.09 Variations and Exceptions
166.10 Enforcement
166.11 Changes and Amendments

166.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

166.02 JURISDICTION. In accordance with the provisions of Chapter 354 of the Code of Iowa and mandatory acts thereto, these regulations are adopted by the City governing the subdivisions of all lands within the corporate limits of the City and governing subdivisions of all lands within two (2) miles of the corporate limits.

166.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined.

1. "Access street" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
2. "Block" means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
3. "Building line" means that building lines shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by regulations. Such building lines shall not be less than required by the zoning regulations. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.

4. "City Engineer" means the City Engineer, consulting engineer, or any other agent of the City designated to fulfill the function of City Engineer with respect to these regulations.
5. "Collector streets" means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
6. "Commission" means the Planning and Zoning Commission of the City of Zearing, Iowa.
7. "Cul-de-sac" means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.
8. "Easement" means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the Grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
9. "Engineer" means a registered engineer authorized to practice civil engineering as defined by the registration act of the State of Iowa.
10. "Half Street" means a one-half width street right-of-way on the boundary of a subdivision dedication by the subdivider to the City; for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.
11. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or building development.
12. "Major thoroughfare" means a street used primarily for fast, large volume traffic.
13. "Minor Street" means a street used primarily for access to the abutting properties.
14. "Performance Bond" means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by these regulations. Said cost being estimated by the City Engineer and said surety bond or cash deposit being legally

sufficient to secure to the City that said improvements will be constructed in accordance with these regulations.

15. "Plat" means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record.

16. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back of curbs.

17. "Subdivision" means the division of land into three (3) or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

18. "Surveyor" means a registered surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa.

166.04 PROCEDURE. Subdivision approval procedure is as follows:

1. Submission. Whenever the owner of any tract or parcel of land within the jurisdiction of these regulations wishes to subdivide or plat the same, the owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit three (3) copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 166.06.

2. Referral. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine said plat as to its compliance with the regulations of the City, the existing street system, and good engineering practices, and shall, as soon as possible, submit the findings to the Commission.

3. Commission Review and Recommendation. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by the subdivider. Before approving a preliminary plan, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to

affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within forty-five (45) days after the date of submission of said plat to the Commission. Upon receiving recommendations of the Commission, the Council shall consider the same and if the plat is found to conform to the provisions of these regulations, the Council shall approve the preliminary plat.

4. Effective Period of Preliminary Plat Approval. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within one hundred eighty (180) days after the date of said preliminary plat approval.

5. Approval of Final Plat. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined in Section 166.05(5).

166.05 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

1. Streets. Street design standards are as follows:

A. Comprehensive Plan. All proposed plats and subdivisions shall conform to the comprehensive plan if adopted. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.

B. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.

C. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will

eventually be extended beyond the plat, but is temporarily dead-ended, an interim turn-around may be required.

D. Street Intersections. Street intersections shall be as nearly at right angles as possible.

E. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turn-around having a street property line diameter of at least one hundred five (105) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-around and the lead-in portion of the street shall be rounded at a radius of not less than fifty (50) feet; or equal straight approach lines. A turn-around diameter greater than one hundred five (105) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

F. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplications or close similarity of names.

G. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

H. Half Street. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

I. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for offstreet loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

J. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any

stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City and easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easement shall be approved by the City Engineer. The total width of the easement shall be adequate to provide for these purposes, and said easement shall be a minimum of fifty (50) feet on each side of the centerline of the stream or water course.

K. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

L. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

M. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the traffic way.
- (2) A series of cul-de-sac or short loops entering from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- (3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the traffic way.

N. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

O. Railroads. If a railroad is involved, the subdivision plan should:

- (1) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
- (2) Provide cul-de-sac at right angles to the railroad so as to permit lots to back there unto.

P. Street Widths. The minimum width for streets shall be as follows:

- (1) Collector streets or secondary thoroughfares:

Right-of-way	Seventy (70) feet
Roadway	Thirty-one (31) feet

- (2) Minor Streets:

Right-of-way	Fifty (50) feet
Roadway	Twenty-five (25) feet

Q. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates of grades, or greater, if deemed necessary to the City Engineer; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

2. Blocks. Block design standards are as follows:

A. Length. No block shall be longer than one thousand three hundred and twenty (1,320) feet. The one thousand three hundred and twenty (1,320) feet distance may be reduced by the City if it is considered to be excessive in its particular application.

B. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15)

feet; unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.

3. Lots. Lot design standards are as follows:

A. Minimum Residential Lot Requirements. The minimum residential lot requirements for all areas not presently zoned are as follows:

- (1) Lot width: Fifty (50) feet
- (2) Lot length: One hundred (100) feet
- (3) Lot area: Five thousand (5,000) square feet
- (4) Front yard setback: Twenty-five (25) feet
- (5) Side yard setback: Five (5) feet
- (6) Rear yard setback: Ten (10) feet

B. Corner Lots - Widths. Corner lots shall have a minimum width of sixty (60) feet in order to permit adequate building setbacks on both front and side streets.

C. Double Frontage Lots - Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial industrial lots.

D. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.

E. Lot Size - Public Sewer Not Available. For the purpose of complying with minimum health standards, lots which can not be reasonably serviced by an existing public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

4. Improvements. Required improvements are as follows:

A. General. The subdivider shall install and construct all improvements required by these regulations. All required improvements shall be installed and constructed in accordance with "Specifications for New Subdivision Improvements" on file in the office of the Clerk, under the supervision of the Council, and to its satisfaction. Inspection shall be provided by the City, at the subdivider's expense, as deemed necessary to assure quality workmanship on all portions of the construction to be dedicated

to the City. Said inspection costs shall be paid by the subdivider before final approval will be given.

B. Grades. All streets, alleys, and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.

C. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four (4) feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades approved by the City Engineer.

D. Water and Sewers. Water mains, sanitary sewer lines, and storm sewers and their appurtenances shall be constructed and installed in accordance with the plans and specifications adopted by the Council. Water and sewer lines shall be made accessible to each lot.

E. Utilities. The subdivider shall make necessary arrangements for the installation of all utilities, electrical, telephone, etc. All utilities shall be constructed underground. All utility plans must be approved by the Council.

5. Approval of Final Plat, and Final Acceptance of Improvements. Provisions for the final approval and acceptance of the final plat and improvements are as follows:

A. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; and the City Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the City. Maintenance bonds shall be in the name of contractors who have done the work. Maintenance bonds shall be in effect from passage of resolution of acceptance by the Council, then for the following number of years:

Concrete paving - four (4) years

Graded stone base and seal coat - two (2) years

Storm sewers and appurtenances - two (2) years

Sanitary sewers and appurtenances - two (2) years

Water mains and appurtenances - two (2) years

Sidewalks - four (4) years

These requirements for the construction of all improvements may be waived, if the subdivider will post a performance bond or certified check with the Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after all construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

B. Resubdivisions. The Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

166.06 PRELIMINARY PLAN REQUIREMENTS. The preliminary plan of a subdivision is not intended to serve as a record plan. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or representative, may call at the City offices in advance of the preliminary plan in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plan.

1. Number of Copies and Scale. Three (3) copies of the preliminary plan shall be submitted as prescribed for review. The scale of the map shall be one inch equals fifty (50) feet on small subdivisions, and one

inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.

2. Contents of Preliminary Plan. Preliminary plan contents are as follows:

- A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
- B. Name and address of recorded owner and of developer.
- C. Name and address of engineer and/or land surveyor.
- D. Existing building, railroads, underground utilities, and other right-of-way.
- E. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
- F. Location and names of adjoining subdivisions and the names of the owners of adjoining acreage parcels.
- G. Proposed lot lines with approximate dimensions and the square foot area of nonrectangular lots.
- H. Areas dedicated for public use, such as schools, parks and playgrounds.
- I. Contour lines at intervals of not more than five (5) feet.
- J. Building setback lines.
- K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- L. Zoning classification of the area.
- M. Proposed utility service.
 - (1) Source of water supply.
 - (2) Provision for sewage disposal.
 - (3) Provision for storm water drainage.
- N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- O. Lot numbers.
- P. Proposed street widths.

3. Accompanying Material. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as

shown on the plat and showing any encumbrances that may exist against said land.

Any plat that can not reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

166.07 FINAL PLAT AND ACCOMPANYING MATERIAL REQUIREMENTS. Final plat requirements are as follows:

1. Number of Copies and Scale. When and if the preliminary plan is approved, the subdivider shall submit six (6) copies of the final plat for review by the Commission. The scale of the map shall be one inch equals fifty (50) feet on small subdivisions, and one inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.
2. Contents of Final Plat. Contents of the final plat are:
 - A. Name of subdivision.
 - B. Scale.
 - C. Compass point.
 - D. Curve data including delta angle, length of arc, degree of curve, tangent.
 - E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles.
 - F. Exact name, location, width, lot designation, and center line of all streets within the subdivision.
 - G. Easements for public utilities showing width and use intended.
 - H. Building setback lines with dimensions.
 - I. Official legal description of the property being subdivided.
 - J. Lot numbers.
 - K. Certification of registered engineer and/or land surveyor.
 - L. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.
 - M. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's Office.

3. Accompanying Material. The following material shall accompany the final plat:

A. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

C. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.

D. The following certificates:

(1) A statement by the owner and spouse, if any, that the subdivision is with the owners' free consent and is in accordance with the desire of the owners. This statement must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.

(2) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds.

(3) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

(4) Resolution and certificate for approval by the Council and signature of the Mayor and Clerk.

(5) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the

certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

(6) The performance bond and maintenance bond, if any.

166.08 FEES. Before a preliminary plat may be considered by the Commission, the subdivider or the agent shall deposit with the City Treasurer a fee of ten (\$10.00) dollars.

166.09 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Council, upon recommendations of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area is protected and the general intent and spirit of these regulations is preserved.

166.10 ENFORCEMENT. No plat or subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in a manner prescribed herein. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance of any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein, and accepted by the Council as a public street.

166.11 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

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