

CODE OF ORDINANCES

OF THE

CITY OF

PLEASANTVILLE,

IOWA

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CODE OF ORDINANCES

CITY OF PLEASANTVILLE, IOWA

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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 Pleasantville, 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 Pleasantville, Iowa.
3. "Clerk" means the city clerk of Pleasantville, 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 Pleasantville, Iowa.
6. "Council" means the city council of Pleasantville, Iowa.
7. "County" means Marion County, Iowa.
8. "IAC" means the Iowa Administrative Code.
9. "May" confers a power.
10. "Measure" means an ordinance, amendment, resolution, or motion.
11. "Must" states a requirement.
12. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
13. "Ordinances" means the ordinances of the City of Pleasantville, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board, or officer or employee

of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny, or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

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

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

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CHAPTER 2

CHARTER

2.01 Title

2.02 Form of Government

2.03 Powers and Duties of City Officers

2.04 Number and Term of Council

2.05 Term of Mayor

2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Pleasantville, Iowa.

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

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

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CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties

3.04 Civil Citations
3.05 Alternative Relief
3.06 Alternative Penalties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.06 ALTERNATIVE PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal

penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

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

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CHAPTER 4

BOUNDARIES

4.01 CORPORATE LIMITS. The corporate limits of the City are described as follows:

Beginning at the northwest corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, Township 76 North, Range 21 West of the 5th P.M.; thence east to the southwesterly C. B. & Q. Railroad Company right-of-way line; thence southeasterly along said southwesterly C. B. & Q. Railroad Company right-of-way line to the west line of the SW $\frac{1}{4}$ of Section 10, Township 76 North, Range 21 West of the 5th P.M.; thence south to the northwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10; thence east to the northeast corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10; thence south to a point 2.685 chains south of the northeast corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 76 North, Range 21 West of the 5th P.M.; thence west to a point 2.685 chains south of the northeast corner of Section 21, Township 76 North, Range 21 West of the 5th P.M.; thence south to the southeast corner of the NE $\frac{1}{4}$ of said Section 21; thence west to the southwest corner of the NE $\frac{1}{4}$ of said Section 21; thence north to the southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21; thence west to the southwest corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21; thence north to the northwest corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 9; thence east to the point of beginning.

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CHAPTER 5

OPERATING PROCEDURES

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

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

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to 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[3a])

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

5.12 GRIEVANCE PROCEDURES.

1. Definitions. For purposes of this chapter the following terms are defined:
 - A. "Grievance" means a claim by the grievant that there has been a violation, misinterpretation, or misapplication of a rule or policy of the City. A "grievance" shall not apply to any matter to which the Council is without authority to act.
 - B. "Grievant" means a person filing the grievance.
 - C. "Days" means calendar week days.

If grievances of a similar nature are filed, the Supervisor, at their discretion, may treat them as one.

2. Time Limit. If the stipulated time limits are not met by the Supervisor, the grievant shall have the right to appeal to the next step of the procedure. If the grievant does not fulfill their obligations in the required time limits, the grievance shall be considered solved.
3. No Reprisals. No reprisals of any nature shall be taken by the Council or supervisors against any grievant because of the grievant's participation in the grievance procedure. Likewise, documents, communications, and records dealing with the processing of a grievance shall be filed separately and apart from the personnel files of the participants.
4. Rights to Representation. A grievant may be represented by one or more persons, including legal counsel at all levels of the grievance procedure. The grievant shall inform the Mayor in writing if the grievant is going to have a representative and who the representative will be at least three days prior to the scheduled meeting for any step.
5. Procedure.
 - A. Step One. Within 10 days of the act, which is the basis for the grievance, the grievant shall present the completed grievance forms to the immediate Supervisor. The Supervisor must, within 10 days, respond to the grievance. Such action may include a meeting between the grievant, representatives, and the Supervisor. Written response on the proper form is mandatory.
 - B. Step Two. If the grievant is not satisfied with the disposition of their grievance at step one, they shall, within 10 days, appeal to the Mayor. Such appeal must be in writing on the proper forms. The Mayor shall, within the following 10 days, hold a meeting and respond in writing to the appeal.
 - C. Step Three. If the grievant is not satisfied with the disposition of the grievance at step two, the grievant shall, within 10 days, appeal to the Council. Such appeal must be in writing on the proper forms and be filed with the Clerk. The Council must hold a hearing within the following 15 days. Within five days of the conclusion of the hearing, the Council shall render a written decision to the grievant.
6. General Provisions. All documents, memoranda, statements, communications, and records or copies thereof, pertaining to the processing of a grievance, shall be separately maintained in the office of the Clerk in the name of the grievant and separate from the personnel and employment files and records of the grievant. Said materials shall be available to all parties involved in a grievance procedure.
7. Grievance Forms. Copies of the forms to be used in the grievance procedure may be obtained from the Clerk.
8. Access to Information, Files and Records. All information or any portion thereof contained in the employment file, files, statements, and records of the City pertaining to the grievant, including grievance files, documents, memoranda, statements, and records, may be reviewed and considered at all levels of the grievance procedure and may become open to the public at any open public meeting, unless a closed session is required or occurs as provided for by law. Such materials, files and records shall be available to all parties involved in a grievance procedure.

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CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

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

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

(Code of Iowa, Sec. 45.4)

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

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

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

7.05 Operating Budget Preparation
7.06 Budget Amendments
7.07 Accounting
7.08 Financial Reports

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

4. Change Fund. The finance officer is authorized to establish a change fund for the purpose of making change without comingling other funds to meet the requirements of the office.

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

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance, or resolution.

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, was properly budgeted, and supported by a claim approved by the Council.

3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

(545 IAC 2.5[2])

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

(545 IAC 2.5[3])

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

(545 IAC 2.5[4])

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

A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and

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

(545 IAC 2.5[5])

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

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

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.

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

4. Annual Statement.

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

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

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

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

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

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

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

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

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

6. Notice of Hearing. Following, and not until the requirements of Subsection 4 of this section are completed, the Council shall set a time and place for public hearing on the budget to be held before April 30 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget

and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection must be filed with the County Auditor.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

(545 IAC 2.2)

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

(545 IAC 2.3)

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

(545 IAC 2.4)

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

(545 IAC 2.4)

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

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

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.

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

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

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

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose

8.02 Definitions

8.03 Period of Partial Exemption

8.04 Amounts Eligible for Exemption

8.05 Limitations

8.06 Applications

8.07 Approval

8.08 Exemption Repealed

8.09 Dual Exemptions Prohibited

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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CHAPTER 10

URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
96-08-32	August 19, 1996	1996 Downtown Urban Renewal Area
98-04-45	April 20, 1998	North Field Addition, Plat Six Project Area
02-05-02	July 15, 2002	Adreon's First Addition Project Area
02-05-03	July 15, 2002	North Field Addition, Plat Seven Project Area
03-12-04	December 1, 2003	Stubbs Addition
04-07-03	July 26, 2004	Cascade Manufacturing Co. Project Area
05-11-09	November 21, 2005	Koethe Addition, Plat 1 Project Area
07-10-17	October 22, 2007	Pleasantville Urban Renewal Project Area
07-10-18	October 22, 2007	Pleasantville Urban Renewal Project Area
1708	August 21, 2017	2017 Springview Urban Renewal Area
1803	July 16, 2018	Pleasantville Urban Renewal Area
1806	October 15, 2018	Pleasantville Urban Renewal Area
1807	November 19, 2018	November 2018 Addition to the Pleasantville Urban Renewal Area
2102	February 16, 2021	Formally Retiring the Dr. Thomas Mohr Urban Renewal Area
2103	February 16, 2021	Formally Retiring the Koethe Addition Plat 1 Urban Renewal Area
2104	February 16, 2021	Formally Retiring the Adreon's First Addition Urban Renewal Area
2105	February 16, 2021	Formally Retiring the Joseph V. Stubbs Project Area
2106	February 16, 2021	Formally Retiring the Cascade Manufacturing Co. Project Area
2107	February 16, 2021	Formally Retiring the Pleasantville Building Supply Inc., North Field Addition, Plat 7 Urban Renewal Area
2301	January 17, 2023	Formally Retiring the North Field Addition Plat 6 TIF District
2302	January 17, 2023	Formally Retiring the Downtown 1996 Tax Increment Financing District
2304	April 18, 2023	2023 Pleasantville Adkins Urban Renewal Area

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CHAPTER 11

URBAN REVITALIZATION

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
12-09	April 16, 1990	Pleasantville Revitalization Area
07-06-03	June 18, 2007	Industrial Exemption Rates
11-02-03	February 21, 2011	Extend Plan for Additional Five-Year Period
1602	November 16, 2015	Extend Plan for Additional Five-Year Period

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:
(*Code of Iowa, Sec. 372.4*)

1. Mayor Pro Tem
2. Police Chief
3. Parks and Recreation Board
4. Library Board of Trustees, with Council Approval

15.04 COMPENSATION. The salary of the Mayor is \$25.00 per year for each regulation or special meeting attended, plus \$75.00 per month for expenses, paid monthly.
(*Code of Iowa, Sec. 372.13[8]*)

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

(*Code of Iowa, Sec. 372.4*)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 17

CITY COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

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

(Code of Iowa, Sec. 372.4 and 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Ch. 26)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
(Code of Iowa, Sec. 372.13[5])
3. Quorum. A majority of all Council members is a quorum.
(Code of Iowa, Sec. 372.13[1])
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13[5])
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning and Zoning Commission
5. City Engineer
6. Board of Adjustment
7. City Inspector

17.06 COMPENSATION. The salary of each Council member is \$10.42 per meeting. Each Council member shall also receive \$10.00 for each special meeting that said Council member attends. The Council shall receive compensation the last payroll of every quarter.

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

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CHAPTER 18

CITY CLERK

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

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

18.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a Clerk to serve annually. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

City Hall
Post Office
People's Bank

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

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

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

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

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

18.09 ATTENDANCE AT MEETINGS. The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of

committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

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

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

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, shall consist of five (5) resident or non-resident members. All members are to be appointed by the Mayor with the approval of the Council.[†] (*Ord. 2308-2023 – Feb. 24 Supp.*)

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident members of the Board shall be bona fide citizens and residents of the unincorporated County. Members shall be over the age of 18 years.

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

1. Term of Office. All appointments to the Board shall be for staggered terms, except to fill vacancies. Each term shall commence on July 1.[‡] Appointments shall be made on a staggered basis so that two members will be appointed for two years, two members will be appointed for three years, and one member will be appointed for four years. Once each appointment comes up for renewal, the renewal period will be for a four-year term.
2. Vacancies. The position of any Trustee shall be deemed vacated if such member is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. 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.
(*Section 22.04 – Ord. 2308-2023 – Feb. 24 Supp.*)

[†] **EDITOR'S NOTE:** A change in the makeup of the Library Board of Trustees was first approved by election of the residents on Tuesday, November 7, 2023, with 216 votes in favor and 68 votes against.

[‡] **EDITOR'S NOTE:** A change in the timing of appointment of Trustees was first approved by election of the residents on Tuesday, November 7, 2023, with 221 votes in favor and 61 votes against.

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.
2. Physical Plant. To have charge, control, and supervision of the Library, its appurtenances, fixtures, and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Library Director, and authorize the Library Director to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Library Director, 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 Library Director, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.
6. Purchases. To select, or authorize the Library Director to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government, and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises, and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises, and bequests accepted by the City by action against the Council.
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for

the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.20 and 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

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CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of five members appointed by the Council. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 and 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. Recommendations on Improvements. The design and proposed location of public improvements shall be submitted to the Commission for its recommendations prior to any actions being taken by the City for the construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon

action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

PARKS AND RECREATION BOARD

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

24.04 Reports
24.05 Rules

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

24.02 BOARD ORGANIZATION. The Board shall consist of five members, all residents of the City, appointed by the Mayor with the approval of the Council, for overlapping terms of four years. The Board shall annually choose from its membership a Chairperson, Vice Chairperson, and Secretary. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.

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

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

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

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CHAPTER 25

CITY ADMINISTRATOR

25.01 Appointment and Term
25.02 Compensation
25.03 Administrative Responsibility

25.04 Qualifications
25.05 Duties
25.06 Council Relations

25.01 APPOINTMENT AND TERM. The Council shall appoint by majority vote of all members the City Administrator, who shall hold office at the discretion of the Council. The Council may, by resolution, enter into a contract with the City Administrator, specifying the terms of the City Administrator's employment.

25.02 COMPENSATION. The City Administrator shall receive such annual salary and benefits as the Council shall from time to time determine and payment shall be made from the treasury of the City in the manner provided for the payment of compensation and allocation of benefits to other officers and employees of the City.

25.03 ADMINISTRATIVE RESPONSIBILITY. The City Administrator is responsible for carrying out the directives and policies of the Council, subject to statutory limits that may apply. It is the intent of this chapter that the City Administrator have the clear authority to administer the day-to-day operations of the municipal government, subject only to the restrictions noted above.

25.04 QUALIFICATIONS. The City Administrator shall be a person competent by education and/or experience to perform the duties imposed upon such person by this chapter. The City Administrator:

1. Shall possess a college degree in public administration or a related field and have three years of experience in city administration or an equivalent combination of education and experience, as the Council may determine.
2. Following appointment, shall reside within Pleasantville school district.
3. Shall not, during the term as City Administrator, hold any position as officer or director of any "for-profit" organization which does business or carries on any activities in the City, nor shall the City Administrator own more than five percent of the outstanding stock of any corporation which does business or carries on activities within the City.

25.05 DUTIES. The duties of the City Administrator are as follows:

1. Supervise enforcement and execution of the City ordinances and resolutions and applicable State and federal laws and regulations within the City.
2. Attend all meetings of the Council unless excused by the Mayor or a majority of Council members.
3. Recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
4. Have the general supervision and direction of the administration of the City government.

5. Supervise and conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.
6. Supervise the performance of all contracts for work to be done for the City, supervise all purchases of material, supplies and equipment, and insure that such material, supplies, and equipment are received and are of the quality and character called for by the contract.
7. Supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements. In cases where such activities are delegated to contracted engineering firms, the City Administrator shall coordinate and supervise the performance of said engineering firm.
8. Be directly responsible to the Council for the administration of municipal affairs as set forth in this chapter. All departments of the City shall report and be responsible to the City Administrator. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and all Council policy, concerning administration, shall be coordinated through the City Administrator.
9. Supervise and direct, through established procedures, all officers, departments, and employees of the City, specifically including but not limited to streets, sewers, parks and recreation and central administration. To effectuate this responsibility, the City Administrator shall have the power and authority to enter into agreements with independent contractors for services or work authorized by the City. The Council shall have the power and authority to approve the hiring of all employees by the City Administrator except for part time or seasonal employees doing work authorized by the City. The Mayor shall have the power to appoint or dismiss the Police Chief subject to the consent of the majority of the Council.
(Code of Iowa, Sec. 372.4.2).
10. Represent the City, as directed by the Council, in all negotiations and relations with employees, contractors, consultants, other governmental units and civic organizations in which the City may have an interest.
11. Cooperate with , assist, and advise all administrative agencies, City boards, and commissions and act as the Council's liaison and representative to such entities, and to assign staff to attend City boards and commissions meetings and assure a correct record of the proceedings are taken.
12. Investigate the performance and conduct of any department agency, officer, or employee of the City, as deemed appropriate.
13. Supervise and assist City boards, commissions and all City departments in the preparation, administration, and operation of the City's annual budget.
14. Make to the Council periodic reports on the general condition of the City in writing at such intervals as the Council directs.
15. Advise, assist, and consult with the City Attorney on all City legal matters.
16. Formulate and recommend employment and personnel policies, compensation schedules and benefits; to prepare and maintain job descriptions for all City employees, all with the approval of the Council.

17. Make recommendations to the Council and to participate in projects and endeavors to support and promote economic growth and development in the City.
18. Represent faithfully the Council and the City in intergovernmental relations.
19. Have the power to reclassify, discipline or suspend any employee under the City Administrator's direct control. The City Administrator shall also have the power to reclassify, discipline, suspend any employee under the supervision and control of any department head, but only with the concurrence of the department head. The City Administrator can recommend termination of an employee to the Council. The recommendation is subject to the consent of a majority of the Council. The City Administrator shall not have the authority to employ the City Attorney. However, the City Administrator shall, when appropriate, recommend to the Council or Mayor action regarding such appointed officers or employees of the City and shall also recommend to and seek direction from the Council or Mayor when the City Administrator and a department head are not in agreement in regard to the employment, reclassification, suspension, discipline, or discharge of a City employee.
20. Perform or delegate the duties of the Zoning Administrator, issue and collect fees for building permits, coordinate and record the actions of the Planning and Zoning Commission and the Board of Adjustment.
21. Coordinate the activities of the Public Works Department, including streets, water, wastewater, park, and cemetery and work with department heads in planning, coordinating, and budgeting for each department. Be responsible to coordinate the day-to-day activities and work assignments.
22. Appoint, subject to Council approval, the Building Official.
23. Perform such other duties as the Mayor or Council may direct.

25.06 COUNCIL RELATIONS. The City Administrator shall not participate in campaign activities in any City election, except by casting their vote, and shall not appoint an elected City official to any City office or employment.

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CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established
30.02 Organization
30.03 Peace Officer Qualifications
30.04 Required Training
30.05 Compensation
30.06 Police Chief Appointed

30.07 Powers and Duties of Police Chief
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons
30.11 Contract Law Enforcement

30.01 DEPARTMENT ESTABLISHED. The Police Department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

30.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

30.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.
(Code of Iowa, Sec. 80B.11)

30.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.
(Code of Iowa, Sec. 80B.11[2])
(501 IAC 3 and 8)

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

30.06 POLICE CHIEF APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Council shall select and hire the other members of the department.
(Code of Iowa, Sec. 372.4)

30.07 POWERS AND DUTIES OF POLICE CHIEF. The Police Chief has the following powers and duties subject to the approval of the Council.
(Code of Iowa, Sec. 372.13[4])

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances, and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

6. Assist Officials. When requested, provide aid to other City officers, boards, and commissions in the execution of their official duties.

7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest, and the disposition of the charge.

9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles, equipment, and materials of the department.

30.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

30.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

30.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items that are capable of causing bodily harm which the arrested person may have within such person's control, to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

30.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor as provided by Section 30.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

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CHAPTER 35

**FIRE PROTECTION AND EMERGENCY MEDICAL
SERVICE**

35.01 EMERGENCY SERVICES. Pursuant to Chapter 28E of the *Code of Iowa*, the City has entered into a contract agreement with Pleasantville Emergency Services for fire protection and emergency medical services within the City.

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

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

36.05 Notifications
36.06 Police Authority
36.07 Liability

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

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

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.
(Code of Iowa, Sec. 455B.381[1])

2. “Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.
(Code of Iowa, Sec. 455B.381[4])

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.
(Code of Iowa, Sec. 455B.381[5])

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.
(Code of Iowa, Sec. 455B.381[7])

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

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

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

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

36.05 NOTIFICATIONS.

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

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

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

No person shall disobey an order of any law enforcement officer issued under this section.

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

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Failure to Disperse
40.05 Prohibited Noise

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

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

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

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

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

An act described in Subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace; (ii) if the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function, regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7)

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

(Code of Iowa, Sec. 708.7)

C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7)

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

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

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

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

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

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

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

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

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

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

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

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

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

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

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

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

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

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

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

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

7. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

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

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

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

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.3)

40.05 PROHIBITED NOISE. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise; and no person shall use any unmuffled motor or other machine or device in R-1 One and R-2 Two Family Residence Districts, if the motor vehicle, motor, machine or other device is located in or on any public property, including any building, sidewalk or park or any private property in said districts.

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.09 Antenna and Radio Wires
41.02 False Reports to or Communications with Public Safety Entities	41.10 Barbed Wire and Electric Fences
41.03 Providing False Identification Information	41.11 Discharging Weapons
41.04 Refusing to Assist Officer	41.12 Throwing and Shooting
41.05 Harassment of Public Officers and Employees	41.13 Urinating and Defecating
41.06 Interference with Official Acts	41.14 Fireworks
41.07 Removal of an Officer's Communication or Control Device	41.15 Storage of Gasoline, Petroleum, Inflammable, Explosive Materials
41.08 Abandoned or Unattended Refrigerators	41.16 Inflammable Materials, Burning, and Piling, Etc.
	41.17 Dumping Trash

41.01 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that 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.

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

(Code of Iowa, Sec. 719.1A)

41.04 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

(Code of Iowa, Sec. 719.2)

41.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

41.06 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, medical examiner, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, medical examiner, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 708.12)

41.08 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

(Code of Iowa, Sec. 727.3)

41.09 ANTENNA AND RADIO WIRES. It is unlawful for a person to allow antenna wires, antenna supports, radio wires, or television wires to exist over any street, alley, highway, sidewalk, public way, public ground, or public building without written consent of the Council.

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

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

41.11 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

41.12 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB

guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

41.13 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway, or window thereof, or onto any public or private land.

41.14 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. For purposes of this section:
 - A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:
 - (1) First-class consumer fireworks:
 - a. Aerial shell kits and reloadable tubes;
 - b. Chasers;
 - c. Helicopters and aerial spinners;
 - d. Firecrackers;
 - e. Mine and shell devices;
 - f. Missile-type rockets;
 - g. Roman candles;
 - h. Sky rockets and bottle rockets;
 - i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.
 - (2) Second-class consumer fireworks:
 - a. Cone fountains;
 - b. Cylindrical fountains;
 - c. Flitter sparklers;
 - d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;
 - e. Ground spinners;
 - f. Illuminating torches;
 - g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;
 - h. Wheels;

i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.

B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.

C. “Novelties” includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury: \$250,000.00 per person

B. Property Damage:..... \$50,000.00

C. Total Exposure: \$1,000,000.00

3. Consumer Fireworks.

A. No person shall use, explode, discharge any consumer firework on days other than July 4, between the hours of 12:00 p.m. and 11:00 p.m., and December 31 between the hours of 12:00 p.m. and continuing through 1:00 a.m. on January 1st.

B. It is unlawful for any person to use consumer fireworks on real property other than that person’s real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

41.15 STORAGE OF GASOLINE, PETROLEUM, INFLAMMABLE, AND EXPLOSIVE MATERIALS.

1. Storage of Gasoline and Petroleum Products.

A. It shall be unlawful to store petroleum or gasoline in a quantity of more than five gallons above ground level within 300 feet of any dwelling or building within the City.

B. It shall be unlawful to store gasoline or petroleum products in excess of five gallons, and propane or butane gas in tanks of a capacity in excess of 1,000 gallons above the ground level within the City. However, it shall be permissible to maintain up to and including two of such tanks upon any one premises. Additional storage facilities may be permitted only with the permission of the Council.

2. Power to Regulate. The Council shall be authorized to regulate and control the size and placement of above-ground storage facilities for gasoline, petroleum, gases, chemicals, and other similar substances.
3. Storage of Gas. No storage tank of propane or similar gases shall be located within the corporate limits of the City, which is closer than 10 feet to the nearest lot line.
4. Placement of Gasoline Pumps and Lubricating Devices. Pumps or other devices dispensing gasoline, diesel or similar fuels shall be located at least 20 feet from any street line or highway right-of-way, and all fuel oil and similar substances shall be stored at least 30 feet distant from any street or lot lines.
5. Nuisances. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of the production of emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, or similar substances or conditions, and all uses which may have been declared as a nuisance in any court of records or which may be unreasonably obnoxious, unhealthful, or offensive by reason of the emission of odor, dust, or noise, are hereby prohibited.

41.16 INFLAMMABLE MATERIALS, BURNING, AND PILING, ETC. It shall be unlawful for any person to burn any trash or any kind of material within 50 feet of any building, nor shall any person stack hay, straw, fodder, or any other kind of inflammable material within 40 feet of any dwelling or building used as a dwelling, nor shall any person stack or pile hay, straw, stalks, against or upon any barn, stable, shed, or other building which is within 50 feet of any building in which fire is kept or used. Nor shall any person build or permit to be built a fire without fully extinguishing same before leaving it, provided further that no fire be built within the fire zone unless within a wire, or other cage, made from non-inflammable materials.

41.17 DUMPING TRASH. It shall be unlawful for any person to dump, place, or throw any dead, putrid, or decayed carcasses, flesh or vegetables, deposits of manure, or any unwholesome substance or any trash or refuse upon any street, alley or other public place, nor shall any person place or deposit any dead, putrid or decayed substances or carcasses, trash or vegetables upon any place, nor deposit manure thereon for a longer period than five days except when placed upon a garden for fertilizer purposes.

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

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

42.05 Fraud
42.06 Theft
42.07 Other Public Property Offenses

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

(1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

(2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

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

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

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

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

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

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

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

42.02 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter, or destroy property.

(*Code of Iowa, Sec. 716.1*)

42.03 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement, or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(*Code of Iowa, Sec. 716.1*)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or when said

building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 22 – Library
 - A. Section 22.10 – Injury to Books or Property
 - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.07 – Littering Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.15 – Fires or Fuel on Sidewalks
 - C. Section 136.16 – Defacing
 - D. Section 136.17 – Debris on Sidewalks
 - E. Section 136.18 – Merchandise Display
 - F. Section 136.19 – Sales Stands

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CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose

43.02 Controlled Substance Defined

43.03 Drug Paraphernalia Defined

43.04 Determining Factors

43.05 Possession of Drug Paraphernalia

43.06 Manufacture, Delivery, or Offering For Sale

43.01 PURPOSE. The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture, and delivery of drug paraphernalia as defined herein.

43.02 CONTROLLED SUBSTANCE DEFINED. The term “controlled substance” as used in this chapter is defined as the term “controlled substance” is defined in the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*, as it now exists or is hereafter amended.

43.03 DRUG PARAPHERNALIA DEFINED. The term “drug paraphernalia” as used in this chapter means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators; Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Mixing Devices. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

9. Containers. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion tubes and devices;
 - D. Smoking and carburetion masks;
 - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - F. Miniature cocaine spoons and cocaine vials;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;
 - J. Air driven pipes;
 - K. Chillums;
 - L. Bongs;
 - M. Ice pipes or chillers.

43.04 DETERMINING FACTORS. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*.
4. Proximity to Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.

6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*.
7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object explaining or depicting its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

43.05 POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*.

43.06 MANUFACTURE, DELIVERY, OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*.

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

D. “School” means a public or private school or that portion of a public or private school that provides teaching for any grade from kindergarten through grade 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 retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

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

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

(Code of Iowa, Sec. 123.46)

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

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

(Code of Iowa, Sec. 123.47)

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CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:
 - A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.
 - B. “Knowingly” means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult’s custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
 - C. “Minor” means any unemancipated person under the age of 18 years.
 - D. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person’s parents or other responsible adult or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
 - E. “Public place” includes stores, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use and also includes such parts of buildings and other premises, whether publicly or privately owned, that are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

- F. “Responsible adult” means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.
2. Time Limits. The curfew shall be enforced as follows:
- A. Under the age of 15. It is unlawful for any minor under the age of 15 years 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. of the following day.
- B. Ages through 15 and 17. It is unlawful for any minor age 15 through 17 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 12:00 a.m. and 5:00 a.m. of the following day.
3. Exceptions. The following are exceptions to the curfew:
- A. The minor is accompanied by a responsible adult.
- B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
- C. The minor is present at or is traveling between home and one of the following:
- (1) Minor’s place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;
 - (2) Minor’s place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;
 - (3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;
 - (4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;
 - (5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.
- D. The minor is on an emergency errand for a responsible adult;
- E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.
4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor’s presence falls within one of the above exceptions.

5. Enforcement Procedures.
 - A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.
 - B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.
 - C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.
 - D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.
6. Penalties.
 - A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
 - B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.
 - C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.
 - D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

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

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

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

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

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Parks Closed
47.06 Camping

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

(Code of Iowa, Sec. 364.12)

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

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

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

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of 10:00 p.m. to 6:00 a.m. The walking trail is exempt from park hours.

47.06 CAMPING. No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause.

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CHAPTER 48

NOISE CONTROL

48.01 Scope of Regulations
48.02 Definitions
48.03 Noise Disturbance Prohibited
48.04 Included Sounds

48.05 Excluded Sounds
48.06 Sound Equipment Permit
48.07 Other Laws and Ordinances

48.01 SCOPE OF REGULATIONS. This chapter applies to the control of all noise originating within the limits of the City, except in the following cases:

1. A State or federal agency has adopted a different standard or rule than that prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable, or
2. The Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

48.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. “Application” means the application discussed in Section 48.06 of this chapter.
2. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
3. “Emergency work” means any work performed for the purpose of alleviating or resolving an emergency.
4. “Motorcycle” means any two or three-wheeled motor vehicle.
5. “Motor vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: “motor vehicle” includes most motorcycles.)
6. “Noise” means any sound which disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans.
7. “Noise disturbance” means those sounds defined as “noise disturbances” in Section 48.04 of this chapter which have not otherwise been excepted and excluded from said Section 48.04 under any of Sections 48.01(B), 48.05, or 48.06 of this chapter.
8. “Powered model vehicle” means any self-propelled airborne, waterborne, or land borne model plane, vessel or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car or rocket.
9. “Public right-of-way” means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

10. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property division.

11. “Recreational vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a “motor vehicle” (or “motorcycle” if two or three-wheeled) and not a “recreational vehicle.” (Examples of recreational vehicles are a snowmobile, a minibike, a stock car, or motorboat.)

12. “Residential property” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

13. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

14. “Sound equipment” means any radio, record player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except, however, “sound equipment” does not include:

- A. Sirens and other equipment used to alert persons to the existence of an emergency.
- B. Equipment used by law enforcement and other public safety officials in the performance of their official duties.
- C. Church carillons, bells, or chimes.
- D. Mobile radio or telephone signaling devices.
- E. Automobile and truck radios, tape decks, or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than 50 feet from such automobile or truck.

48.03 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make or continue or cause or allow to be made or continued any noise disturbance within the City.

48.04 INCLUDED SOUNDS. Except for sounds excluded under any of Sections 48.01(B), 48.05, or 48.06 of this chapter, the term “noise disturbance” means any of the following sounds:

- 1. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an adverse physiological or physical effect on human beings or devalues or injures property.
- 2. Selling by “Hawking” or “Barking.” The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial.
- 3. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, or similar objects between the hours of 9:00 p.m. and 7:00 a.m. within any area of the City zoned

residential. The sound made by the outdoor loading, unloading, opening, closing, or handling of trash cans, trash containers, trash receptacles, trash dumpsters, or similar objects which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

4. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying, or testing of a motor vehicle or recreational vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

5. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

6. Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument, or other musical instrument or device which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

7. Off-road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this subsection.

8. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation, drilling or other such construction work which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

9. Sound Equipment. The sound made by sound equipment operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible from any public right-of-way within the City unless the person using, operating or causing to be used or operated the sound equipment possesses a current sound equipment permit and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

10. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.

11. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.

12. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass or the sound made by such vehicle whose exhaust system emits an excessive or unusual sound as compared to the sound emitted by its original exhaust system, whether caused by modification, substitution, age, injury, or deterioration of its original exhaust system. For the purposes of this section the sound made by a vehicle's original exhaust system may be determined by the observation of the sound made by the original exhaust system of another similar vehicle.

13. Animal or Bird Noises. The frequent or habitual sound made by a domesticated animal or bird, other than livestock owned or possessed for agricultural purposes, which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

48.05 EXCLUDED SOUNDS. Any other provision of Section 48.04 or other section of this chapter to the contrary notwithstanding, the term “noise disturbance,” as used in this chapter, does not mean, or include the following sounds:

1. Lawn and Garden Equipment. The sound emitted by motor-powered muffler-equipped lawn and garden equipment operated between the hours of 7:00 a.m. and 9:00 p.m.
2. Chain Saws. The sound emitted by motor-powered tree-trimming equipment operated between the hours of 7:00 a.m. and 9:00 p.m.
3. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment operated between the hours of 6:00 a.m. and 10:00 p.m. and the sound emitted by City-owned or hired snow removal equipment.
4. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.
5. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle, or similar stationary emergency signaling device for emergency purpose or for the essential testing of such device.
6. Church Bells. The sound emitted by church carillons, bells, or chimes.
7. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than 50 feet.
8. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.
9. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.
10. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.
11. Construction Noise. The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of 7:00 a.m. and 9:00 p.m., which is being performed pursuant to a proper and current building permit.
12. Mosquito Spraying Equipment. The sound made by the City-owned or hired mosquito spraying equipment.

48.06 SOUND EQUIPMENT PERMIT. No person shall use, operate or cause to be used or operated any sound equipment upon the public rights-of-way or in any building or upon any premises, public or private, if the sound emitted thereby is plainly audible from the public right-of-way within the City unless such person has obtained a sound equipment permit in accordance

with this section and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

1. Application for Permit. Applications for sound equipment permits shall be made in writing to the Clerk or Building Official and shall contain the following information:
 - A. Name and address of applicant.
 - B. The type of event for which the sound equipment will be used.
 - C. The location where the sound equipment will be used.
 - D. The proposed date and duration of the event and the hours of operation of the sound equipment.
 - E. A general description of the sound equipment, including whether the sound source will be located inside a building or outside as well as the license number of any motor vehicle upon which said sound equipment is to be operated if applicable.
 - F. Any other information as may be required by the Clerk or Building Official.
2. Permit Fee. The fee for a sound equipment permit is \$5.00 for one day or less and \$25.00 for two through seven days. No permit is required for sound equipment used by the City, State, or federal government at events sponsored by the governmental subdivision or agency thereof.
3. Issuance of Permit. Permits may be issued by the Clerk or Building Official. Except as hereinafter provided, if the application contains the required information and is accompanied by the required fee, the sound equipment permit shall be issued with reasonable dispatch.
4. Limitations. A sound equipment permit shall not be issued if the sound to be emitted by the sound equipment would be a noise disturbance under Section 48.04 (other than Subsection 9) of this chapter. A sound equipment permit issued in violation of this subsection is void and of no force and effect.
5. Conditions. The Building Official or the Council may impose reasonable conditions and requirements to be met or fulfilled by the sound equipment permit holder preliminary to or at the time of the use or operation of the sound equipment. Such conditions and requirements shall be those conditions and requirements necessary or advisable to protect the health, welfare and quality of life of the residents of the City and may include, without limitation, restrictions on the time of day the sound equipment can be used or operated, restrictions on the level of the sound to be produced and restrictions on the number of minutes or consecutive minutes that the sound equipment may be used or operated during any one hour or day.
6. Permissibility. Any other language to the contrary in this chapter notwithstanding, sound made by sound equipment for which a valid sound equipment permit has been issued under this Section 48.06 shall be permissible hereunder and shall not constitute a violation of this chapter regardless of the fact that said sound equipment may be operated upon the public right-of-way or in a building or upon premises, public or private, that is plainly audible from a public right-of-way within the City.

48.07 OTHER LAWS AND ORDINANCES. No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by other ordinances of the City, State, or federal statutes.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

50.05 Nuisance Abatement
50.06 Abatement of Nuisance by Written Notice
50.07 Municipal Infraction Abatement Procedure
50.08 Enforcement, Authority, and Administration

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

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

10. Dutch Elm Disease. Trees infected with Dutch elm disease. **(See also Chapter 151)**

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

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

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Storage and Disposal of Solid Waste **(See Chapter 105)**
3. Dangerous Buildings **(See Chapter 145)**
4. Trees **(See Chapter 151)**

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: [†]
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.

[†] **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.

- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A reasonable time within which to complete the abatement.
- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.
(Code of Iowa, Sec. 364.12[3h])
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.
(Code of Iowa, Sec. 364.12[3h])
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.
(Code of Iowa, Sec. 364.12[3h])
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.
(Code of Iowa, Sec. 364.12[3h])
7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.
(Code of Iowa, Sec. 364.13)
8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be

enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

50.08 ENFORCEMENT, AUTHORITY, AND ADMINISTRATION.

1. Responsibilities of Mayor. The responsibilities of the Mayor shall include making decisions on conditions for abating violations of this chapter.
2. Priority of Enforcement. The Mayor shall have the authority to establish priorities for the abatement of nuisance violations and implement appropriate procedures to abate each category of violations so established. The procedures established shall be accomplished in accordance with Subsection 5.
3. Agreements to Abate. The Mayor shall have the authority to enter into agreements with violators for the abatement of violations of this Code of Ordinances. The procedures in the form of the agreements to abate shall be established pursuant to the requirements of Subsection 5.
4. Right of Entry. The Mayor shall have the right to enter upon any property at any reasonable time for the purpose of carrying out duties in the enforcement of abatement violations. In the event that the owner of the property located within the City refuses to permit entry to the Mayor, the Mayor may make an application to any judge of the court for the issuance of an entry warrant. Any warrant issued pursuant to such application shall command such owner or occupant to permit entry to the Mayor.
5. Procedures and Guidelines. The Mayor shall be empowered to promulgate procedures and guidelines to accomplish the purposes of this chapter.

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

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 having 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 that has become the habitat for rats, mice, snakes, or any other vermin or insects.

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

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

F. Defective or Obsolete Condition. Any other vehicle that, 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, except 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 lawfully operated within the City.

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 days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

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CHAPTER 52

WEEDS

52.01 Purpose

52.02 Definitions

52.03 Removal of Weeds

52.04 Responsibility of Owner or Occupants

52.05 Notification and Assessment of Costs

52.01 PURPOSE. The purpose of this chapter is to protect the health, safety and welfare of the citizens and safety of property of the City by providing for the cutting of weeds.

52.02 DEFINITION. As used in this chapter, the term “weeds” means unattended vines, brush and scrub bushes, grass, and other similar vegetation, whether noxious or otherwise.

52.03 REMOVAL OF WEEDS. All weeds growing on lots and parcels of ground within the City limits shall automatically be deemed a health, safety and fire hazard after the dates set forth below, and shall be cut no later than said date shown below for each cutting. In cases of a second or third growth of said weeds, the owners or occupants shall again cut or otherwise destroy the growth before the required cutting date. The dates by which all cutting shall be done are June 1, July 15, and August 15, and at all times when weeds or grass reach the following heights:

Maximum Vegetation Height	Land Uses
Eight inches	Developed residential, commercial, and industrial zoned areas
12 inches	Undeveloped residential, commercial, and industrial zoned areas
18 inches	Unplatted property and agriculture owned property unless planted for farm cropping purposes

52.04 RESPONSIBILITY OF OWNER OR OCCUPANTS. The property owner or occupants shall also be jointly or severally responsible for the cutting of such growths on the abutting space between the lot line and the curb line or edge of the traveled way within the street right-of-way, whether in front of or along the side of the lot or parcel of ground, and one-half of any alley abutting the property.

52.05 NOTIFICATION AND ASSESSMENT OF COSTS. The City Administrator shall notify the property owner or occupant when the weeds are taller than the limits set out herein. If the weeds are not cut within seven days, then the City will have the weeds or growth cut and assess the costs against the property owner for collection in the same manner as a property tax.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.10 Rabies Vaccination
55.02 Animal Neglect	55.11 Owner's Duty
55.03 Livestock Neglect	55.12 Confinement
55.04 Abandonment of Cats and Dogs	55.13 At Large: Impoundment
55.05 Livestock	55.14 Disposition of Animals
55.06 At Large Prohibited	55.15 Pet Awards Prohibited
55.07 Damage or Interference	55.16 Number of Animals Limited
55.08 Annoyance or Disturbance	55.17 Tampering With A Rabies Vaccination Tag
55.09 Vicious Dogs	55.18 Tampering With An Electronic Handling Device

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

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

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

2. "Animal" means a nonhuman vertebrate.

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

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

(Code of Iowa, Sec. 162.2)

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

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

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

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

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

(Code of Iowa, Sec. 717.B1)

7. "Fair" means any of the following:

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

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

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

55.02 ANIMAL NEGLECT.

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

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

- A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.
 - B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.
 - C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.
 - D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
 - E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
 - F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:
 - (1) A condition caused by failing to provide for the animal's welfare as described in this section.
 - (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.
2. This section does not apply to any of the following:
 - A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:
 - (1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.
 - (2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except in accordance with the following regulations:

1. Prohibitions. No swine shall be maintained within the corporate limits of the City, except in those areas designated by the Zoning Ordinance as M-2 Heavy Industrial.
2. Limitations. The following limitations are hereby imposed with reference to livestock maintained in R-1 Residential, R-2 Residential, C-1 Commercial, and C-2 Commercial areas:
 - A. Livestock shall not be maintained on or within an area of less than two acres, upon which no more than five animals shall be maintained excluding swine and chickens.
 - B. No livestock shall be housed within 300 feet of any public building or dwelling other than that occupied by the owner of said livestock excluding chickens.
 - C. No livestock or poultry shall be permitted to run at large.
 - D. Unlimited numbers of livestock may be maintained within M-1 and M-2 Industrial areas. However, swine shall be maintained only in M-2 Heavy Industrial areas.
 - E. All premises upon which livestock are kept shall be clean and sanitary according to the rules of the State Board of Health and this Code of Ordinances,

and no animals may be maintained in such a manner so as to create a nuisance, as defined in this Code of Ordinances.

3. Livestock and poultry belonging to and used by private individuals for residential purposes on a permit basis upon the following conditions:

A. The keeping of no more than five chickens for use on a single family detached residential property for the benefit of the owner or lessee of said property.

B. It shall be unlawful to keep roosters within the City limits.

C. Chickens must be kept in pen at all times. Chickens shall be secured within a coop during non-daylight hours.

D. Coops shall be constructed of sturdy materials and shall be kept well maintained. Pens shall consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens.

E. Coops and pens shall be limited to the rear or side yard of the property, with a minimum 10 feet distance from any and all property lines.

F. Owners shall not engage in the breeding of chickens, egg production, or fertilizer production for commercial purposes.

G. It shall be unlawful to slaughter chickens within City limits.

H. The owner shall dispose of dead chickens within a sanitary landfill.

I. Chickens shall be provided with access to feed and clean water at all times. All feed and other items associated with keeping chickens shall be stored in a manner to prevent rodents, wild birds, and predators from coming into contact with them.

J. Fences and waste shall be removed from enclosures and coops at least once per month.

K. Chickens will not be permitted to live, be stored, or raised in the primary residence.

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

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

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

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

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

55.12 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 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 at the impoundment facilities utilized by the City, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

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

(Code of Iowa, Sec. 351.37, 351.41)

55.15 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

- D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
- 2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting, or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.16 NUMBER OF ANIMALS LIMITED. It is unlawful for an owner to harbor or house on the same premises more than four animals over the age of six months unless such animals are in a kennel licensed by the Council or a pet shop, veterinary hospital, or animal grooming shop.

55.17 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful to tamper with a rabies vaccination tag.

(Code of Iowa, Sec. 351.45)

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

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

(Code of Iowa, Sec. 351.46)

- 1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
 - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
 - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.

2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

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CHAPTER 56

DOG LICENSE REQUIRED

56.01 Annual License Required

56.02 License Fees

56.03 Delinquency

56.04 License Tags

56.05 License Records

56.06 Immunization

56.07 Duplicate Tags

56.08 Transfers of Licensed Dogs

56.09 Kennel Dogs

56.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog over the age of four months shall procure a dog license from the Clerk on or before January 1 of each year.
2. Such license may be procured after January 1 and at any time for a dog that has come into the possession or ownership of the applicant or that has reached the age of four months after said date.
3. The owner of a dog for which a license is required shall apply to the Clerk on forms provided by the Clerk.
4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog shall be revaccinated.
5. All licenses shall expire on January 1 of the year following the date of issuance.

56.02 LICENSE FEES. The annual license fee shall be as established by resolution of the Council.

56.03 DELINQUENCY. All license fees shall become delinquent on January 1 of the year in which they are due and a delinquent penalty of \$1.00 shall be added to each unpaid license on and after said date.

56.04 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license that shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness that shall be worn at all times by the dog for which issued. A license issued for one dog shall not be transferable to another dog. Upon the expiration of the license, the owner shall remove said tag from the dog.

56.05 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses; such record shall show:

1. The serial number and date of each application for a license.
2. The description of the dog as specified in the application, together with the name of the owner of the dog.

3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog shall be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

56.06 IMMUNIZATION. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within six months from the effective date of the dog license. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog.

56.07 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$0.25 and the Clerk shall enter in the license record the new number assigned.

56.08 TRANSFERS OF LICENSED DOGS. Upon transfer of a licensed dog into the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, without a license fee, issue a new license tag.

56.09 KENNEL DOGS. Dogs kept in State or federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

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CHAPTER 57

DANGEROUS AND VICIOUS ANIMALS

57.01 Definitions

57.02 Keeping of Dangerous Animals Prohibited

57.03 Keeping of Vicious Animals Prohibited

57.04 Seizure, Impoundment, and Disposition

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

1. “Dangerous animal” means: [†]
 - A. Badgers, wolverines, weasels, skunk and mink.
 - B. Raccoons.
 - C. Bats.
 - D. Scorpions.
 - E. Pit bull terriers, including the following:
 - (1) The Bull Terrier breed of dog;
 - (2) The Staffordshire Bull Terrier breed;
 - (3) The American Pit Bull Terrier breed;
 - (4) The American Staffordshire Terrier breed;
 - (5) Dogs of mixed breed or of other breeds which are known as pit bulls, pit bulldogs, or pit bull terriers.
 - (6) Any dog which has the appearance and characteristics of being predominantly 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
2. “Vicious animal” means any animal, except for a dangerous animal 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 tendencies 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 12 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 three separate occasions within a 12-month period

57.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any purpose or in any capacity within the City.

[†] **EDITOR’S NOTE:** Certain other dangerous animals, listed in Chapter 717F.1, Paragraph 5a, of the *Code of Iowa*, are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

57.03 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 this chapter. 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 Mayor or peace officer that a guard dog is on duty at said premises.

57.04 SEIZURE, IMPOUNDMENT, AND DISPOSITION.

1. In the event that a dangerous animal 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 Mayor or peace 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 animal 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 animal or vicious animal on premises in the City, the Mayor or peace 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 Mayor or peace officer shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three days of the receipt of such an 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 animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor or peace 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 animal or vicious animal issued by the Mayor or peace 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 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 the right to appeal the order of the Mayor or peace 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 days of the receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor or peace officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Mayor or peace 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 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 Mayor or peace officer is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Mayor or peace officer is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor or peace officer issued pursuant to this chapter and not appealed (or of the Council after appeal) constitutes a simple misdemeanor.

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title

60.02 Definitions

60.03 Administration and Enforcement

60.04 Power to Direct Traffic

60.05 Reports of Traffic Accidents

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

60.08 Parades Regulated

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

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including the following designated streets:
 - A. Monroe Street from Polk Street to Columbus Street.
 - B. Jefferson Street from Jasper Street to Jackson Street.
 - C. Washington Street from Jasper Street to Jackson Street.
 - D. Jackson Street from Polk Street to Columbus Street.
2. "MPH" means miles per hour.
3. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
4. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
5. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
6. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban, or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
7. "School district" means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
8. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
9. "Stop" means when required, the complete cessation of movement.

10. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

11. “Suburban district” means all other parts of the City not included in the business, school, or residence districts.

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

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

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Department.
(*Code of Iowa, Sec. 372.13[4]*)

60.04 POWER TO DIRECT TRAFFIC. A peace officer or, in the absence of a peace officer, any officer of the Fire Department when at the scene of a fire, is authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.
(*Code of Iowa, Sec. 102.4 and 321.236[2]*)

60.05 REPORTS OF TRAFFIC ACCIDENTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the *Code of Iowa*.

(*Code of Iowa, Sec. 321.273*)

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

(*Code of Iowa, Sec. 321.492*)

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

(*Code of Iowa, Sec. 321.229*)

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

1. Permission Required. No parade shall be conducted without first obtaining permission from the Council. 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 permission given to such person includes all participants in the parade, provided they have been invited to participate.

2. Parade Not a Street Obstruction. Any parade for which permission 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.

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

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Public Works Director 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 Public Works Director shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Public Works Director is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13[4] and 321.255)

61.03 TRAFFIC LANES. The Public Works Director is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with this Traffic Code. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, Sec. 372.13[4] and 321.255)

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

(Code of Iowa, Sec. 321.255)

61.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 and 321.231A of the *Code of Iowa*.

(Code of Iowa, Sec. 321.256)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

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

62.06 Obstructing View at Intersections
62.07 Milling
62.08 Driving In Parks and Cemeteries
62.09 Operation Prohibited on Recreational Trail

62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

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

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

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

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

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

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

62.02 PLAY STREETS DESIGNATED. The Council shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

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

62.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or 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 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.

62.07 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.

62.08 DRIVING IN PARKS AND CEMETERIES. No driver of any vehicle shall drive upon the roadways contained within the grounds of any park or cemetery in the City between

the hours of 11:00 p.m. and 6:00 a.m.; provided, however, a sign must be posted plainly legible to all motorists entering the park or cemetery indicating such prohibition.

62.09 OPERATION PROHIBITED ON RECREATIONAL TRAIL. A person shall not operate any vehicle upon the Joseph Stubbs Recreational Trail.

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries, and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

63.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

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

1. Business District - 20 MPH.
2. Residence or School District - 25 MPH.
3. Suburban District - 45 MPH.
4. Highway - 55 MPH on Highway 5 within City limits.

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

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

63.04 SPECIAL SPEED ZONES. In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 35 MPH Speed Zones. A speed in excess of 35 MPH is unlawful on any of the following designated streets or parts thereof.
 - A. On West Pleasant Street from the west City limits to the Highway 5 Bypass.
 - B. On West Pleasant Street from the Highway 5 Bypass west to 35th Avenue.
 - C. On Business Highway 5 from 225 feet west of Iowa Street to intersection with State Street shall be 35 miles per hour.

2. Business Highway 5 from the Highway 5 bypass to 225 feet west of Iowa Street shall be 45 miles per hour.

63.05 MINIMUM SPEED. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-Turns

64.03 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 Public Works Director 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.

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 School Stops

65.03 Stop Before Crossing Sidewalk

65.04 Stop When Traffic Is Obstructed

65.05 Yield to Pedestrians in Crosswalks

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

1. Northbound Traffic.
 - A. 35th Avenue shall stop before entering or crossing West Pleasant Street.
 - B. Breckenridge Street shall stop before entering or crossing Business Highway 5.
 - C. Breckenridge Street shall stop before entering or crossing Monroe Street.
 - D. Church Street shall stop before entering or crossing Business Highway 5.
 - E. Church Street shall stop before entering or crossing Jackson Street.
 - F. Church Street shall stop before entering or crossing Monroe Street.
 - G. Columbus Street shall stop before entering or crossing Broadway Street.
 - H. Columbus Street shall stop before entering or crossing Jasper Street.
 - I. Columbus Street shall stop before entering or crossing Monroe Street.
 - J. Columbus Street shall stop before entering or crossing North Street.
 - K. Douglas Street shall stop before entering or crossing Broadway Street.
 - L. Douglas Street shall stop before entering or crossing Business Highway 5.
 - M. Douglas Street shall stop before entering or crossing Monroe Street.
 - N. Fairview Drive shall stop before entering or crossing Jasper Street.
 - O. Iowa Street shall stop before entering or crossing Business Highway 5.
 - P. Jefferson Street shall stop before entering or crossing Broadway Street.
 - Q. Jefferson Street shall stop before entering or crossing Jasper Street.
 - R. Jefferson Street shall stop before entering or crossing Monroe Street.
 - S. Jefferson Street shall stop before entering or crossing North Street.
 - T. Linden Street shall stop before entering or crossing Clark Street.
 - U. Linden Street shall stop before entering or crossing Pleasant Street.
 - V. Madison Street shall stop before entering or crossing Jasper Street.

- W. Polk Street shall stop before entering or crossing Broadway Street.
- X. Polk Street shall stop before entering or crossing Jasper Street.
- Y. Polk Street shall stop before entering or crossing Monroe Street.
- Z. Rose Lane shall stop before entering or crossing Jasper Street.
- AA. State Street shall stop before entering or crossing Business Highway 5.
- BB. Sunset Street shall stop before entering or crossing Jones Street.
- CC. Victory Lane shall stop before entering or crossing West Pleasant Street.
- DD. Washington Street shall stop before entering or crossing Broadway Street.
- EE. Washington Street shall stop before entering or crossing Business Highway 5.
- FF. Washington Street shall stop before entering or crossing Monroe Street.
- GG. Watkins Street shall stop before entering or crossing Business Highway 5.
- HH. Watkins Street shall stop before entering or crossing Jasper Street.
- II. West Street shall stop before entering or crossing Jones Street.
- 2. Southbound Traffic.
 - A. Breckenridge Street shall stop before entering or crossing Jasper Street.
 - B. Breckenridge Street shall stop before entering or crossing Monroe Street.
 - C. Church Street shall stop before entering or crossing Jackson Street.
 - D. Church Street shall stop before entering or crossing Jasper Street.
 - E. Church Street shall stop before entering or crossing Monroe Street.
 - F. Columbus Street shall stop before entering or crossing Broadway Street.
 - G. Columbus Street shall stop before entering or crossing Jasper Street.
 - H. Columbus Street shall stop before entering or crossing Monroe Street.
 - I. Douglas Street shall stop before entering or crossing Broadway Street.
 - J. Douglas Street shall stop before entering or crossing Jasper Street.
 - K. Douglas Street shall stop before entering or crossing Monroe Street.
 - L. Jefferson Street shall stop before entering or crossing Broadway Street.
 - M. Jefferson Street shall stop before entering or crossing Jasper Street.
 - N. Jefferson Street shall stop before entering or crossing Monroe Street.
 - O. Linden Street shall stop before entering or crossing West Pleasant Street.

- P. Polk Street shall stop before entering or crossing Jasper Street.
 - Q. Polk Street shall stop before entering or crossing Monroe Street.
 - R. SpringView Drive shall stop before entering or crossing W Pleasant Street.
 - S. State Street shall stop before entering or crossing Broadway Street.
 - T. State Street shall stop before entering or crossing Business Highway 5.
 - U. State Street shall stop before entering or crossing Monroe Street.
 - V. Sunset Drive shall stop before entering or crossing Jasper Street.
 - W. Washington Street shall stop before entering or crossing Broadway Street.
 - X. Washington Street shall stop before entering or crossing Jasper Street.
 - Y. Washington Street shall stop before entering or crossing Monroe Street.
 - Z. Watkins Street shall stop before entering or crossing Dewitt Street.
 - AA. Watkins Street shall stop before entering or crossing Jasper Street.
 - BB. West Street shall stop before entering or crossing Jasper Street.
3. Eastbound Traffic.
- A. Broadway Street shall stop before entering or crossing Business Highway 5.
 - B. Broadway Street shall stop before entering or crossing Washington Street.
 - C. Clark Street shall stop before entering or crossing State Street.
 - D. Collins Street shall stop before entering or crossing Columbus Street.
 - E. Cora Shadle Memorial Park shall stop before entering or crossing Jones Street.
 - F. Dallas Street shall stop before entering or crossing Polk Street.
 - G. DeWitt Street shall stop before entering or crossing Business Highway 5.
 - H. DeWitt Street shall stop before entering or crossing Columbus Street.
 - I. Golfview Drive shall stop before entering or crossing Business Highway 5.
 - J. Hayes shall stop before entering State Highway 5.
 - K. Jackson Street shall stop before entering or crossing Breckenridge Street.
 - L. Jackson Street shall stop before entering or crossing Columbus Street.
 - M. Jackson Street shall stop before entering or crossing Douglas Street.
 - N. Jackson Street shall stop before entering or crossing Jefferson Street.

- O. Jackson Street shall stop before entering or crossing Washington Street.
 - P. Jackson Street shall stop before entering or crossing Watkins Street.
 - Q. Jasper Street shall stop before entering or crossing Business Highway 5.
 - R. Jasper Street shall stop before entering or crossing Columbus Street.
 - S. Jasper Street shall stop before entering or crossing Jefferson Street.
 - T. Jasper Street shall stop before entering State Highway 5.
 - U. Jones Street shall stop before entering or crossing State Street.
 - V. Lily Lane shall stop before entering or crossing SpringView Drive.
 - W. Linden Circle shall stop before entering or crossing Linden Street.
 - X. Linden Lane shall stop before entering or crossing Linden Street.
 - Y. Linden Place shall stop before entering or crossing Linden Street.
 - Z. Mill Street shall stop before entering or crossing Columbus Street.
 - AA. Mill Street shall stop before entering or crossing Jefferson Street.
 - BB. Monroe Street shall stop before entering or crossing Breckenridge Street.
 - CC. Monroe Street shall stop before entering or crossing State Street.
 - DD. Monroe Street shall stop before entering or crossing Watkins Street.
 - EE. Newton Street shall stop before entering or crossing Breckenridge Street.
 - FF. Newton Street shall stop before entering or crossing Church Street.
 - GG. Newton Street shall stop before entering or crossing Columbus Street.
 - HH. Newton Street shall stop before entering or crossing Douglas Street.
 - II. North Street shall stop before entering or crossing Business Highway 5.
 - JJ. North Street shall stop before entering or crossing Washington Street.
 - KK. Pleasant Street shall stop before entering or crossing Linden Street.
 - LL. Pleasant Street shall stop before entering or crossing State Street.
 - MM. Pleasant Street shall stop before entering or crossing Washington Street.
 - NN. West Pleasant Street shall stop before entering or crossing State Highway 5.
4. Westbound Traffic.
- A. Broadway Street shall stop before entering or crossing State Street.
 - B. Broadway Street shall stop before entering or crossing Washington Street.

- C. Dallas Street shall stop before entering or crossing State Street.
- D. Dewitt Street shall stop before entering or crossing Columbus Street.
- E. Dewitt Street shall stop before entering or crossing Jefferson Street.
- F. Jackson Street shall stop before entering or crossing Breckenridge Street.
- G. Jackson Street shall stop before entering or crossing Columbus Street.
- H. Jackson Street shall stop before entering or crossing Douglas Street.
- I. Jackson Street shall stop before entering or crossing Jefferson Street.
- J. Jackson Street shall stop before entering or crossing Polk Street.
- K. Jackson Street shall stop before entering or crossing Washington Street.
- L. Jasper Street shall stop before entering or crossing Columbus Street.
- M. Jasper Street shall stop before entering or crossing Highway 5 (Hobson Street).
- N. Jasper Street shall stop before entering or crossing Jefferson Street.
- O. Jasper Street shall stop before entering or crossing State Highway 5.
- P. Mills Street shall stop before entering or crossing Jefferson Street.
- Q. Monroe Street shall stop before entering or crossing Breckenridge Street.
- R. Monroe Street shall stop before entering or crossing State Street.
- S. Monroe Street shall stop before entering or crossing West Street.
- T. Newton Street shall stop before entering or crossing Breckenridge Street.
- U. Newton Street shall stop before entering or crossing Columbus Street.
- V. Newton Street shall stop before entering or crossing Douglas Street.
- W. North Street shall stop before entering or crossing State Street.
- X. North Street shall stop before entering or crossing Washington Street.
- Y. Pleasant Street shall stop before entering Highway 5.
- Z. Pleasant Street shall stop before entering or crossing Linden Street.
- AA. Pleasant Street shall stop before entering or crossing State Highway 5.
- BB. Pleasant Street shall stop before entering or crossing State Street.

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

(Code of Iowa, Sec. 321.249)

1. Intersection of State Street and Dallas Street.
2. On Jones Street between State Street and West Street.

65.03 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)

65.04 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.

65.05 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

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

(Code of Iowa, Sec. 321.471 and 472)

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

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

66.03 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 and 475)

1. Five-ton limit on Washington Street from Highway 5 to Monroe Street.
2. Five-ton limit on Columbus Street from Jasper Street to south City limits.
3. Five-ton limit on Pleasant Street from a point 975 feet east of Highway 5 to State Street.

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 Police Chief 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. No person shall drive upon said bridge any vehicle weighing, loaded or unloaded, in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use of Sidewalks

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

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

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

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CHAPTER 68

ONE-WAY TRAFFIC

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

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

1. The north/south alley between Monroe Street and Jackson Street shall be southbound only.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.07 Persons with Disabilities Parking
69.02 Parking on One-Way Streets	69.08 No Parking Zones
69.03 Angle Parking	69.09 Heavy Vehicle Parking
69.04 Manner of Angle Parking	69.10 Parking Limited
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69.06 Parking Prohibited	69.12 Special Parking Permitted

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARKING ON ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. Monroe Street, on the south side from Jefferson Street to Columbus Street.
2. Washington Street, on the east side from Monroe Street to Jackson Street.
3. Jackson Street, on the north side from Washington Street to Jefferson Street.
4. Jefferson Street, on the west side from Jackson Street to Monroe Street.

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

(Code of Iowa, Sec. 321.361)

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

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

1. Sale. Displaying such vehicle for sale.

2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 PARKING PROHIBITED. No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic

conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358[13])

14. Churches, Nursing Homes, and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. Sunset Drive, on the west side from Jones Street to Jasper Street.
2. Sunset Drive, on the east side from Jasper Street to a point 80 feet north.
3. Polk Street, on the east side from Broadway Street to Jasper Street, except on Sunday and during funerals and weddings for the Pleasantville Christian Church and Church of Christ.
4. Jefferson Street, on both sides, from Collins Street to Mills Street.
5. Jefferson Street, on the east side, from Mills Street to Jasper Street.
6. Washington Street, on the east side, from Jackson Street to Business Highway 5.
7. Washington Street, on the east side, from Monroe Street to a point 140 feet south.
8. Washington Street, on the west side, from Jasper Street to a point 225 feet north.
9. State Street, on both sides, from Monroe Street to Broadway Street.
10. State Street, on the west side, from Broadway Street to Pleasant Street.
11. Columbus Street, on the west side, from Broadway Street to the south corporate limits.
12. Columbus Street, on the east side, from Broadway Street to North Street.
13. Douglas Street, on the west side, from Business Highway 5 to Monroe Street.
14. Breckenridge Street, on both sides, from Broadway Street to Jasper Street.
15. Church Street, on the west side, from Jasper Street to Business Highway 5.
16. Watkins Street, on the east side, from Business Highway 5 to DeWitt Street.
17. DeWitt Street, on the north side, from Watkins Street to Jefferson Street.
18. Jasper Street, on both sides, from the west City limits to the east City limits.
19. Monroe Street, on the north side, from Watkins Street to Church Street.
20. Monroe Street, on the south side, from Columbus Street to a point 30 feet west.
21. Monroe Street, on the north side, from State Street to West Street.

22. Jackson Street, on the south side, from Watkins Street to Columbus Street.
23. Jones Street, on the north side, from State Street to Sunset Street.
24. Jones Street, on the south side, from West Street to State Street effective Monday through Friday between the times of 7:00 a.m. to 4:00 p.m.
25. North Street, on the north side, from State Street to Business Highway 5.
26. Pleasant Street, on the north side, from Washington Street to the west corporate limits.
27. Clark Street, on the south side, from Linden Street to a point 350 feet east.
28. Clark Street, on the south and west sides, from State Street and Iowa Street.
29. Shadle Street, along the west side of the tennis courts.
30. Jefferson Street, on the east side, from Broadway Street to North Street.
31. West Street, on the east side, from Jasper Street to Jones Street.
32. West Street, on the west side, from Jasper Street to a point 160 feet to the north.
33. Columbus Street, on both sides, from Dewitt Street to Collins Street.
34. Monroe Street, on both sides, from Jefferson Street to Columbus Street, it shall be unlawful to park any vehicle for a continuous period of more than eight hours.
35. Lily Lane, on the north side, from SpringView Drive to the cul-de-sac.
36. Linden Street, on the west side, from Pleasant Street to the cul-de-sac.

69.09 HEAVY VEHICLE PARKING. No person shall park a heavy vehicle in violation of the following regulations. For the purpose of this section, a “heavy vehicle” is defined as a vehicle, either motorized or designed to be towed, utilizing wheels or skids, weighing five tons gross license weight or more.

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

1. **Restriction.** No heavy vehicle shall be parked upon any public thoroughfare, including streets and alleys, or upon City-owned property for more than two hours, unless designated for heavy vehicle parking.
2. **Exceptions.** This section does not apply to construction or maintenance vehicles operated on behalf of the City or heavy vehicles used in conjunction with City-sponsored events or entertainment necessitating the use of heavy vehicles.
3. **Special Permit.** The Mayor and Council, either upon their own motion or by reason of written application, reserve the right to issue special permits allowing and permitting the parking of heavy vehicles upon City-owned thoroughfares and/or City-owned property where heavy vehicle parking is prohibited by reason of this section. The special permit shall be issued in writing and may be conditioned as to the nature of the parking, the location of the parking, the reason for said parking, and time limitations on said parking. The special permit may, from time to time, be renewed or extended by the Council. The Mayor may, at the Mayor’s discretion and without consent of the Council, issue emergency temporary parking permits to permit heavy vehicular parking in the event of an emergency. Said emergency temporary parking permit, however, shall extend to the next Council meeting when the subject matter shall be placed upon the agenda and the emergency temporary parking permit issued shall be reviewed and either confirmed or rejected by the Council.

69.10 PARKING LIMITED.

1. It is unlawful to park any vehicle for a continuous period of more than two hours, Monday through Friday, upon the following streets.

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

- A. Dallas Street on the south side, from State Street to Polk Street, between the hours of 8:00 a.m. and 8:00 p.m.

- B. Jones Street, on the south side, from State Street to West Street, between the hours of 7:00 a.m. and 5:00 p.m.

2. It is unlawful to park any vehicle for a continuous period of more than eight hours, Monday through Friday, upon the following designated streets:

- A. Both sides of Monroe Street, from Jefferson Street to Columbus Street.

3. It is unlawful to park any vehicle for a continuous period of more than eight hours, Monday through Sunday, upon the following designated streets:

- A. Both sides of Jefferson Street, from Jackson Street to Monroe Street.

- B. Both sides of Jackson Street, from Jefferson Street to Washington Street.

69.11 SNOW REMOVAL. It is unlawful for any person to park any vehicle upon the streets and thoroughfares of the City after the accumulation of two inches or more of snow and for a period of 12 hours after the snow ceases.

69.12 SPECIAL PARKING PERMITTED. The Police Chief, Mayor, or Council may, either upon application or in the exercise of their powers, and for temporary duration, permit special parking at designated locations along any thoroughfare where parking is normally prohibited.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 and 321.485)

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

(Code of Iowa, Sec. 805.8 and 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of \$25.00 for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by \$5.00. The fine for improper use of a persons with disabilities parking permit is \$100.00.

(Code of Iowa, Sec. 321.236[1b] and 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code; and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. 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.

A. Illegally Parked Vehicle Not Constituting a Hazard or Obstruction. Upon a second offense or subsequent violation of Section 69.05 a peace officer shall impound the vehicle by removing or causing it to be removed to the nearest garage or other place of safety, or to a garage designated or maintained by the City. The owner or driver of any vehicle impounded for a second offense and all subsequent violation of this ordinance shall be required to pay the reasonable cost of towing, storage, and all unpaid fines.

B. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

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])

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CHAPTER 75

ATVS, UTVS, AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of ATVs and UTVs

75.06 Negligence

75.07 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, off-road utility vehicles, and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1)

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

3. “Off-road utility vehicle” or “UTV” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” or “UTV” includes the following vehicles:

(Code of Iowa, Sec. 321I.1)

A. “Off-road utility vehicle – Type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – Type 2” includes vehicles, other than Type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – Type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an UTV is also subject to the provisions of this chapter governing the operation of ATVs.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or

ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1)

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G and Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground, or upon any other City-owned property without the express permission of

the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. 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.

75.05 OPERATION OF ATVS AND UTVS. The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

1. Streets. ATVs and UTVs may be operated on roadways or highways in accordance with Section 321.234A of the *Code of Iowa*. A City may regulate the operation of registered ATVs and UTVs and may designate streets under the jurisdiction of the City within its corporate limits, and two-lane primary and secondary road extensions in the City, which may be used for the operation of such vehicles. In designating such streets, the City may authorize ATVs and UTVs to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 and 3])

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

(Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-Way. ATVs and UTVs shall not be operated on an operating railroad right-of-way. An ATV or UTV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs and UTVs shall not be operated in any park, playground, or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs and UTVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

6. Direct Crossing. An ATV or UTV may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

(Code of Iowa, Sec. 321I.10[5])

A. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

B. The ATV or UTV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

E. The crossing is made from a street, roadway, or highway on which the ATV or UTV is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

75.06 NEGLIGENCE. The owner and operator of an ATV, UTV, or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV, UTV, or snowmobile. The owner of an ATV, UTV, or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV, UTV, or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, UTV, or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 and 321I.19)

75.07 ACCIDENT REPORTS. Whenever an ATV, UTV, or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 and 321I.11)

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CHAPTER 77

GOLF CARTS

77.01 Purpose	77.07 Hours of Operation
77.02 Definition	77.08 Equipment
77.03 Operation Permitted	77.09 Speed
77.04 Prohibited Streets	77.10 Unlawful Operation
77.05 Riding on Golf Carts	77.11 Permit Required
77.06 Prohibited Areas	77.12 Penalty

77.01 PURPOSE. The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the *Code of Iowa*, as amended. This chapter applies whenever a golf cart is operated on any street or alley, subject to those exceptions stated herein.

77.02 DEFINITION. Golf cart means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, and has an engine displacement of less than 800 cubic centimeters.

77.03 OPERATION PERMITTED. Golf carts may be operated upon the streets of the City by persons possessing a valid operator's license and who are at least 16 years of age. All traffic regulations applicable to the operation of motor vehicles on streets, roads, and highways of the State and the City shall apply to the operation of a golf cart on the streets and alleys of the City, including the insurance requirements of Chapter 321A.21 of the *Code of Iowa*. Owner must show proof of liability insurance prior to the City issuing any permit.

77.04 PROHIBITED STREETS.

1. Golf carts shall not be operated upon any street, with a speed limit of 35 MPH or greater with the exception of Business Highway 5 at Jasper Street, traveling south on Business Highway 5 to the entrance of the Pleasantville County Club and Golf Course.
2. Golf carts shall not be operated upon the following streets:
 - A. Jasper Street west of Highway 5 to the City limits.
 - B. All of Business Highway 5 north of Jasper Street.

Anyone who resides on a prohibited street may operate a golf cart on such prohibited street, but only to get to the nearest street upon which golf carts are permitted.

77.05 RIDING ON GOLF CARTS. There shall be no more than two persons per front seat, with a maximum of four people riding in a golf cart while it is being operated on a City street. Children under the age of six are prohibited from riding on the golf cart.

77.06 PROHIBITED AREAS.

1. Golf carts shall not be operated in any public sidewalk.
2. No golf cart shall be operated on private property without the express consent of the owner.
3. Golf carts shall not be operated on the City bike path.

77.07 HOURS OF OPERATION. Golf carts may be operated upon City streets only from sunrise to sunset. There shall be no golf carts during the nighttime.

77.08 EQUIPMENT. Golf carts operated upon any City streets shall be equipped with a bicycle safety flag at all times during operation and shall have adequate brakes. Safety flag shall be at or above the highest part of the golf cart.

77.09 SPEED. No golf cart shall be operated on any City street at a speed in excess of 25 MPH.

77.10 UNLAWFUL OPERATION.

1. No golf cart shall be operated or parked upon City sidewalks.
2. No golf cart shall be operated while the operator is under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
3. No person shall operate a golf cart in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to same.

77.11 PERMIT REQUIRED.

1. Required. No person shall operate a golf cart on any City street without first obtaining a permit from the Police Chief.
2. Form. An application for a permit shall be made on a form furnished by the Police Chief and shall contain the following:
 - A. The name and address of the owner of the golf cart and the location where the cart is kept;
 - B. The make, color, and type of golf cart, together with a general description of the cart and any identifying numbers it may have.
3. Fee. The permit application shall be accompanied by a permit fee in the amount of \$10.00, which shall be an annual fee due on January 1, of each year.
4. Issuing. If the Police Chief determines that the application is in order and complies with the requirements of this chapter, the Police Chief shall issue the permit and a tag, sticker, or other device to be displayed on the golf cart. The permit shall contain an identifying number.
5. City Celebration Waiver. The permit requirements shall be waived for golf carts used by officials, workers, and volunteers while carrying out duties related to and during a City celebration. All such operators must be at least 16 years of age and possess a valid driver's license.

77.12 PENALTY. In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor, punishable as a scheduled violation, under the *Code of Iowa*.

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CHAPTER 78

BICYCLE REGULATIONS

78.01 Scope of Regulations	78.08 Riding on Sidewalks
78.02 Traffic Code Applies	78.09 Towing
78.03 Double Riding Restricted	78.10 Improper Riding
78.04 Two Abreast Limit	78.11 Parking
78.05 Speed	78.12 Equipment Requirements
78.06 Emerging From Alley or Driveway	78.13 Special Penalty
78.07 Carrying Articles	

78.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, Sec. 321.236[10])

78.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

78.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234[3 and 4])

78.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236[10])

78.05 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, Sec. 321.236[10])

78.06 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, Sec. 321.236[10])

78.07 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article that prevents the rider from keeping at least one hand upon the handlebars.

(Code of Iowa, Sec. 321.236[10])

78.08 RIDING ON SIDEWALKS. The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

(Code of Iowa, Sec. 321.236[10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, Sec. 321.236[10])

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Code of Iowa, Sec. 321.236[10])

78.09 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

78.10 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

78.11 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, Sec. 321.236[10])

78.12 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, Sec. 321.236[10])

78.13 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five days for the first offense, 10 days for a second offense, and 30 days for a third offense.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions	80.06 Disposal of Abandoned Vehicles
80.02 Authority to Take Possession of Abandoned Vehicles	80.07 Disposal of Totally Inoperable Vehicles
80.03 Notice by Mail	80.08 Proceeds from Sales
80.04 Reclamation of Abandoned Vehicles	80.09 Duties of Demolisher
80.05 Fees for Impoundment	

80.01 DEFINITIONS. For use in this chapter, the following terms are defined:
(*Code of Iowa, Sec. 321.89[1] and Sec. 321.90*)

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than 24 hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa State Patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity,

equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL.

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody, no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
 - A. A description of the year, make, model and vehicle identification number of the vehicle.
 - B. The location of the facility where the vehicle is being held.
 - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.
 - D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.
 - E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.
3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.
4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity, or of the assessment of fees and charges provided by this section, may ask for an evidentiary hearing before the police authority to contest those matters.

5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles, but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

(Code of Iowa, Sec. 321.89[3])

80.04 RECLAMATION OF ABANDONED VEHICLES. Prior to driving an abandoned vehicle away from the premises, a person who received (or who is reclaiming the vehicle on behalf of a person who received) notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

(Code of Iowa, Sec. 321.89[3a])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

(Code of Iowa, Sec. 321.89[3a])

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for 90 days, and then shall be deposited in the State Road Use Tax

Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions

81.02 Obstructing Streets

81.03 Crossing Maintenance

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

1. “Operator” means any individual, partnership, corporation, or other association that owns, operates, drives, or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

81.02 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of 10 minutes except:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

81.03 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago and N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Fee for Permit and Connection Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting Off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent, or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within 60 days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 FEE FOR PERMIT AND CONNECTION CHARGE. Before any permit is issued the person who makes the application shall pay \$50.00 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 \$50.00 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 the *International Plumbing Code*.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

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

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least 18 inches apart. No main shall be tapped nearer than two feet of the joint in the main.
3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

90.14 CURB VALVE. There shall be installed within a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground and shall be located pursuant to *Standard Urban Design and Specifications (IOWASUDAS)*.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY.

1. 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.

2. When water has been shut off to any customer who has violated any of the regulations contained in these water service system chapters, it shall not be turned on again until the customer has paid to the Clerk a \$35.00 fee for restoring services. The water shall be turned on only during the regular municipal administrative hours, which are from 8:00 a.m. to 3:00 p.m. Monday through Friday.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

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CHAPTER 91

WATER METERS

91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems; Exception
91.04 Location of Meters
91.05 Meter Setting

91.06 Meter Costs
91.07 Meter Repairs
91.08 Right of Entry
91.09 Meter Testing

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City or a licensed plumber.

1. All water meters shall be equipped with the City's remote meter reading device.
2. Independent Units: Each house, building, or individually owned unit shall be individually metered unless special written permission is obtained from the Superintendent.
3. Multiple Units: Multiple-family dwellings of two or more units or multi-unit commercial or industrial premises shall have each unit metered and billed individually, if individual curb stop shutoff valves are available for each unit. Multiple-family dwellings or multiple-tenant commercial or industrial buildings that do not have separate curb stop shutoff valves shall be metered and billed to the property owner, who is responsible for payment for the water used.
4. Irrigation Systems: An irrigation meter may be installed to measure water that is not disposed of through the public sanitary sewer system. The water measured by an irrigation meter may include water for swimming pools, watering yards, watering gardens or other similar uses. The following regulations apply:
 - A. No underground irrigation systems are allowed in the public right-of-way.
 - B. Meter size shall be approved by the Superintendent, with a maximum size of two inches.
 - C. Meter must be inside a building or heated enclosure or otherwise protected from freezing.
 - D. The service line shall be copper piping from water main to meter.
 - E. A City-approved backflow preventer must be installed after the irrigation meter to protect against contamination of the water system. **(See Chapter 94.)**
5. Seasonal Meters: Seasonal irrigation meters located outside a building shall be temporarily removed for winter protection. Meter removals and reinstallations shall be done by the property owner

91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of

the Superintendent. No other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 METER TESTING. The Superintendent or any designee shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of five percent or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy, but not more than five percent of the total water bill and not for a longer period than three months. If the meter is found to be accurate or slow or less than five percent fast, the user shall pay the cost of the testing fee.

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CHAPTER 92

WATER RATES

92.01 Service Charges
 92.02 Rates For Service
 92.03 Rates Outside the City
 92.04 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
 92.10 Temporary Vacancy

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:

Effective August 1, 2022		
Monthly Usage	City Rate	Rural Rate
First 2,000 gallons or less	\$18.18 (minimum bill)	\$24.08 (minimum bill)
All over 2,000 gallons	\$9.09 per 1,000 gallons	\$12.05 per 1,000 gallons
Effective July 1, 2023		
Monthly Usage	City Rate	Rural Rate
First 2,000 gallons or less	\$18.54 (minimum bill)	\$24.56 (minimum bill)
All over 2,000 gallons	\$9.27 per 1,000 gallons	\$12.29 per 1,000 gallons
Effective July 1, 2024		
Monthly Usage	City Rate	Rural Rate
First 2,000 gallons or less	\$18.91 (minimum bill)	\$25.05 (minimum bill)
All over 2,000 gallons	\$9.45 per 1,000 gallons	\$12.53 per 1,000 gallons
Effective July 1, 2025		
Monthly Usage	City Rate	Rural Rate
First 2,000 gallons or less	\$19.28 (minimum bill)	\$25.55 (minimum bill)
All over 2,000 gallons	\$9.64 per 1,000 gallons	\$12.78 per 1,000 gallons
Effective July 1, 2026		
Monthly Usage	City Rate	Rural Rate
First 2,000 gallons or less	\$19.66 (minimum bill)	\$26.06 (minimum bill)
All over 2,000 gallons	\$9.83 per 1,000 gallons	\$13.04 per 1,000 gallons
Effective July 1, 2027		
Monthly Usage	City Rate	Rural Rate
First 2,000 gallons or less	\$20.05 (minimum bill)	\$26.58 (minimum bill)
All over 2,000 gallons	\$10.02 per 1,000 gallons	\$13.30 per 1,000 gallons

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the rural rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

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 day of each month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of \$5.00 shall be added to each delinquent bill.
4. Returned Check Charge. There shall be a charge of \$25.00 for each check returned for insufficient funds, payable with the current utility bill. After receiving one insufficient fund check, the customer will be notified by mail of the NSF check and the amount will be payable by cash or money order.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested prior to discontinuance, the Clerk shall conduct an informal hearing within two days of the hearing request and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the Clerk'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 \$35.00 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.

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 property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. **Water Service Exemption.** The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, stormwater drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.
4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.08 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 in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall

also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer a deposit of \$120.00. The deposit is intended to guarantee the payment of the bills for service. Customers having established acceptable credit records for five years shall have their deposits returned. An occurrence or recurrence of non-payment or delinquent payment of a bill, non-payment or delinquent payment of deposit when due, or a returned check shall require a deposit for the continuation of service of \$120.00.

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$35.00 fee collected for shutting the water off at the curb valve and restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

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CHAPTER 93

WELL PROTECTION

93.01 Definitions
93.02 Designation of Wells
93.03 Substances Regulated

93.04 Well Protection
93.05 Exception
93.06 Nonconforming Uses

93.01 DEFINITIONS. The following terms are defined as used in this chapter:

1. “Aquifer” means a rock formation, group of rock formations, or part of a rock formation that contains enough saturated permeable materials to yield significant quantities of water.
2. “Contamination” means the presence of any harmful or deleterious substances in the water supply.
3. “Deep public well” means a public well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at least 25 feet below the normal ground surface and above the aquifer from which the water is drawn.
4. “Hazardous Substances” means those materials specified in Section 93.03 of this chapter.
5. “Shallow public well” means a public well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock at least five feet thick located at least 25 feet below the normal ground surface and above the aquifer from which the water is drawn.
6. “Well” means a pit or hole sunk into the earth to reach a resource supply such as water.

93.02 DESIGNATION OF WELLS. Each well owned and operated by the City shall be designated as a “deep public well” for the purposes of this chapter.

93.03 SUBSTANCES REGULATED. The materials regulated by this chapter shall consist of the following:

1. Substances listed in 40 CFR Section 302.4, List of Hazardous Substance and Reportable Quantities.
2. Substances listed by the Iowa Labor Commissioner pursuant to Section 898.12 of the *Code of Iowa* (Hazardous Chemicals Risks-Right to Know).
3. Substances listed in 40 CFR Section 261, subparts A, B, C, and D, Federal Hazardous Waste List.

93.04 WELL PROTECTION. The construction of new structures or facilities must meet the separation distances from the existing City wells as required in the *Iowa Administrative Code 567-Environmental Protection, Chapter 43 Water Supplies - Design and Operation*.

93.05 EXCEPTION. The following activities or uses are exempt from the provisions of this chapter:

1. The transportation of any hazardous substance through the area bounded by the separation distances shown in Section 93.04, provided the transporting vehicle is in transit.
2. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.
3. Fire, police, emergency medical services, emergency management center facilities, or public utility transmission facility.
4. Consumer product limited to use at a facility solely for janitorial or minor maintenance purposes.
5. Consumer products located in the home which are used for personal, family or household purposes.
6. The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well, provided an enclosed secondary containment system is provided for the hazardous substance.
7. The use of water treatment chemicals connected with the operation of the well or plant.
8. The use of consumer fertilizers, herbicides, or pesticides, provided that application of such is within the labeled manufacture's recommended quantities.

93.06 NONCONFORMING USES. The uses of structures or facilities existing at the time of enactment of this ordinance may be continued even though such use may not conform to the regulations of this chapter. However, such structures or facilities may not be enlarged, extended, reconstructed, or substituted subsequent to the date of adoption of the adoption of the first ordinance adopting Well Protection Standards.[†]

[†] **EDITOR'S NOTE:** The City first adopted Well Protection Standards with Ordinance No. 1504 passed on 8-17-15.

TABLE A: SEPARATION DISTANCES		
SOURCE OF CONTAMINATION	REQUIRED MINIMUM LATERAL DISTANCE FROM WELL AS HORIZONTAL ON THE GROUND SURFACE, IN FEET	
	Deep Well ¹	Shallow Well ¹
WASTEWATER STRUCTURES:		
Point of Discharge to Ground Surface		
Sanitary and industrial discharges	400	400
Water treatment plant wastes	50	50
Well house floor drains	5	5
Sewers and Drains²		
Sanitary and storm sewers, drains	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Sewer force mains	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1,000 feet if sanitary sewer pipe	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1,000 feet if sanitary sewer main pipe
Water plant treatment process wastes that are treated onsite	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Water plant wastes to sanitary sewer	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to sewers	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to surface	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Land Disposal of Treated Wastes		
Irrigation of wastewater	200	400
Land application of solid wastes ³	200	400
Other		
Cesspools and earth pit privies	200	400
Concrete vaults and septic tanks	100	200
Lagoons	400	1,000
Mechanical wastewater treatment plants	200	400
Soil absorption fields	200	400

SOURCE OF CONTAMINATION	REQUIRED MINIMUM LATERAL DISTANCE FROM WELL AS HORIZONTAL ON THE GROUND SURFACE, IN FEET	
	Deep Well ¹	Shallow Well ¹
CHEMICALS:		
Chemical application to ground surface	100	200
Chemical & mineral storage above ground	100	200
Chemical & mineral storage on or under ground	200	400
Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia)	200	400
ANIMALS:		
Animal pasturage	50	50
Animal enclosure	200	400
Earthen silage storage trench or pit	100	200
Animal Wastes		
Land application of liquid or slurry	200	400
Land application of solids	200	400
Solids stockpile	200	400
Storage basin or lagoon	400	1,000
Storage tank	200	400
MISCELLANEOUS:		
Basements, pits, sumps	10	10
Cemeteries	200	200
Cisterns	50	100
Flowing streams or other surface water bodies	50	50
GHEX loop boreholes	200	200
Railroads	100	200
Private wells	200	400
Solid waste landfills and disposal sites ⁴	1,000	1,000

¹ Deep and shallow wells, as defined in IAC 567-40.2(455B): A deep well is a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. A shallow well is a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least five feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

² The separation distances are dependent upon two factors: the type of piping that is in the existing sewer or drain, as noted in the table, and that the piping was properly installed in accordance with the standards.

³ Solid wastes are those derived from the treatment of water or wastewater. Certain types of solid wastes from water treatment processes may be land-applied within the separation distance on an individual, case-by-case basis.

⁴ 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.

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CHAPTER 94

MUNICIPAL WATER SUPPLY CROSS CONNECTION BACKFLOW PREVENTION

94.01 Findings	94.11 Backflow Prevention Assembly Technicians
94.02 Definitions	94.12 Standards for Installation of Backflow Prevention Assemblies
94.03 General Provisions	94.13 Standards for Testing of Backflow Prevention Assemblies
94.04 Time Limits for Compliance	94.14 Standards for Repair of Backflow Prevention Assemblies
94.05 New Water Rates	94.15 Enforcement in the Event of Customer Non-Compliance
94.06 Existing Water Services	94.16 Appeal
94.07 Detection and Investigation	
94.08 Customer Duties	
94.09 Ordinary Water Services	
94.10 Specialized Fire Protection Systems	

94.01 FINDINGS. The City’s public potable water supply system (hereinafter, “public water system”) must be protected from contamination that can result from cross connection with any private water piping system that fails to prevent backflow of untreated or inadequately treated water from wells or any other source. To prevent such contamination, it is necessary to establish an application process, rules for safe installation, and rules for maintenance and inspection of permitted cross connections to the City’s public water system. To assure compliance with the provisions of this chapter, it is necessary to provide procedures to detect, investigate, and abate unsafe cross connections and impose effective penalties on persons responsible for effecting, maintaining, or failing to prevent unsafe cross connections. The City’s authority to adopt this ordinance is inherent in its police powers and corresponding duty to preserve and protect public health and safety. Section 384.24(3)(r) of the *Code of Iowa*, defines “the acquisition, construction, reconstruction, improvement, repair, and equipping of waterworks, water mains, and extensions, and real and personal property, useful for providing potable water to residents of a city” as an “essential corporate purpose.”

94.02 DEFINITIONS. The following definitions shall apply to this chapter. For the purposes of this chapter, these definitions supersede the definitions given elsewhere in the City Code.

1. “Administrative authority” means the Pleasantville Water Department, acting by and through said Department’s Superintendent, or such designee of the Superintendent as the Superintendent may from time to time appoint, or “the Water Works” or “office of the City Building Inspector.”
2. “Approved backflow prevention assembly for containment” means a backflow prevention assembly which is listed by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research as having met the requirements of ANSI-AWWA Standard C510- 89, “Double Check Valve Backflow Prevention Assemblies,” of ANSI - AWWA Standard C511-89, “Reduced Pressure Principle Backflow Prevention Assemblies” for containment. The listing shall include the limitations of use based on the degree of hazard. The backflow prevention assembly must also be listed by the International Association of Plumbing and Mechanical Officials.

3. “Approved backflow prevention assembly for containment in a fire protection system” means a backflow prevention assembly to be used in a fire protection system which meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL), and the requirements of the Fire Code and the Building Code of the City in addition to the requirements of Section 94.02(2). Devices sized smaller than two and one-half inches which have not been listed by Underwriters Laboratory (UL) and tested by Factory Mutual Research Corporation (FM) may be allowed if they meet the requirements of the Fire Code and the Building Code of the City.
4. “Auxiliary water supply” means any water supply on or available to the premises other than the water purveyor’s approved public water supply such as, but not limited to, a private well, pond, or river.
5. “Containment” means a method of backflow prevention which requires the installation of a backflow prevention assembly at the water service entrance.
6. “Cross connection” means any actual or potential connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or tank, receptacle, equipment, or device, through which it may be possible for non-potable, used, unclean, polluted, and contaminated water, or other substance, to enter into any part of such potable water system under any condition.
7. “Customer” means the owner, operator, occupant of a building, or property which has a water service from a public water system, or the owner or operator of a private water system which has a water service from a public water system.
8. “Degree of hazard” means the rating of a cross connection or water service which indicates if it has the potential to cause contamination or pollution.
9. “Double check valve backflow prevention assembly” means a backflow prevention device consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves.
10. “High hazard cross connection” means a high hazard cross connection is a cross connection which may cause an impairment of the quality of the potable water by creating an actual hazard to public health, through poisoning or through the spread of disease by sewage, industrial fluids, or waste.
11. “Isolation” means a method of backflow prevention in which a backflow prevention assembly is located at the cross connection rather than at the water service entrance.
12. “Low hazard cross connection” means a cross connection which may cause an impairment of the quality of potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.
13. “Reduced pressure principle backflow prevention assembly” means a backflow prevention device consisting of two independently acting internally loaded check valves, a pressure relief valve, four properly located test cocks, and two isolation valves.
14. “Registered backflow prevention assembly technician” means a person who is registered by the State in accordance with Chapter 135K of the *Code of Iowa*, to test or repair backflow prevention assemblies and report on the condition of those assemblies.

15. “Thermal expansion” means volumetric increase of water due to heating resulting in increased pressure in a closed system.

16. “Water service” means, depending on the context, water service is the physical connection between a public water system and a customer’s building, property, or private water system, or the act of providing potable water to a customer.

94.03 GENERAL PROVISIONS.

1. Cross connection from any well or other source of water to any piping system connected to the City’s public water system shall not be permitted except upon written permission of the administrative authority.

2. Every customer shall have the duty to prevent pollutants and contaminants from entering the public water system by backflow or back siphoning.

3. All water-using devices must be so designed that backflow or back siphoning to the public water system cannot occur.

4. Where harmful contaminants or pollutants are used with any device or process connected to the public water system, the customer must install and maintain a reduced pressure backflow prevention device in accordance with this chapter and any applicable Plumbing Code requirements.

5. All permanently installed underground sprinkling systems shall contain a device designed to prevent backflow or back siphoning to the public water system.

6. For interconnected services or fire lines:

A. Where a customer is served by two or more inter-connected services and/or fire lines connected to different distribution mains or different sections of distribution mains, the customer shall install and maintain, at customer’s expense, on each service or fire line, an approved check valve according to the latest edition of the AWWA Standard C508.

B. This check valve, installed in an access manhole, shall be located on private property just inside the property line. Even though the check valve is located on private property, administrative authority personnel shall have the right and license to have access to it as a condition of receiving water service

94.04 TIME LIMITS FOR COMPLIANCE. Backflow prevention devices required by this chapter shall be installed in accordance with the following time limitations:

1. For new plants or facilities, when constructed.

2. For existing plants or facilities, when major plumbing changes are made, or whenever a dangerous or potentially dangerous condition is found.

3. For any residence, plant, or facility where a dangerous or potentially dangerous condition is found and where such installation is ordered by the administrative authority.

4. For any property, when required by other codes or statutes.

94.05 NEW WATER RATES.

1. Every customer seeking water service shall submit plans to the administrative authority for review to determine the degree of hazard.
2. The administrative authority shall determine the type of backflow prevention assembly required for containment based on the degree of hazard.
3. The administrative authority shall inspect the installation of the required backflow prevention assembly for containment before the initiation of water service.

94.06 EXISTING WATER SERVICES.

1. Upgrades of existing water services shall be treated as new water services for the purpose of this chapter.
2. Within six months after adoption of this chapter, the administrative authority shall publish and make available to each customer a copy of the standards used to determine the degree of hazard. Omission of a customer from such notice shall not relieve the customer of the obligation to comply with this chapter.
3. Within three months after publication of the standards, the administrative authority shall, in writing, notify customers whose premises are classified as single family residential of the provisions of this chapter and shall require compliance therewith. Omission of a customer from such written notice shall not relieve the customer of the obligation to comply with this chapter.
4. Within three months after publication of the standards, customers whose premises are not classified as single family residential shall complete and return to the administrative authority a cross-connection hazard survey to be used to determine the type of containment device.
5. The administrative authority shall, on the basis of information received from customers or gathered through on-premise investigations or surveys, determine the type of backflow prevention assembly required for containment based on the degree of hazard.
6. Within the time frame specified in writing by the administrative authority, the customer shall install a backflow prevention assembly for containment required by the administrative authority.
7. For existing water services, the administrative authority may inspect the premises to determine the degree of hazard. When high hazard cross connections are found, the administrative authority shall, in its sole discretion:
 - A. Develop a schedule of compliance which the customer shall follow; or
 - B. Terminate the water service until a backflow prevention assembly for containment required by the administrative authority has been installed.
8. Failure of the administrative authority to notify a customer that they are believed to have a high hazard cross connection and that they shall install backflow prevention assemblies for containment in no way relieves a customer of the responsibility to comply with all requirements of this chapter.

94.07 DETECTION AND INVESTIGATION.

1. As a condition of receiving water service, the administrative authority shall have the right to enter into or upon any customer property which administrative authority personnel reasonably believe to be at or near the site of a possible cross connection for the purpose of detecting and evaluating any such cross connection. If a customer refuses to permit entry, water service may be terminated or in the alternative, in the administrative authority's sole discretion, the administrative authority may seek a suitable warrant issued by a court of appropriate jurisdiction.
2. The administrative authority shall maintain records of cross connection hazard surveys, and the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.

94.08 CUSTOMER DUTIES.

1. The customer shall be responsible for ensuring that no cross connections exist without approved backflow protection within customer's premise starting at the point of service from the public water system.
2. The customer shall, at customer's sole expense, cause installation, operation, testing, and maintenance of backflow prevention assemblies.
3. The customer shall ensure that copies of records of the installation and of all tests and repairs made to the backflow prevention assembly on the approved form within 15 days after testing or repairs are completed.
4. In the event of a backflow incident, the customer shall immediately notify the administrative authority of the incident and take steps to confine the contamination or pollution.

94.09 ORDINARY WATER SERVICES.

1. An air gap or an approved reduced pressure principle backflow prevention assembly is required for water services having one or more cross connections which the administrative authority has classified as high hazard.
2. An approved double check valve assembly is required for water services having no high hazard cross connections but having one or more cross connections which the administrative authority has classified as low hazard.

94.10 SPECIALIZED FIRE PROTECTION SYSTEMS.

1. A reduced pressure principle backflow prevention assembly shall be installed on all new and existing fire protection systems which the administrative authority determined to have any one of the following:
 - A. Direct connections from public water mains with an auxiliary water supply on or available to the premises for pumper connection.
 - B. Interconnections with auxiliary supplies such as reservoirs, rivers, ponds, wells, mills, or other industrial water systems.
 - C. Use of antifreezes or other additives in the fire protection system.

- D. Combined industrial and fire protection systems supplied from public water mains only, with or without gravity storage or pump suction tanks.
 - E. Any other facility, connection, or condition which may cause contamination.
- 2. A double check valve assembly will be required for all other fire protection systems. The double check valve assembly shall be required on all new systems at the time of installation and on existing systems at the time that they are upgraded.
 - 3. Submittal of proposed backflow prevention devices to the administrative authority does not relieve the designer or the sprinkler contractor of the responsibility of submitting plans, including backflow prevention devices to the fire marshal for approval.

94.11 BACKFLOW PREVENTION ASSEMBLY TECHNICIANS.

- 1. A backflow prevention assembly technician registered by the State in accordance with Chapter 135K of the *Code of Iowa*, shall include their registration number on all correspondence and forms required by or associated with this chapter.
- 2. Non-compliance with any of the following by a registered technician shall be grounds for reporting said individual to the State Health Department.
 - A. Improper testing or repair of backflow prevention assemblies.
 - B. Improper reporting of the results of testing or of repairs made to backflow prevention assemblies.
 - C. Failure to meet registration requirements.
 - D. Related unethical practices.

94.12 STANDARDS FOR INSTALLATION OF BACKFLOW PREVENTION ASSEMBLIES.

- 1. The required backflow prevention assemblies for containment shall be installed in horizontal plumbing immediately following the meter or as close to that location as deemed practical by the administrative authority. In any case, it shall be located upstream from any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from contamination or pollution between the backflow prevention assembly and the water main.
- 2. Reduced pressure principle backflow prevention assemblies shall be installed so as to be protected from flooding.
- 3. Reduced pressure principle backflow prevention assemblies shall not be installed in underground vaults or pits.
- 4. All backflow prevention assemblies shall be protected from freezing. Those devices used for seasonal water services may be removed in lieu of being protected from freezing; however, the devices must be reinstalled and tested by a registered backflow prevention technician prior to service being reactivated.
- 5. If hot water is used within the water system, thermal expansion shall be provided for when installing a backflow prevention assembly for containment.

6. Provisions shall be made to convey the discharge of water from reduced pressure principle backflow prevention assemblies to a suitable drain.
7. No backflow prevention assemblies shall be installed in a place where it would create a safety hazard, such as, but not limited to over an electrical panel, or above ceiling level.
8. If interruption of water service during testing and repair of backflow prevention assemblies for containment is unacceptable, another backflow prevention assembly, sized to handle the temporary water flow needed during the time of test or repair, should be installed in parallel piping.
9. All backflow prevention assemblies shall be installed so that they are accessible for testing.
10. All shut-off valves shall conform with the current edition of the *Manual of Cross Connection Control* (University of Southern California) requirements for either ball or resilient seat gate valves at the time of installation. Ball valves shall be used on assemblies installed in piping two inches and smaller and resilient seat gate valves on assemblies installed in piping larger than two inches.
11. Location and protection of the containment assembly shall be approved by the administrative authority prior to installation.

94.13 STANDARDS FOR TESTING OF BACKFLOW PREVENTION ASSEMBLIES.

1. Testing of backflow prevention assemblies shall be performed by a registered backflow prevention assembly technician. The costs of required tests shall be borne by the customer.
2. Backflow prevention assemblies shall be tested upon installation and tested and inspected at least annually.
3. Backflow prevention assemblies which are in place, but which have been out of operation for more than three months, shall be tested before being put back into operation. Backflow prevention assemblies used in seasonal applications shall be tested before being put into operation each season.
4. Any backflow prevention assembly which fails a periodic test shall be repaired or replaced. When water service has been terminated for non-compliance, the backflow prevention assembly shall be repaired or replaced prior to the resumption of water service. Backflow prevention assemblies shall be retested by a registered backflow prevention assembly technician immediately after repair or replacement.
5. The administrative authority may require backflow prevention assemblies to be tested at any time in addition to the annual testing requirement.
6. The registered backflow prevention assembly technician shall report the successful test of a backflow prevention assembly to the customer and to the administrative authority on the form provided by the administrative authority within 15 days of the test.
7. The administrative authority may require, at the owner's expense, additional tests of individual backflow prevention assemblies as it shall deem necessary to verify test procedures and results.

94.14 STANDARDS FOR REPAIR OF BACKFLOW PREVENTION ASSEMBLIES.

1. All repairs to backflow prevention assemblies shall be performed by registered backflow prevention assembly technicians.
2. The registered backflow prevention assembly technician shall not change the design, material, or operational characteristics of a backflow prevention assembly during repair or maintenance, and shall use only original manufacturer replacement parts.
3. The registered backflow prevention assembly technician shall report the repair of a backflow prevention assembly to the customer and to the administrative authority on the form provided by the administrative authority within 15 days of the repair. The report shall include the list of materials or replacement parts used.
4. Any time fire services are discontinued for a period of time longer than necessary to test the device, the tester is required to notify the fire marshal's office that the fire service is shut off for repair.

94.15 ENFORCEMENT IN THE EVENT OF CUSTOMER NON-COMPLIANCE.

1. A customer's water service may be disconnected without notice for noncompliance with this chapter.
2. Noncompliance includes, but is not limited to the following:
 - A. Refusal to allow administrative authority personnel access to the property to inspect for cross connections.
 - B. Removal of a backflow prevention assembly which has been required by the administrative authority.
 - C. By-passing of a backflow prevention assembly which has been required by the administrative authority.
 - D. Providing inadequate backflow protection when cross connections exist.
 - E. Failure to install a backflow prevention assembly which has been required by the administrative authority.
 - F. Failure to test or properly repair a backflow prevention assembly as required by the administrative authority.
 - G. Failure to comply with the requirements of this chapter.
 - H. The existence of any other condition on customer's property which administrative authority personnel reasonably believe constitutes a significant risk of contamination of the City's public water system.
3. In addition to the disconnection of water service, violation of any provision of this chapter may be the subject of a civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
4. Violation of any provision of this chapter also constitutes a municipal infraction within the meaning of Section 364.22 of the *Code of Iowa*, pursuant Chapter 3

94.16 APPEAL.

1. Administrative decisions by administrative authority personnel may be appealed by a customer to the Council pursuant to the following rules:

A. The appeal must be filed in writing with the Clerk within five business days of the decision or enforcement action.

B. The written appeal shall specify in detail the action appealed from, the errors allegedly made by administrative authority personnel giving rise to the appeal, a written summary of all oral and written testimony the customer intends to introduce at the hearing, including the names and addresses of all witnesses the customer intends to call, copies of all documents the customer intends to introduce at the hearing, and the relief requested.

C. Within two business days of the filing of the written appeal, administrative authority personnel shall file in writing with the Clerk and mail by ordinary mail to the customer the reasons for the enforcement action, a written summary of all oral and written testimony administrative authority personnel intend to introduce at the hearing, including the names and addresses of all witnesses administrative authority personnel intend to call, and copies of all documents administrative authority personnel intend to introduce at the hearing.

D. The Clerk shall notify the customer and administrative authority personnel by ordinary mail, and shall give public notice in accordance with Chapter 21 of the *Code of Iowa*, of the date, time, and place for the regular or special meeting of the Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four nor more than 20 days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A of the *Code of Iowa*. The customer may be represented by counsel at the customer's expense. Administrative authority personnel may be represented by the City Attorney or by an attorney designated by the Council at City expense.

2. The decision of the Council shall be rendered in writing and may be appealed to the Iowa District Court.

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Superintendent
95.04 Prohibited Acts
95.05 Sewer Connection Required

95.06 Service Outside the City
95.07 Right of Entry
95.08 Use of Easements
95.09 Special Penalties
95.10 Abandoned Sewer Lines

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety, and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Cleanout” means an access opening in the drainage system utilized for the removal of obstructions. Types of cleanouts include a removable plug or cap, and a removable fixture or fixture trap.
5. “Combined sewer” means a sewer receiving both surface run-off and sewage.
6. “Customer” means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
7. “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
8. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
9. “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.
10. “Major Rehabilitation” means any repair or corrective action performed on a building sewer other than routine cleaning and inspection.

11. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
12. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.
13. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
14. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
15. “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.
16. “Sanitary sewer” means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
17. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
18. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
19. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
20. “Sewer” means a pipe or conduit for carrying sewage.
21. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
22. “Slug” means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
23. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
24. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
25. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
26. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections, and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so provided that said public sewer is located within 200 feet 61 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])

(567 IAC 69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except Subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in Subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

95.10 ABANDONED SEWER LINES. When an existing sanitary sewer service is abandoned or a service is renewed with a new connection in the main, all abandoned connections with the mains shall be capped off and made absolutely watertight.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Connection Charge
96.03 Plumber Required
96.04 Excavations
96.05 Connection Required

96.06 Sewer Tap
96.07 Inspection Required
96.08 Property Owner's Responsibility
96.09 Abatement of Violations
96.10 Cleanout Required

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 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 CONNECTION CHARGE. The person who makes the application shall pay a fee in the amount of \$50.00 to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135.

96.05 CONNECTION REQUIRED. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the *International Plumbing Code*, the laws of the State and other applicable rules and regulations of the City.

96.06 SEWER TAP. No building sewer shall be covered, concealed, or put into use until it has been tested, inspected, and accepted as prescribed in the *International Plumbing Code*.

96.07 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 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.

96.08 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.

96.09 ABATEMENT OF VIOLATIONS. Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

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

96.10 CLEANOUT REQUIRED. An exterior cleanout shall be installed on all newly constructed building sewers or any existing building sewer that receives major rehabilitation. The cleanout shall be located within 15 feet of the junction of the building drain and building sewer. If it is not feasible to locate the cleanout within this distance, locate the cleanout at a location approved by the Superintendent. The type of cleanout shall be approved by the Superintendent.

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Stormwater
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

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

97.01 STORMWATER. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be in the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides (CN) in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow.
 - A. Any waters or wastes:
 - (1) Having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or
 - (2) Containing more than 350 parts per million by weight of suspended solids; or
 - (3) Having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.
 - B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to:
 - (1) Reduce the biochemical oxygen demand to 300 parts per million by weight; or
 - (2) Reduce the suspended solids to 350 parts per million by weight; or
 - (3) Control the quantities and rates of discharge of such waters or wastes.
 - C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than 150°F (65°C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32°F and 150°F (0°C to 65°C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution, whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage

works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; 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 for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

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CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(567 IAC 69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the *Iowa Administrative Code 567*, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(567 IAC 69.1[3 and 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(567 IAC 69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

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CHAPTER 99

SEWER SERVICE CHARGES

99.01 Purpose	99.07 Sewer User Charge
99.02 Definitions	99.08 Responsibility for Increased Costs
99.03 Use of Funds	99.09 Application
99.04 Accounts Designated	99.10 Payment of Bills
99.05 Year-End Balances	99.11 Lien for Nonpayment
99.06 Charges Based on Usage	99.12 Review of User Charge System

99.01 PURPOSE. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public wastewater treatment works.

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

1. "Normal domestic wastewater" means wastewater that has a BOD₅ concentration of not more than 300 mg/l, a suspended solids concentration of not more than 300 mg/l and an ammonia-N concentration of not more than 35 mg/l.
2. "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities, and other items which are necessary for the management and maintenance of the sewer works to achieve the capacity and performance for which such works were designed and constructed.
3. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
4. "Residential contributor" means any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.
5. "Treatment works" means any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.
6. "Useful life" means the estimated period during which the wastewater treatment works will be operated.

7. "User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
8. "Water meter" means a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

99.03 USE OF FUNDS. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

99.04 ACCOUNTS DESIGNATED. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established herein shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

1. Operation and Maintenance Account. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works.
2. Replacement Account. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made monthly from the operation, maintenance, and replacement revenue in the amount of \$10,000.00 annually.

99.05 YEAR-END BALANCES. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance, and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

99.06 CHARGES BASED ON USAGE. Each user shall pay for the services provided by the City based on said user's use of the treatment works as determined by water meters acceptable to the City. Monthly user charges will be based on water usage during the current month as evidenced by meter readings. If a customer has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the customer's expense, and in a manner acceptable to the City.

99.07 SEWER USER CHARGE. Each user of the treatment works shall pay a monthly user charge in accordance with the following:

Effective July 1, 2018	
Monthly Water Usage	City User Charge
First 2,000 gallons or less	\$35.33 (minimum bill)
All over 2,000 gallons	\$17.66 per 1,000 gallons

99.08 RESPONSIBILITY FOR INCREASED COSTS. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge 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 works shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Council.

99.09 APPLICATION. The user charge rates established in this chapter apply to all users of the City's treatment works, regardless of their location. The user charge ordinance shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the *Federal Clean Water Act* and 40 CFR Part 35.2140 dated February 17, 1984.

99.10 PAYMENT OF BILLS. All sewer user 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.

99.11 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.12 REVIEW OF USER CHARGE SYSTEM. The City shall review the user charge system at least every two years and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

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CHAPTER 101

STORMWATER MANAGEMENT SYSTEM AND FACILITIES

101.01 Purpose	101.04 Director of Public Works
101.02 Definitions	101.05 Prohibited Acts
101.03 Scope and Responsibility for the Stormwater Utility	101.06 Right of Entry
	101.07 Penalties

101.01 PURPOSE. The purpose of this chapter is to establish a stormwater utility which shall be responsible for stormwater management within the corporate boundaries of the City and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

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

1. “Commercial/Industrial” means any developed land whereon multiple family dwellings, town homes, commercial retail and office, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, public and private school buildings, churches, hospitals, convalescent centers, and where anything other than residential has been constructed.
2. “Customers of the stormwater utility” includes all persons, properties and entities served by and/or benefiting from the utility’s acquisition, management, maintenance, extension, and improvement of the public stormwater management system and facilities.
3. “Developed land” means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area as defined in this chapter.
4. “Duplex dwelling” means a building containing only two dwelling units and designed for and occupied exclusively by not more than two families with separate housekeeping and cooking facilities for each. In the application of stormwater service charge rates, duplex dwelling properties shall be treated as two single family dwellings.
5. “Dwelling unit” means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
6. “Impervious surface area” means those areas which prevent or impede the infiltration of stormwater into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
7. “Multiple family dwelling” means a building or portion thereof containing more than three dwelling units designed for or occupied by more than three families with separate housekeeping and cooking facilities for each. In the application of

stormwater service charge rates, multiple family dwelling properties shall be treated as commercial/industrial.

8. "Pollutant" means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

9. "Residential" means any developed land whereon a single-family dwelling or a duplex dwelling has been constructed.

10. "Service charge" means the periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City stormwater utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious surface area on each parcel of development property. The service charge shall be determined from time to time by resolution of the Council.

11. "Single-family dwelling" means a building containing only one dwelling unit and designed for and occupied exclusively for residence purposes by only one family.

12. "Stormwater management systems and facilities" addresses the issue of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, and ponds through improvements, maintenance, regulation, and funding of plants, structures, and property used in the collection, retention, detention, and treatment of stormwater or surface water drainage.

13. "Substantial completion" represents the date when the construction has been completed and the City has acknowledged that the construction has been completed in accordance with the approved plans and specifications through the issuance of a temporary Certificate of Occupancy or permanent Certificate of Occupancy.

14. "Townhome dwelling" means a dwelling unit which is detached or attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater service charge rates, each townhome dwelling shall be treated as one single family dwelling.

15. "Undeveloped land" means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state shall be deemed undeveloped. Undeveloped land shall have less than 500 square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area that would prevent infiltration of stormwater or cause stormwater to collect, concentrate or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

101.03 SCOPE AND RESPONSIBILITY FOR THE STORMWATER UTILITY. The City stormwater utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head

walls and other structures, natural or man-made, within the corporate boundaries of the City which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance, and improvement to those segments of this system which:

1. Are located within public streets, rights-of-ways and easements;
2. Are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or
3. Are located on public lands to which the City has adequate access for operation, maintenance, and improvement of systems or facilities. Operation, maintenance, and improvement of stormwater systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant.

101.04 DIRECTOR OF PUBLIC WORKS. The Director of Public Works has the following powers and duties related to the City stormwater utility:

1. Operations and Maintenance. Operation and maintenance of the stormwater management systems and facilities.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. Maintain a complete and accurate record of all stormwater management systems and facilities.
4. Policies. Recommend to the Council policies to be adopted and enforced implementing the provisions of this chapter.

101.05 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Stormwater Management Systems and Facilities. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, pipe, appurtenance, or equipment which is part of the stormwater management systems or facilities.
2. Illicit Discharges. No person shall throw, drain, or otherwise discharge or cause to throw, drain, run, or allow to seep or otherwise be discharged into the City stormwater management system and facilities including, but not limited to, pollutants or waters containing any pollutants, other than stormwater.
3. Manholes. Open or enter any manhole, structure, or intake of the stormwater system, except by authority of the Director of Public Works.
4. Connection. Connection to any private stormwater system to the City's stormwater management system and facilities, except by authority of the Director of Public Works.

101.06 RIGHT OF ENTRY. The Director of Public Works and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

101.07 PENALTIES. The following penalty provisions shall apply to violations of the stormwater utility chapters (of this Code of Ordinances).

1. Notice of Violation. Any person found to be violating any provisions of these chapters 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 remedy all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in Subsection 1 thereof, shall be subject to a civil penalty as set forth in the Schedule of Civil Penalties in Chapter 3. Each day, which said violation continues, shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

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CHAPTER 102

STORMWATER SERVICE CHARGES

102.01 Stormwater Service Charges Required
102.02 Effective Date of Stormwater Service Charges
102.03 Rates
102.04 Rate Appeals

102.05 Exemptions from Charges
102.06 Payment of Bills
102.07 Lien for Nonpayment
102.08 Annual Revision of Rates

102.01 STORMWATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the stormwater management system and facilities of the City, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance, and operation of the stormwater management system and facilities.

102.02 EFFECTIVE DATE OF STORMWATER SERVICE CHARGES. This ordinance shall be in full force and effect from and after the date of its publication as provided by law. The rates shall be effective for meter readings taken on or after July 1, 2017, and shall be billed monthly thereafter to all customers.

102.03 RATES. Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, at the same time payment for City sewer is made, at a rate as follows:

1. Undeveloped Land. A flat stormwater service charge at the rate of \$0.00 per month, regardless of the amount of consumption by each customer.
2. Residential. A flat stormwater service charge at the rate of \$3.00 per month, per dwelling unit, regardless of the amount of the consumption by such customer.
3. Commercial/Industrial. A flat stormwater service charge at the rate of \$6.00 per month, regardless of the amount of the consumption by such customer.

102.04 RATE APPEALS. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.
2. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days.
3. In response to an appeal, the City Administrator may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
4. A decision of the City Administrator which is adverse to an appellant may be further appealed to the Council within 30 days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Council by the appellant, stating

the grounds for the appeal. The Council shall schedule a public hearing within 30 days. All decisions of the Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

5. All decisions of the Council shall be final.

102.05 EXEMPTIONS FROM CHARGES. Exemptions from charges are those permitted as follows:

1. Property owned by a public governmental entity, such as:
 - A. The State;
 - B. The County; or
 - C. The City.
2. Railroad right-of-way (tracks); and
3. A subdivided lot until a substantially completed structure has been built on the lot.

102.06 PAYMENT OF BILLS. All stormwater 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 or disconnected 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.

102.07 LIEN FOR NONPAYMENT Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes..

(Code of Iowa, Sec. 384.84)

102.08 ANNUAL REVISION OF RATES. The City will review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted

105.06 Separation of Yard Waste Required
105.07 Littering Prohibited
105.08 Toxic and Hazardous Waste
105.09 Waste Storage Containers
105.10 Prohibited Practices

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[1])

3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that 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.

(567 IAC 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.

(567 IAC 20.2)

6. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

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

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.

(567 IAC 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, trade wastes, and any locally recyclable goods or plastics.

(567 IAC 20.2)

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.

(567 IAC 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.

(567 IAC 100.2)

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that 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. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

(*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 Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

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

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.

G. Post-use polymers or recoverable feedstocks that are any of the following:

- (1) Processed at a pyrolysis or gasification facility.
- (2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

15. "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 that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(567 IAC 100.2)

16. "Yard waste" means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

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 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 without first obtaining a permit and conducting such burning in accordance with the *Uniform Fire Code*.

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 or placed in acceptable containers and set out for collection.

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 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.

(567 IAC 100.2)
(567 IAC 102.13[2] and 400 IAC 27.14[2])

105.09 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. Containers. Solid waste containers shall be provided by the City or collector. 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 and 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.
2. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than 24 hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.
3. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

105.10 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 that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

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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 Collector's License
106.08 Collection Fees
106.09 Lien for Nonpayment
106.10 Recycling Fee

106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be only by private contract with collectors. Any person who establishes residency in the City shall have five days after establishing such residency to sign up with a solid waste collector and shall provide the City with written verification of establishing the collection service.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(567 IAC 104.9)

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 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 that 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 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, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:

- A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

- B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
 - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. Insurance. No collector's license shall be issued until and unless the applicant, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:
- Bodily Injury: \$100,000.00 per person.
 \$300,000.00 per occurrence.
- Property Damage:..... \$50,000.00
- Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than 10 days prior to the effective date of such action.
3. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process, or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.
 4. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application, and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment, and facilities in use.
 5. License Not Transferable. No license authorized by this chapter may be transferred to another person.
 6. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

106.08 COLLECTION FEES. The charges for residential customers shall be unit based and calculated on the number of containers collected each week. A special sticker shall be required on collection bags or containers over the limits of three allowable per week. Stickers are available for sale at City Hall for a fee of \$2.50 per sticker.

106.09 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

106.10 RECYCLING FEE. The fee for recyclable collection is \$1.00 per month. Each utility customer within corporate limits of the City shall pay to the City, through its collection agent, at the same time payment for City water is made.

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Grant of Franchise
110.02 State Code Restrictions and Limitations
110.03 Excavations
110.04 Relocation of Property
110.05 Restoration of Property

110.06 Indemnification
110.07 Extension of System
110.08 Standards of Operation
110.09 Police Regulations

110.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation (“Company”), and to its successors and assigns the right and franchise to acquire, construct, erect, operate, and maintain in the City, a gas distribution system, to furnish natural gas along, under and upon the streets, avenues, alleys, and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company. The franchise shall be effective for a 25-year period beginning on the effective date of the ordinance codified in this chapter. [†]

110.02 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the *Code of Iowa*.

110.03 EXCAVATIONS. The Company shall have the right to excavate in any public street for the purpose of laying, re-laying, repairing, or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to interfere with the construction of any water pipes, drain or sewer or the flow of water therefrom, which have been or may hereafter be located by authority of the City.

110.04 RELOCATION OF PROPERTY. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley, or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall select said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee’s or facility user’s equipment and facilities, and said other franchisee’s or user’s cost of relocation is less than the Company’s cost of relocation, the City shall select the route that requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

110.05 RESTORATION OF PROPERTY. In making excavations in any streets, avenues, alleys, and public places for the installation of gas pipes, conduits or apparatus, the Company

[†] **EDITOR’S NOTE:** Ordinance No. 04-07-01, adopting a natural gas franchise for the City, was passed and adopted in 2004.

shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring the original condition as nearly as practicable.

110.06 INDEMNIFICATION. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the gas utilities authorized by the franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

110.07 EXTENSION OF SYSTEM. The Company shall extend its mains and pipes, and operate and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

110.08 STANDARDS OF OPERATION. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent with applicable Iowa laws and regulations.

110.09 POLICE REGULATIONS. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Grant of Franchise

111.02 State Code Restrictions and Limitations

111.03 Excavations; Trimming Trees

111.04 Relocation of Property

111.05 Restoration of Property

111.06 Indemnification

111.07 Maintenance of Facilities

111.08 Standards of Operation

111.09 Police Regulations

111.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell electric energy to the City and its inhabitants. For the term of the franchise the Company is granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company. This franchise shall be effective for a 25-year period from and after the effective date of the ordinance codified in this chapter. [†]

111.02 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the *Code of Iowa*.

111.03 EXCAVATIONS; TRIMMING TREES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories, as well as to excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley, or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning of trees shall be done to current nationally accepted safety and utility industry standards.

111.04 RELOCATION OF PROPERTY. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley, or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall select said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee’s or facility user’s equipment and facilities, and said other franchisee’s or user’s cost of relocation is less than the Company’s cost

[†] **EDITOR’S NOTE:** Ordinance No. 04-07-02, adopting an electric franchise for the City, was passed and adopted in 2004.

of relocation, the City shall select the route that requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

111.05 RESTORATION OF PROPERTY. In making excavations in any streets, avenues, alleys, and public places for the excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring the original condition as nearly as practicable.

111.06 INDEMNIFICATION. Company shall indemnify and save harmless City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by the franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

111.07 MAINTENANCE OF FACILITIES. The Company shall construct, operate, and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

111.08 STANDARDS OF OPERATION. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

111.09 POLICE REGULATIONS. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a 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. 123.22, 123.122, and 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer, or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39, and 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Iowa Department of Revenue.

(Code of Iowa, Sec. 123.32[2])

120.05 PROHIBITED SALES AND ACTS. A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

(Code of Iowa, Sec. 123.49[2b])

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel

or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold, except as follows:

A. Definitions. For use in this subsection the following terms are defined as follows:

(1) “Bar” means an establishment where one may purchase alcoholic beverages for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.

(Code of Iowa, Sec. 142D.2[1])

(2) “Restaurant” means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

(Code of Iowa, Sec. 142D.2[17])

B. This subsection shall not apply if the employer has, on file, written permission from the parent, guardian, or legal custodian of a person 16 or 17 years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person 16 or 17 years of age shall not work in a bar as defined in Paragraph A.

(1) The employer shall keep a copy of the written permission on file until the person is either 18 years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold.

(2) If written permission is on file in accordance with Paragraph B, a person 16 or 17 years of age may sell or serve alcoholic beverages in a restaurant as defined above in Paragraph A during the hours in which the restaurant serves food.

C. A person 16 or 17 years of age shall not sell or serve alcoholic beverages under this subsection unless at least two employees 18 years of age or older are physically present in the area where alcoholic beverages are sold or served.

D. If a person employed under this subsection reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee’s parent, guardian, or legal custodian and to the Iowa Civil Rights Commission, which shall determine if any action is necessary or appropriate under Chapter 216 of the *Code of Iowa*.

E. An employer that employs a person under this subsection shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

F. Prior to a person commencing employment under this subsection, the employer shall notify the employer’s dramshop liability insurer, in a form and

time period prescribed by the Director, that the employer is employing a person under this subsection.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Iowa Department of Revenue and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Iowa Department of Revenue.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents, or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2k])

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

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

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 453A.1*)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes, or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes

an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 and 453A.47A)

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

(Code of Iowa, Sec. 453A.13 and 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August, or September	\$ 75.00
October, November, or December	\$ 56.25
January, February, or March	\$ 37.50
April, May, or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Iowa Department of Revenue within 30 days of issuance of a permit.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 and 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22, and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

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

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CHAPTER 122

PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation of License
122.03 License Required	122.12 Hearing
122.04 Application for License	122.13 Record and Determination
122.05 License Fees	122.14 Appeal
122.06 Bond Required	122.15 Effect of Revocation
122.07 License Issued	122.16 Rebates
122.08 Display of License	122.17 License Exemptions
122.09 License Not Transferable	122.18 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 that 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 LICENSE REQUIRED. Any person engaging in peddling, soliciting, or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address, and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business, and the length of time sought to be covered by the license. No application fee shall be required for such license.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of \$10.00 per year.
2. Peddlers or Transient Merchants.
 - A. For one day.....\$10.00
 - B. For one year or major part thereof.....\$250.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.11 REVOCATION OF LICENSE. Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee's local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

122.12 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.13 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.14 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.15 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.16 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least \$5.00 of the original fee shall be retained by the City to cover administrative costs.

122.17 LICENSE 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 Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the local 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.
7. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

(Code of Iowa, Sec. 364.3[15])

122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit to the Clerk in writing the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees, or wages are to be

charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building, or similar structure to be moved. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk on a form provided by the City. The application shall include:

1. Name and Address. The applicant’s full name and address and, if a corporation, the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Public Works Director, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000.00 per person; \$100,000.00 per accident.
2. Property Damage – \$50,000.00 per accident.

123.06 PERMIT FEE. A permit fee in an amount established by the Council shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building, or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk, or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind, and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk, or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind, and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television, and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

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CHAPTER 135

STREET USE AND MAINTENANCE

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|--|--|
| 135.01 Removal of Warning Devices | 135.08 Burning Prohibited |
| 135.02 Obstructing or Defacing | 135.09 Excavations |
| 135.03 Placing Debris On | 135.10 Property Owner's Responsibility for Maintenance |
| 135.04 Playing In | 135.11 Failure to Maintain |
| 135.05 Traveling On Barricaded Street or Alley | 135.12 Dumping of Snow |
| 135.06 Use for Business Purposes | 135.13 Driveway Culverts |
| 135.07 Washing Vehicles | |

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. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing, and Lighting. Adequate barricades, fencing, and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing, or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of \$1,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of \$1,000.00 may be filed with the City.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys, and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder/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 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.
11. Permit Fee. A permit fee of \$100.00 for one-half street cut or \$200.00 for a full street cut shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.
12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]

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

135.11 FAILURE TO MAINTAIN. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the Business District it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be 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])

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

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CHAPTER 136

SIDEWALK REGULATIONS

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

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk 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. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 12 hours, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work.

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-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than four feet in length.
 - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.
 - C. Driveway areas shall be not less than six inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.
(Code of Iowa, Sec. 364.12[2a])

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.
(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.
(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.
(Code of Iowa, Sec. 174.15[2] and 364.7[3])

[illegible]

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CHAPTER 138

STREET GRADES

138.01 Purpose and Definition
138.02 Established Grades

138.03 Record Maintained

138.01 PURPOSE AND DEFINITION. This chapter is designed to meet the requirements of the *Code of Iowa* for the establishment of street grades. As used herein, “grade” means the longitudinal reference lines, as established by ordinance of the Council, which designate the elevation at which a street or sidewalk is to be built.

138.02 ESTABLISHED GRADES. The grades of all streets, alleys, and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

138.03 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR’S NOTE			
All ordinances previously adopted by the Council which establish street and/or sidewalk grades are not codified herein, but are specifically saved from repeal and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
07-11-22	November 19, 2007		
1301	May 20, 2013		

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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 Pleasantville, 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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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
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; Municipal Infraction
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Code Enforcement Officer is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that 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 and 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: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) 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 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 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 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 PLEASANTVILLE, IOWA." Such notice shall remain posted until the required demolition, removal or repairs 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; MUNICIPAL INFRACTION. 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. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

[†] **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 to 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.

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. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which 10 or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26)

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 and 414.28)

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than four inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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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, shrub, or other landscaping shall be put on the road right-of-way or any road easement.

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 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

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 that 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 dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt

of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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CHAPTER 155

COMMUNICATION TOWERS AND ANTENNAS

155.01 Purpose and General Policy	155.07 Placement of Facilities and Related Lease Fees
155.02 Definitions	155.08 Noise and Emission Standards
155.03 Local Regulations and Compliance with the Telecommunications Act of 1996	155.09 Application Process
155.04 Priorities	155.10 Abandonment
155.05 General Requirements for Placement	155.11 Termination
155.06 Requirements for Placement on City-Owned Property	155.12 Home Rule
	155.13 New Technologies
	155.14 Two-Mile Limit

155.01 PURPOSE AND GENERAL POLICY. The Council finds that in order to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize wireless communication technologies, in order to protect public and private investments, ensure the health, safety, and welfare of the population, to provide for the regulation and administration of the orderly location of antenna arrays and towers and to secure the rights of the City to a return on its investment on public property, it is necessary for the City to establish uniform rules and policies. This chapter is to be interpreted in light of these findings for the benefit of the residents of the City.

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

1. “Antenna” means a device, dish or array used to transmit or receive telecommunications signals.
2. “Communications tower” means a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.
3. “Height” of a communication tower is the distance from the base of the tower to the top of the structure.
4. “Telecommunication” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

155.03 LOCAL REGULATIONS AND COMPLIANCE WITH THE TELECOMMUNICATIONS ACT OF 1996. The Telecommunications Act of 1996 prohibits the City from establishing policies that discriminate against one or a group of providers in favor of another or another group of providers or potential providers. The following objectives shall be applied consistently to all telecommunications providers that request a location within the City limits for their communication towers and antennas.

1. To minimize the overall number of towers located in the City, providers may be required to participate in collocation agreements.
2. To ensure that new towers will be safe and blend into their environment, providers will propose designs consistent with site characteristics.
3. To minimize placement of wireless equipment in highly populated areas, residential locations will be considered as a last resort.

4. To assure revenues from site leases of City-owned and City-controlled land and structures reflects fair compensation for use of City property and administration of this chapter.

155.04 PRIORITIES. Priority of the use of City-owned land for communications antennas and towers will be given to the following entities in descending order of priority:

1. All functions of the City.
2. Public safety agencies that are not a part of the City, including law enforcement, fire and ambulance services, and private entities with a public safety agreement with the City.
3. Other governmental agencies for uses which are not related to public safety.
4. Entities providing licensed commercial communications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use.

155.05 GENERAL REQUIREMENTS FOR PLACEMENT. The placement of communications antennas or towers on private property within the City limits must comply with the following requirements:

1. The antenna or tower will have no adverse impact on surrounding private property.
2. Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This set back requirement shall not apply to:
 - A. Communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the City, or
 - B. Camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such an antenna support structure.
3. All towers and communications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof, roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles, and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray, or black.
4. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setbacks on all sides shall be a distance equal to the height of the tower. The following height conditions apply:
 - A. Residential (R-1, R-2, R-3) - Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.

- B. Commercial (C-1, C-2) - Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.
 - C. Industrial (M-1, M-2) - Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.
5. A tower must be a minimum distance equal to one and one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25 percent of the tower height, whichever is greater.

155.06 REQUIREMENTS FOR PLACEMENT ON CITY-OWNED PROPERTY. The placement of communications antennas or towers on City-owned property must comply with the following additional requirements:

1. The antenna or tower will not interfere with the purpose for which the City-owned property is intended.
2. The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to City property and facilities.
3. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the cost of antenna or tower removal.
4. The antennas or towers will not interfere with other uses which have a higher priority as discussed in the subsections above.
5. Upon reasonable notice, the antennas or towers may be required to be removed at the user's expense.
6. The applicant must reimburse the City for any costs which it incurs because of the presence of the applicant's antenna or tower.
7. The user must obtain all necessary land use approval.
8. The applicant will cooperate with the City's objective to promote collocations and thus limit the number of separate antenna sites requested.
9. No person shall use any public property without first obtaining a lease from the City.
10. No lease for the use of public property shall be granted without requiring the lessee thereof to pay a reasonable and competitively neutral fee for the use of that public property.
11. No lease for the use of public property shall be granted for a term of more than 10 years.

155.07 PLACEMENT OF FACILITIES AND RELATED LEASE FEES. The placement and maintenance of communications antennas or towers on City-owned sites, such as water towers and parks, will be allowed when the following additional requirements are met.

1. Water Tower or Reservoir Sites. The City's water tower and reservoir represent a large public investment in water pressure stabilization and peak capacity reserves. Therefore, its protection is of prime importance. As access to the City's water storage system increases, so does the potential for contamination of the public water supply.

For these reasons, the placement of communications towers or antennas on water towers or reservoir sites will be allowed only when the following requirements are met.

- A. The applicant must have written approval from the Public Works Director each time access to the facility is desired. This will minimize the risk of contamination to the water supply.
 - B. There is sufficient room on the structure and/or the grounds to accommodate the applicant's facility.
 - C. The presence of the facility will not increase the water tower or reservoir maintenance cost to the City.
 - D. The presence of the facility will not be harmful to the health or safety of the workers maintaining the water tower or reservoir.
 - E. A minimum fee of \$500.00 per month will be assessed for placing facilities on a City water tower.
2. Parks. The presence of certain communications antennas or towers represents a potential conflict with the purpose of certain City-owned parks and recreational facilities. Towers shall be prohibited in designated conservation areas. Communications antennas or towers will be considered only in the following parks after the recommendation of the Parks and Recreation Board and approval of the Council.
- A. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use.
 - B. Commercial recreational areas and major ball fields.
 - C. Park maintenance facilities.
 - D. A minimum fee of \$500.00 per month will be assessed for placing facilities on park property.

155.08 NOISE AND EMISSION STANDARDS. No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards under WAC 173-60, except during emergencies or periodic routine maintenance which requires the use of a backup generator, where the noise standards may be exceeded temporarily. The Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction to regulate radio frequency emissions. Facilities that meet the FCC standards shall not be conditioned or denied on the basis of emissions impacts. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

155.09 APPLICATION PROCESS. All applicants who wish to locate a communications antenna or tower on City-owned or private property must submit to City Hall a completed application accompanied by a fee of \$200.00 and the following documents, if applicable:

- 1. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
- 2. A site plan drawn to scale showing property lines, tower location, tower height, guy wires and anchors, existing structures, photographs, or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if the antenna is to be mounted on an approved existing structure.

3. A current map or update for an existing map on file showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the City.
4. A report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222, latest revision, standards.
5. Identification of the owners of all antennas and equipment to be located on the site.
6. Written authorization from the site owner for the application.
7. Evidence that a valid FCC license for the proposed activity has been issued.
8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
9. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
10. Additional information, as required, to determine that all applicable zoning regulations are met.
11. Applicant must also show evidence that all of the following conditions which are applicable are met:
 - A. Applicant must show that the proposed communications tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
 - B. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirement without unreasonable modifications on any existing structure or tower under the control of the applicant.
 - C. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.
 - D. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites and available privately owned sites occupied by a compatible use are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
 - E. Applicant must provide the names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-half mile radius of the proposed new tower site, including City-owned property, and written documentation that the applicant:
 - (1) Made diligent but unsuccessful efforts for a minimum of 40 days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by the City and other persons located within a one-half mile radius of the proposed tower site, or

(2) Written technical evidence from an engineer that the proposed tower or facilities cannot be installed or collocated on another person's tower or support structure within a one-half mile radius of the proposed tower and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

F. Applicants must show that a new tower is designed to accommodate additional antenna equal in number for applicant's present and future requirements.

G. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

H. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Clerk or Zoning Administrator a written indemnification of the City and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during life, at no cost to the City, in form approved by the City Attorney.

I. All responses to applications for siting of telecommunications towers and facilities shall be in writing and shall be made within 45 days after all application materials are received.

155.10 ABANDONMENT. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Public Works Director who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to:

1. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
2. Dismantle and remove the tower.

At the earliest, 181 days from the date of abandonment, without reactivating or upon completion of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire.

155.11 TERMINATION. The Council may terminate any lease if it is determined that any of the following conditions exist:

1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use.
2. A user's frequency broadcast unreasonably interferes with other users of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis.
3. A user violates any of the standards in this chapter or the conditions attached to the City's lease agreement.

Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for a hearing before the Council regarding the proposed action. This procedure need not be followed in emergency situations.

155.12 HOME RULE. This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the City shall be enforced against the holders of any lease.

155.13 NEW TECHNOLOGIES. Should, within the term of any lease, developments within the field for which the grant was made to the holder of the lease present the opportunity to the holder of the lease to be more effective, efficient and economical through the use of a substance or material other than those for which the lease was originally made, the holder of the lease may petition the Council which, with such requirements or limitations as it deems necessary to protect public health, safety, and welfare, may allow the use of such substances under the terms and conditions of the lease.

155.14 TWO-MILE LIMIT. The Council shall have review and approval rights for applications submitted to the Zoning Commission for the placement of communications antennas or towers within two miles of the City limits.

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CHAPTER 156

BUILDING AND HOUSING CODES

156.01 Title
156.02 Adoption of Building Code
156.03 Building Code
156.04 Residential Code
156.05 Mechanical Code
156.06 Fuel Gas Code
156.07 Plumbing Code

156.08 Electrical Code
156.09 Fire Code
156.10 Property Maintenance Code
156.11 Energy Conservation Code
156.12 Existing Building Code
156.13 Swimming Pool and Spa Code

156.01 TITLE. This chapter shall be known as the Building Codes of the City, may be cited as such, and will be referred to herein as the “Pleasantville Building Code(s).”

156.02 ADOPTION OF BUILDING CODE. The following codes are hereby adopted as, and constitute, the Building Codes of the City, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City.

156.03 BUILDING CODE. The provisions of the *International Building Code*, 2018 edition, as published by the International Code Council, are hereby adopted, subject to the following additions, modifications, insertions, and deletions:

1. Section 101.1 Title. Delete existing text and insert:
“These regulations shall be known as the Pleasantville Building Code, hereinafter referred to as “this code”.”
2. Section 101.4.1 Gas. Delete “International” and insert in lieu thereof “Pleasantville” and add at the end of the section:
“All references in this code to the International Fuel Gas Code shall be interpreted to refer to the Pleasantville Fuel Gas Code.”
3. Section 101.4.2 Mechanical. Delete “International” and insert in lieu thereof “Pleasantville” and add at the end of the section:
“All references in this code to the International Mechanical Code shall be interpreted to refer to the Pleasantville Mechanical Gas Code.”
4. Section 101.4.3 Plumbing. Delete “International Plumbing Code” and insert in lieu thereof “Pleasantville Plumbing Code” and add at the end of the section:
“All references in this code to the International Plumbing Code shall be interpreted to refer to the Pleasantville Plumbing Code.”
5. Section 101.4.4 Property maintenance. Delete “International” and insert in lieu thereof “Pleasantville” and add at the end of the section:
“All references in this code to the International Property Maintenance Code shall be interpreted to refer to the Pleasantville Property Maintenance Code.”

6. Section 101.4.5 Fire prevention. Delete “International” and insert in lieu thereof “Pleasantville” and add at the end of the section:

“All references in this code to the International Fire Code shall be interpreted to refer to the Pleasantville Fire Code.”
7. Section 101.4.6 Energy. Delete “International” and insert in lieu thereof “Pleasantville” and add at the end of the section:

“All references in this code to the International Energy Conservation Code shall be interpreted to refer to the Pleasantville Energy Conservation Code.”
8. Section 101.4.7 Existing buildings. Delete “International” and insert in lieu thereof “Pleasantville” and add at the end of the section:

“All references in this code to the International Existing Building Code shall be interpreted to refer to the Pleasantville Existing Building Code.”
9. Section 101.4 Referenced Codes. Add Subsection 101.4.8:

“101.4.8 Electrical. The provisions of the Pleasantville Electrical Code shall apply to the installation, alteration, repair, and replacement of electrical systems, including equipment, appliances, fixtures, fittings, and appurtenances. All references in this code to NFPA 70 shall be interpreted to refer to the Pleasantville Electrical Code.”
10. Section 104.11 Alternative materials, design and methods of construction and equipment. Add Subsection 104.11.3:

“104.11.3 Manufactured home installation. The *Iowa Administrative Code* 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction, is hereby adopted for installation of mobile (manufactured) homes.”
11. Section 105.2 Work exempt from permit. Building Item #1. Delete “120” and insert in lieu thereof “200”.
12. Section 105.2 Work exempt from permit. Building Item #2. Delete existing text.
13. Section 105.2 Work exempt from permit. Building Item #6. Delete existing text and insert:

“Sidewalks and driveways located entirely on private property, and not more than 30 inches above adjacent grade, and not over any basement or story below, and not part of an accessible route.”
14. Section 107.1 General. Delete “in two or more sets”.
15. Section 107.3.1 Approval of construction documents. Delete this section.
16. Section 419.5 Fire protection. Add “Exception: Live/work units constructed in accordance with the *International Residential Code*.”
17. Section 903.4.2 Alarms. Delete existing text and insert:

“An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed

- in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.”
18. Section 907.1. General. Add Subsection 907.1.4:
“907.1.4 Fire alarm control panels (FACP). Each building shall have no more than one fire alarm control panel. Installation of the fire alarm control panel shall not exceed six feet in height, measured from the floor to the top of the control panel. Exception: Suppression system releasing panels are not required to meet the height requirement or the limitation on the number of panels.”
 19. Section 1009.2 Continuity and components. Add Item Number 11:
“11. Concrete, asphalt, or other approved hard-surface exterior walking surfaces.”
 20. Section 1010.1.6 Landings at doors. Add Subsection 1010.1.6.1:
“1010.1.6.1 Landing frost protection. Exterior landings required by Section 1010.1.5 to be at the same elevation on each side of the door shall be provided with frost protection.”
 21. Section 1028.5 Access to a public way. Add at the end of the section:
“Components of exterior walking surfaces shall be hard-surfaced.”
 22. Section 1030.4 Window wells. Add Subsection 1030.4.3:
“1030.4.3 Window well drainage. All window wells shall be provided with approved drainage.”
 23. Section 1301.1.1 Criteria. Delete “International” and insert in lieu thereof “Pleasantville”.
 24. Section 1612.3 Establishment of flood hazard areas. Insert:
“City of Pleasantville, Iowa” and “as adopted in City of Pleasantville Code of Ordinances Chapter 160”.
 25. Section 1807.1.5 Concrete and masonry foundation walls. Add Exception #2 and Table 1807.1.5:
“2. Concrete and masonry foundation walls supporting buildings of conventional light-frame wood construction shall be permitted to be designed in accordance with Table 1807.1.5.

Table 1807.1.5
Prescriptive Foundation Walls Supporting Light-Frame Construction^{a,b,c}

Height of foundation wall ^d		Thickness of foundation wall		Reinforcement size and placement in concrete wall		Reinforcement size and placement in masonry wall ^{j,k}
Gross	Net ^e	Concrete ^f	Masonry ^g	Horizontal	Vertical	
≤8'	≤7'-8"	7.5"	8"	No.4 bar within 12" of the top and bottom of the wall and at mid-height	No. 4 bar at 72" o.c. maximum	0.075 square inch bar at 96" o.c. vertically in cells fully grouted with Type M or S grout
>8'	>7'-8"	8"	Refer to R404.1.2	No. 4 bar at 24" o.c. maximum ^h	No. 4 bar at 20" o.c. maximum ⁱ	Refer to 1807.1.6
a. Concrete floor slab to be nominal 4" thick. If such floor slab is not provided prior to backfill, one 36" vertical No. 4 bar shall be embedded in the footing at maximum 84" o.c. spacing or a full depth nominal 2" depth x 4" width keyway shall be installed in the footing.						
b. All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be 3" from the inside face of the wall and meet the provisions of chapters 18, 19, and 21 of the <i>International Building Code</i> .						
c. Material used as backfill shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the <i>International Building Code</i> . Where soils containing a high percentage of clay, fine silt, or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
d. Maximum foundation wall height is 10' gross and 9'-8" net.						
e. Net foundation wall height measured from top of basement slab to top of foundation wall.						
f. The thickness of concrete foundation walls supporting 3 floors shall be increased 2".						
g. The thickness of masonry foundation walls supporting 3 floors shall be increased 4".						
h. No. 5 bar at 24" o.c. maximum is an approved alternative.						
i. No. 5 bar at 30" o.c. maximum is an approved alternative.						
j. Mortar for masonry walls shall be Type M or S and masonry shall be laid in running bond.						
k. If masonry block is 12" nominal thickness, wall may be unreinforced.						

26. Section 1809.5 Frost protection, Exception 2. Delete "600" and insert in lieu thereof "1,000".

27. Section 1809.7 Prescriptive footings for light-frame construction. Delete existing Table 1809.7 and all footnotes and insert:

Table 1809.7
Prescriptive Footings Supporting Walls of Light-Frame Construction^{a,b,c,d,e,f}

Number of floors supported by the footing ^g	Thickness of foundation walls (inches), concrete	Thickness of foundation walls (inches), concrete block	Width of footing (inches)	Thickness of footing (inches)
1	8	8	16	8
2	8	8	16	8
3	10	12	18	12
a. Depth of perimeter footings shall be at least 42" below final grade.				
b. The ground under the floor shall be permitted to be excavated to the elevation of the bottom of the footing.				
c. Interior stud-bearing walls shall be permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than six feet on center.				
d. Spread footings shall have a minimum of two - #4 continuous horizontal reinforcement bars.				
e. Foundation walls shall have a minimum of #4 reinforcement bars 18" on center in each direction.				
f. Trench footings are allowed as a continuous eight-inch trench for single-story wood frame structures with spans not exceeding 16 feet. The trench must be at least 42 inches below finished grade and have at least two #4 horizontal reinforcement bars. Bars must tie into abutting adjacent structure.				
g. Footings shall be permitted to support a roof in addition to the stipulated number of floors. Footings supporting a roof only shall be as required for supporting one floor.				

28. Section 2902.6 Small Occupancies. Add at the end of the section:

“Water dispensers in accessible locations and within accessible reach ranges may be substituted for the required drinking fountain in business occupancies determined to require only one drinking fountain by occupant load.”

29. Section 3109.1 General. Delete “International” and insert in lieu thereof “Pleasantville”.

156.04 RESIDENTIAL CODE. The provisions of the *International Residential Code for One-and Two-Family Dwellings*, 2018 edition, as published by the International Code Council, except for Part VII—Plumbing, and Part VIII—Electrical; and with the addition of Appendix Chapters G, H, and J, are hereby adopted by reference, subject to the following additions, modifications, insertions, and deletions:

- Section R101.1 Title. Delete existing text and insert:
 “These regulations shall be known as the Pleasantville Residential Code, hereinafter referred to as “this code”
- Section R101.2 Scope. Delete existing text and insert:
 “The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following:

1. Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.
2. Live/work units located in one- and two-family dwellings and townhouses that comply with the requirements of Section 419 of the Pleasantville Building Code.
3. Owner-occupied lodging houses with five or fewer guestrooms.
4. A care facility with five or fewer persons receiving custodial care within one- and two-family dwellings and townhouses.
5. A care facility with five or fewer persons receiving medical care within one- and two-family dwellings and townhouses.
6. A care facility for five or fewer persons receiving care that are within one- and two-family dwellings and townhouses.”
3. Section 104.11 Alternative materials, design and methods of construction and equipment. Add Subsection 104.11.2:
“104.11.2 Manufactured home installation. The *Iowa Administrative Code* 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction, is hereby adopted for installation of mobile (manufactured) homes.”
4. Section R105.2 Work exempt from permit. Building Item #2. Delete existing text.
5. Section R105.2 Work exempt from permit. Building Item #5. Delete existing text and insert:
“Sidewalks and driveways located entirely on private property.
6. Section R106.1 Submittal documents. Delete “in two or more sets”
7. Section R106.3.1 Approval of construction documents. Delete this section.
8. Table R301.2(1) Climatic and Geographic Design Criteria. Amend Table 301.2(1) to include the following values:
Ground Snow Load: 20 PSF
Wind Speed (mph): 115
Topographic effects: NO
Special wind region: NO
Wind-borne debris zone: NO
Seismic Design Category: A
Weathering: Severe
Frost line depth: 42”
Termite: Moderate to Heavy
Winter Design Temp: -5°F
Ice Barrier Underlayment Required: YES

Flood Hazards:As adopted in City of Pleasantville Code of Ordinances Chapter 160

Air Freezing Index:1576

Mean Annual Temp:50.5°F

Elevation:912 ft

Latitude:41°N

Winter heating:-5°F

Summer cooling:90°F

Altitude correction factor:97

Indoor design temperature:70°F

Design temperature cooling:75°F

Heating temperature difference:75°F

Cooling temperature difference:15°F

Wind velocity heating:15 MPH

Wind velocity cooling:7.5 MPH

Coincident wet bulb:74°F

Daily range:M

Winter humidity:30%

Summer humidity:50%

9. Section R303.3 Bathrooms. Delete existing text and insert:

Bathrooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 CFM for intermittent ventilation or 20 CFM for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside of the dwelling.

10. Section R310.2.4 Emergency escape and rescue openings under decks and porches. Add at the end of the section:

“All cantilevered construction elements shall be regulated in accordance with this section.”

11. Section R311.3.2 Floor elevations for other exterior doors, Exception. Delete “two” and insert in lieu thereof “three”

12. Section R313.1 Townhouse automatic fire sprinkler systems. Add Exception #2:

“2. Townhouse structures that contain eight or fewer dwelling units and in which the gross finished and unfinished floor area on all levels, including basements and exclusive of attached garages, is less than 18,000 square feet.”

13. Section R313.2 One- and two-family dwellings automatic fire systems. Add Exception #2:

“2. Dwellings that do not exceed 8,000 square feet or more of enclosed floor space on all levels, including basements and exclusive of attached garages.”

14. Section R326.1 General. Delete “International” and insert in lieu thereof “Pleasantville”.

15. Section R403.1.1.1 Conventional light-frame wood construction. Add Subsection R403.1.1.1 and Table R403.1.1.1:

“R403.1.1.1 Conventional light-frame wood construction. Footings supporting concrete foundations and buildings of conventional light-frame wood construction shall be permitted to be designed in accordance with Table R403.1.1.1.

Table R403.1.1.1
Prescriptive Footings Supporting Walls of Light-Frame Construction^{a,b,c,d,e,f}

Number of floors supported by the footing ^g	Width of footing (inches)	Thickness of footing (inches)
1	16	8
2	16	8
3	18	12
a. Minimum 2,000 psf soil bearing pressure. Soil bearing pressures less than 2,000 psf shall use Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable.		
b. Depth of perimeter footings shall be at least 42” below final grade.		
c. The ground under the floor shall be permitted to be excavated to the elevation of the bottom of the footing.		
d. Interior stud-bearing walls shall be permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than six feet on center.		
e. Spread footings shall have a minimum of two - #4 continuous horizontal reinforcement bars.		
f. Trench footings are allowed as a continuous eight-inch trench for single-story wood frame structures with spans not exceeding 16 feet. The trench must be at least 42 inches below finished grade and have at least two - #4 horizontal reinforcement bars. Bars must tie into abutting adjacent structure.		
g. Footings shall be permitted to support a roof in addition to the stipulated number of floors. Footings supporting a roof only shall be as required for supporting one floor.		

16. Section R403.1.4.1 Frost protection, Exception #1. Delete “600” and insert in lieu thereof “1,000”.

17. Section R404.1.3.2.3 Foundation walls for conventional light-frame wood construction. Add Subsection R404.1.3.2.3 and Table R404.1.3.2.3:

“R404.1.3.2.3 Foundation walls for conventional light-frame wood construction. Concrete and masonry foundation walls supporting buildings of conventional light-frame wood construction shall be permitted to be designed in accordance with Table R404.1.3.2.3.

Table R403.1.1.1
Prescriptive Foundation Walls Supporting Light-Frame Construction^{a,b,c}

Height of foundation wall ^d		Thickness of foundation wall		Reinforcement size and placement in concrete wall		Reinforcement size and placement in masonry wall ^{j,k}
Gross	Net ^e	Concrete ^f	Masonry ^g	Horizontal	Vertical	
≤8'	≤7'-8"	7.5"	8"	No.4 bar within 12" of the top and bottom of the wall and at mid-height	No. 4 bar at 72" o.c. maximum	0.075 square inch bar at 96" o.c. vertically in cells fully grouted with Type M or S grout
>8'	>7'-8"	8"	Refer to R404.1.2	No. 4 bar at 24" o.c. maximum ^h	No. 4 bar at 20" o.c. maximum ⁱ	Refer to R404.1.2
a. Concrete floor slab to be nominal 4" thick. If such floor slab is not provided prior to backfill, one 36" vertical No. 4 bar shall be embedded in the footing at maximum 84" o.c. spacing or a full depth nominal 2" depth x 4" width keyway shall be installed in the footing.						
b. All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be 3" from the inside face of the wall and meet the provisions of chapters 18, 19, and 21 of the <i>International Building Code</i> .						
c. Material used as backfill shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the <i>International Building Code</i> . Where soils containing a high percentage of clay, fine silt, or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
d. Maximum foundation wall height is 10' gross and 9'-8" net.						
e. Net foundation wall height measured from top of basement slab to top of foundation wall.						
f. The thickness of concrete foundation walls supporting 3 floors shall be increased 2".						
g. The thickness of masonry foundation walls supporting 3 floors shall be increased 4".						
h. No. 5 bar at 24" o.c. maximum is an approved alternative.						
i. No. 5 bar at 30" o.c. maximum is an approved alternative.						
j. Mortar for masonry walls shall be Type M or S and masonry shall be laid in running bond.						
k. If masonry block is 12" nominal thickness, wall may be unreinforced.						

18. Chapter 11 Energy Efficiency. Delete all sections except N1101.1.

19. Section N1101.1.1 Criteria. Add Subsection N1101.1.1:

"N1101.1.1 Criteria. Buildings regulated by this code shall be designed and constructed in accordance with the Pleasantville Energy Conservation Code."

156.05 MECHANICAL CODE. The provisions of the *State of Iowa Administrative Rule 641* - Chapter 61 are hereby adopted by reference, subject to the following additions, modifications, insertions, and deletions, and shall be known as the Pleasantville Mechanical Code. References to section numbers will be to sections in the *International Mechanical Code*.

1. Section 106.3.1 Construction documents. Delete “in two or more sets”.
2. Section 106.4.1 Approved construction documents. Delete this section.
3. Section 106.4.6 Retention of construction documents. Delete the final sentence of this section.
4. Section 106.5.2 Fee schedule. Delete existing text and insert:
“A fee for each permit required by this code shall be paid as required, in accordance with the schedule as established by the Building Official.”
5. Section 106.5.3 Fee refunds. Delete existing text and insert:
“The Building Official is authorized to establish a refund policy.”
6. Section 108.4 Violation penalties. Delete existing text and insert:
“Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs work in violation of the approved construction documents or directive of the Building Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.”
7. Section 108.5 Stop work orders. Delete the final sentence of this section and insert in lieu thereof:
“Any person who shall continue any work regulated by this code after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”

156.06 FUEL GAS CODE. The provisions of the *International Fuel Gas Code*, 2018 edition, as published by the International Code Council, are hereby adopted, subject to the following additions, modifications, insertions, and deletions:

1. Section 101.1 Title. Delete existing text and insert:
“These regulations shall be known as the Pleasantville Fuel Gas Code, hereinafter referred to as “this code”.”
2. Section 106.3.1 Construction documents. Delete “in two or more sets”.
3. Section 106.5.1 Approved construction documents. Delete this section.
4. Section 106.5.6 Retention of construction documents. Delete the final sentence of this section.
5. Section 106.6.2 Fee schedule. Delete existing text and insert:
“A fee for each permit required by this code shall be paid as required, in accordance with the schedule as established by the Building Official.”
6. Section 106.6.3 Fee refunds. Delete existing text and insert:
“The Building Official is authorized to establish a refund policy.”

7. Section 108.4 Violation penalties. Delete existing text and insert:
 “Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs work in violation of the approved construction documents or directive of the Building Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.”
8. Section 108.5 Stop work orders. Delete the final sentence of this section and insert in lieu thereof:
 “Any person who shall continue any work regulated by this code after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”

156.07 PLUMBING CODE. The provisions of the *State of Iowa Administrative Rule 641 - Chapter 25* with the addition of Chapter 1, except Sections 101 and 102, Appendix A, Appendix B, Appendix C, and Appendix D of the *Uniform Plumbing Code*, 2018 edition, as published by the International Association of Plumbing and Mechanical Officials, are hereby adopted by reference, subject to the following additions, modifications, insertions, and deletions, and shall be known as the Pleasantville Plumbing Code. References to code sections will be to sections of the *Uniform Plumbing Code*.

1. Section 104.4.1 Approved Plans or Construction Documents. Delete this section.
2. Section 104.4.6 Retention of Plans. Delete the final sentence of this section.
3. Section 104.5 Fees. Delete “and as set forth in the fee schedule, Table 104.5.”
4. Section 104.5.3 Fee Refunds. Delete existing text and insert:
 “The Authority Having Jurisdiction is authorized to establish a refund policy.”
5. Section 105.2.6 Reinspections. Delete
 “To obtain reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with Table 104.5.”

156.08 ELECTRICAL CODE. The provisions of the *State of Iowa Administrative Rule 661 - Chapter 504* are hereby adopted by reference, subject to the following additions, modifications, insertions, and deletions, and shall be known as the Pleasantville Electrical Code:

1. Reserved.

156.09 FIRE CODE. The provisions of the *International Fire Code*, 2018 edition, as published by the International Code Council, with the addition of Appendix Chapters B, C, D, and I are hereby adopted, subject to the following additions, modifications, insertions, and deletions:

1. Section 101.1 Title. Delete existing text and insert:
 “These regulations shall be known as the Pleasantville Fire Code, hereinafter referred to as “this code”

2. Section 105.1.2 Types of permits. Add at the end of the section:

“A certificate of occupancy issued pursuant to the provisions of the International Building Code may be considered as equivalent to an operational permit. Building, mechanical, electrical, and plumbing permits issued pursuant to the provisions of their respective codes may be considered as equivalent to a construction permit.
3. Section 105.4.1 Submittals. Delete “in two or more sets”.
4. Section 105.4.6 Retention of construction documents. Delete the final sentence of this section.
5. Section 110.4 Violation penalties. Delete existing text and insert:

“Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law.”
6. Section 112.4 Failure to comply. Delete existing text and insert:

“Any person who shall continue any work regulated by this code after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”
7. Section 308.1.4 Open-flame cooking devices, Exception 2. Delete existing text and insert:

“LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.”
8. Section 308.1.4 Open-flame cooking devices, Exception 3. Delete this exception.
9. Section 903.4.2 Alarms. Delete existing text and insert:

“An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.”
10. Section 907.1. General. Add Subsection 907.1.4:

“907.1.4 Fire alarm control panels (FACP). Each building shall have no more than one fire alarm control panel. Installation of the fire alarm control panel shall not exceed six feet in height, measured from the floor to the top of the control panel. Exception: Suppression system releasing panels are not required to meet the height requirement or the limitation on the number of panels.”
11. Section 1009.2 Continuity and components. Add Item Number 11:

“11. Concrete, asphalt, or other approved hard-surface exterior walking surfaces.”

12. Section 1010.1.6 Landings at doors. Add Subsection 1010.1.6.1:
“1010.1.6.1 Landing frost protection. Exterior landings required by Section 1010.1.5 to be at the same elevation on each side of the door shall be provided with frost protection.”
13. Section 1028.5 Access to a public way. Add at the end of the section:
“Components of exterior walking surfaces shall be hard-surfaced.”
14. Section 1030.4 Window wells. Add Subsection 1030.4.3:
“1030.4.3 Window well drainage. All window wells shall be provided with approved drainage.”
15. Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Delete existing text and insert in lieu thereof:
“Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits of the Residential and Commercial zoning districts established by City of Pleasantville Code of Ordinances Chapter 165.”
16. Section 5706.2.4.4 Locations where above-ground tanks are prohibited. Delete existing text and insert in lieu thereof:
“Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits of the Residential and Commercial zoning districts established by City of Pleasantville Code of Ordinances Chapter 165.”
17. Section 5806.2 Limitations. Delete existing text and insert in lieu thereof:
“Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits of the Residential and Commercial zoning districts established by City of Pleasantville Code of Ordinances Chapter 165.”
18. Section 6104.2 Maximum capacity within established limits. Delete existing text and insert in lieu thereof:
“The aggregate capacity of any one installation of liquefied petroleum gas storage shall not exceed a water capacity of 2,000 gallons within the limits of the Residential and Commercial zoning districts established by City of Pleasantville Code of Ordinances Chapter 165.”

156.10 PROPERTY MAINTENANCE CODE. The provisions of the *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, are hereby adopted, subject to the following additions, modifications, insertions, and deletions:

1. Section 101.1 Title. Delete existing text and insert:
“These regulations shall be known as the Pleasantville Property Maintenance Code, hereinafter referred to as “this code”.”
2. Section 102.3 Application of other codes. Delete existing text and insert:
“Repairs, additions, or alterations to a structure, or change of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the Pleasantville Building Code, Pleasantville Energy Conservation Code, Pleasantville Existing Building Code, Pleasantville Fire Code, Pleasantville

Fuel Gas Code, Pleasantville Electrical Code, Pleasantville Mechanical Code, Pleasantville Residential Code, and Pleasantville Plumbing Code.”

3. Section 103.5 Fees. Delete “as indicated in the following schedule” and insert in lieu thereof “in accordance with the schedule as established by the code official”.
4. Section 112.4 Failure to comply. Delete existing text and insert:
 “Any person who shall continue any work regulated by this code after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”
5. Section 302.4 Weeds. Insert:
 “the heights as prescribed by City of Pleasantville Code of Ordinances Chapter 52”
6. Section 304.14 Insect Screens. Insert:
 “April 1” and “October 31”
7. Section 404.4.1 Room area. Delete “one person” and insert in lieu thereof “two persons”
8. Section 602.3 Heat supply. Insert:
 “October 1” and “April 30”
9. Section 602.4 Occupiable work spaces. Insert:
 “October 1” and “April 30”

156.11 ENERGY CONSERVATION CODE. The provisions of the *International Energy Conservation Code* as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in the Pleasantville Building Code and these regulations shall be known as the Pleasantville Energy Conservation Code. Construction or work for which a permit is required shall be subject to third party inspections. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Any portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

156.12 EXISTING BUILDING CODE. The provisions of the *International Existing Building Code*, 2018 Edition, as published by the International Code Council, are hereby adopted, subject to the following additions, modifications, insertions, and deletions:

1. Section 101.1 Title. Delete existing text and insert:
 “These regulations shall be known as the Pleasantville Existing Building Code.”
2. Section 106.1 General. Delete “in two or more sets”.
3. Section 106.3.1 Approval of construction documents. Delete this section.

156.13 SWIMMING POOL AND SPA CODE. The provisions of the *International Swimming Pool and Spa Code*, 2018 Edition, as published by the International Code Council, are hereby adopted, subject to the following additions, modifications, insertions, and deletions:

1. Section 101.1 Title. Delete existing text and insert:
“These regulations shall be known as the Pleasantville Swimming Pool and Spa Code, hereinafter known as “this code”
2. Section 105.3 Construction documents. Delete “in two or more sets”
3. Section 105.5.6 Retention of construction documents. Delete the final sentence of this section.
4. Section 105.6.2 Fee schedule. Delete existing text and insert:
“A fee for each permit required by this code shall be paid as required, in accordance with the schedule as established by the Building Official.”
5. Section 105.6.3 Fee refunds. Delete existing text and insert:
“The Building Official is authorized to establish a refund policy.”
6. Section 107.4 Violation penalties. Delete existing text and insert:
“Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.”
7. Section 107.5 Stop work order. Delete the final sentence of this section and insert in lieu thereof:
“Any person who shall continue any work regulated by this code after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”
8. Section 202 Pool. Delete existing text and insert:
“Any structure intended for swimming or recreational bathing that contains water more than 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

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CHAPTER 157

HIGHWAY 5 BUFFER LANDSCAPE REGULATIONS

157.01 Purpose

157.02 Establishment of Open Space Buffer Area

157.03 Conformance to Comprehensive Plan

157.04 Allowable Use of Open Space Buffer Area

157.05 Walking and Bike Trail Requirements

157.06 Optional Construction Deferment

157.07 Planting Requirements

157.08 City Cost Participation

157.01 PURPOSE. It is the intent and purpose of this chapter to establish criteria for preservation of open space together with establishing minimum improvements of property within a specified distance from the right-of-way line of the Highway 5 Western Bypass. It is also the purpose of this chapter by establishing such criteria to preserve and promote the natural beauty and distinctive character of the City and to preserve and maintain the atmosphere for living and recreation for the people of the City, to the end that the public welfare will be promoted and advanced and for the preservation and enhancement of property values and the resulting benefit to the economy of the City and most importantly, to preserve and promote the quality of life for the residents of the City.

157.02 ESTABLISHMENT OF OPEN SPACE BUFFER AREA. There is hereby established by this chapter a requirement as a part of any proposed building development, whether by subdivision or building permit, which includes residential, commercial, and industrial zoning districts, an open space buffer area being 25 feet in width as measured perpendicular to the established right-of-way of the Highway 5 Western Bypass. Any development which is proposed along and adjacent to Highway 5 Western Bypass shall establish such area by easement or deed in which rights of usage for recreational and open space purposes shall be granted to the City.

157.03 CONFORMANCE TO COMPREHENSIVE PLAN. The establishment of the open space buffer area shall conform and be in general compliance with the City's Comprehensive Plan including amendments thereto. Such compliance shall be required when the property resides within the City limits. This requirement shall be and is hereby made a part of the City's Subdivision Ordinance in which this requirement shall apply to any subdivision of property within the City's two-mile subdivision and platting jurisdiction.

157.04 ALLOWABLE USE OF OPEN SPACE BUFFER AREA. The required buffer area described herein is to be maintained as open space and may be utilized as yard setback area as required by zoning regulation. No permanent structure or pavements such as primary use buildings, accessory use structures, parking lots, or driveways shall be allowed to occupy the open space buffer area with the exception of those uses as approved by the Council for recreational purposes, whether public or private, such as bike trails, walk trails, recreational pads, shelter houses, etc.

157.05 WALKING AND BIKE TRAIL REQUIREMENTS. As a part of the building permit process for construction of facilities adjacent to the Highway 5 Western Bypass, the applicant is required to construct within the open space buffer area a walking and bike trail including the establishment and the grading of a platform for the location of the trail. The trail shall be a minimum of eight feet in width and constructed from the limits encompassed by the open space buffer area within the applicant's property boundary. The trails shall be constructed

of four-inch thick non-reinforced PCC (Portland Cement Concrete) on a prepared sub grade in conformance with the City's standard construction specifications or six-inch thick ACC (Asphaltic Cement Concrete) on a four-inch depth granular prepared sub grade in conformance with the City's standard construction specifications.

157.06 OPTIONAL CONSTRUCTION DEFERMENT. In lieu of constructing the walking and bike trail at the time of the building permit process, the applicant may petition the Council to utilize one of the following options:

1. The dollar cost for construction of the walking and bike trail as agreed upon between the applicant and the Council may be paid to the City and which the City shall hold in a separate account to be utilized for construction of the walking and bike trail by the City at a future time.
2. The applicant may provide a written petition for assessment which indicates that the applicant, successors and assigns desire to be assessed for the cost of the improvement by the City as a part of a future construction project. This petition shall be duly recorded and made to be binding upon the property to allow the petition to run with the land.

The Council shall have the right to accept or reject any option if deemed to be in the best interest of the City. As a minimum, the applicant shall provide for the grading of the trail platform as a part of the building permit process.

157.07 PLANTING REQUIREMENTS. As a part of the building permit process for construction of facilities adjacent to the Highway 5 Western Bypass, the applicant shall cause to be planted a minimum of two overstory trees for each 100 lineal feet as measured along the right-of-way line of the Highway 5 Western Bypass. Such trees shall be a minimum of one and one-half caliper at time of planting. Such trees shall be of the type and variety as included within the following plant list:

Overstory Trees	
Acer saccharinum	Silver (soft) Maple
Acer saccharum	Sugar Maple
Fraxinus Americana	White Ash
Platanus occidentalis	American Planetree (Sycamore)
Quercus alba	White Oak
Quercus borealis	Northern Red Oak
Ulmus carpinifolia var.	Christine Buisman Elm
Liquidambar styraciflua	American Sweetgum
Tilia platyphyllos	Bigleaf Linden
Zelkova serrata	Japanese Zelkova
Acer nigrum	Black maple
Acer platanoides var.	Maple
Acer rubrum	Red Maple
Carya ovata	Shagbark Hickory
Celtis occidentalis	Common Hackberry
Fagus grandifolia	American Beech
Fraxinus pennsylvanica	Red Ash
Fraxinus pennsylvanica lanceolata	Green Ash
Gleditsia triacanthos inermis	Honey Locust
Larix deciduas	European Larch

Overstory Trees	
Quercus macrocarpa	Bur Oak
Quercus palustris	Pin Oak
Quercus robur	English Oak
Quercus velutina	Black Oak
Salix alba	White Willow
Tilia Americana	American Linden/Basswood
Ulmus fulva	Slippery (red) Elm
Ulmus glabra	Scotch Elm
Ulmus pumila	Siberian (Chinese) Elm
Betula lutea	Yellow Birch
Betula nigra	River Birch
Betula papyrifera	Paper Birch
Ginkgo biloba	Ginkgo
Prunus serotina	Black Cherry
Quercus coccinea	Scarlet Oak
Salix nigra	Black Willow
Tilia cordata	Littleleaf Linden
Understory Trees	
Aesculus glabra	Ohio Buckeye
Amelanchier laevis	Allegheny Serviceberry
Betula pendula	Cutleaf Birch
Crataegus mollis	Downey Hawthorn
Elaeagnus angustifolia	Russian Olive
Malus var.	Crabapple
Ostrya virginiana	American Hophornbeam
Phellodendron amurense	Amur Corktree
Prunus padus commutata	Mayday Tree
Prunus virginiana	Common Chokecherry
Salix blanda	Wisconsin Weeping Willow
Salix alba var.	Weeping Willow
Sorbus aucuparia	European Mountain Ash
Primus maackii	Amur Chokecherry
Acer ginnala	Amur Maple
Acer tataricum	Tatarian Maple
Amelanchier canadensis	Shadblow Serviceberry
Carpinus caroliniana	American Hornbeam
Cercis canadensis	Eastern Redbud
Cornus alternifolia	Pagoda Dogwood
Crataegus var.	Hawthorn
Magnolia soulangeana	Saucer Magnolia
Magnolia stellata	Star Magnolia
Malus var.	Crabapple
Prunus Americana	Plum
Salix caprea	Goat/Pussy Willow
Salix discolor	Pussy Willow
Syringa amurensis japonica	Japanese Tree Lilac
Syringa pekinensis	Peking Lilac
Crataegus lavalleyi	Lavalle Hawthorn

157.08 CITY COST PARTICIPATION. The applicant shall be responsible for all costs necessary to comply with the requirements of this chapter including but not limited to trail platform grading, bike trail pavement and tree plantings; provided however, the applicant may make application to the City for cost reimbursement for up to 50 percent of the cost for installation of the bike trail pavement. Such application shall be approved by the Council after receiving recommendation from the Public Works Director or the City Engineer as to the amount being fair and reasonable. Should the applicant install the bike trail pavement as a part of the immediate development, the City shall make payment to the applicant for approved reimbursable costs at such time deemed appropriate by the Council but not later than the first month of the next municipal fiscal year. Should the applicant petition and the Council approve Optional Construction Deferment in Section 157.06(1) of this chapter, the applicant shall pay 50 percent of the agreed upon dollar cost for construction. Should the applicant petition and the Council approve Option Construction Deferment in 157.06(2), the applicant, successors and assigns will be assessed 50 percent of the cost for installation of the bike trail pavement at the time of construction.

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CHAPTER 160

FLOODPLAIN REGULATIONS

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160.01 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year (also commonly referred to as the “100-year flood”).
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a structure which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. “Development” means any manmade change to improved or unimproved real estate, including but not limited to structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include minor projects or routine maintenance of existing structures and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a structure when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 160.06(5)(A) of this chapter; and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as structure access, parking, or storage; and
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation; and
 - D. The enclosed area is not a basement, as defined in this section.
7. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

8. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. “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).
10. “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.
11. “Factory-built home park or subdivision” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. “500-year flood” means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.
13. “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.
14. “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.
15. “Flood insurance study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
17. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.
18. “Flood proofing” 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.
19. “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

20. "Floodway fringe" means those portions of the special flood hazard area outside the floodway.
21. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. "Historic structure" means any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by 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.
23. "Lowest floor" means the floor of the lowest enclosed area in a structure including a basement except when the criteria listed in the definition of "enclosed area below lowest floor" are met.
24. "Maximum damage potential development" means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
25. "Minor projects" means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.
26. "New construction" (new structures, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. "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 effective date of the first floodplain management regulations adopted by the community.
28. "Recreational vehicle" means a vehicle which is:
- A. Built on a single chassis;

- B. 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.
29. "Routine maintenance of existing structures and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.
 - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
 - C. Basement sealing.
 - D. Repairing or replacing damaged or broken windowpanes.
 - E. Repairing plumbing systems, electrical systems, heating, or air conditioning systems and repairing wells or septic systems.
30. "Special flood hazard area" (SFHA) means the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. "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 structures 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 structure, whether or not that alteration affects the external dimensions of the structure.
32. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.
33. "Substantial damage" also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction or improvement of a structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the first improvement of the structure; 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 correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure’s designation as a historic structure.

B. Any addition which increases the original floor area of a structure by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

36. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

160.02 STATUTORY AUTHORITY, FINDINGS OF FACT, AND PURPOSE.

1. The Legislature of the State of Iowa has, in Chapter 414 of the *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents

by minimizing those flood losses described in Paragraph 2(A) of this section with provisions designed to:

- A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.03 GENERAL PROVISIONS.

1. **Lands to Which Chapter Applies.** The provisions of this chapter shall apply to all lands within the jurisdiction of the City which are located within the boundaries of the Floodplain (Overlay) District as established in this section.
2. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Marion County and Incorporated Areas, City of Pleasantville, Panels 190125C0143D, 0144D, 0256D, 0257D, dated February 16, 2018, which were prepared as part of the Flood Insurance Study for Marion County is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Marion County Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering floodplain management regulations.
3. **Rules for Interpretation of Floodplain (Overlay) District.** The boundaries of the Floodplain (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 City 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 City Administrator in the enforcement or administration of this chapter.
4. **Compliance.** No structure or land shall hereafter be used, and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.
5. **Abrogation and Greater Restrictions.** It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
6. **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in

favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

8. Severability. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.04 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Floodplain Administrator.

A. The City Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.

(2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3) Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

(6) Submit to the Federal Insurance Administration an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration.

(7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the Board of Adjustment of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:

- a. Development placed within the Floodway (Overlay) District results in either of the following: (i) an increase in the base flood elevations; or (ii) alteration to the floodway boundary;
- b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
- c. Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this chapter.

(11) Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Floodplain Development Permit.

A. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation, or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions.
- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

(8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.05 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The floodplain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodplain (Overlay) District – those areas identified as Zone A on the Official Floodplain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as permitted uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

160.06 STANDARDS FOR FLOODPLAIN (OVERLAY) DISTRICT.

1. Permitted Uses.

A. All development within the Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Floodplain District.

B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (1) The bridge or culvert is located on a stream that drains less than two square miles, and

(2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), *Iowa Administrative Code*.

2. Performance Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations and floodway data have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. All development shall:

- A. Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.
- B. Use construction methods and practices that will minimize flood damage.
- C. Use construction materials and utility equipment that are resistant to flood damage.

3. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevations. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevations and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), *Iowa Administrative Code*.

4. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

5. 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 they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, structure 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 shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation.

D. New and substantially improved structures shall be constructed with plumbing, gas lines, water meters, gas meters, and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

6. Factory-Built Homes.

A. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the base flood elevation.

B. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the *State Building Code*.

7. 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 foot above the base 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 foot above the base 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.

8. **Storage of Materials and Equipment.** Storage of equipment and materials that are flammable, explosive, or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and be anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.

9. **Flood Control Structures.** Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

10. **Watercourse Alterations.** Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

11. **Subdivisions.** Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

12. **Accessory Structures to Residential Uses.** Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

A. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.

B. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

C. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

D. The structure shall be firmly anchored to resist flotation, collapse, and lateral movement.

E. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

F. The structure's walls shall include openings that satisfy the provisions of Subsection 5(A) of this section.

Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

13. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Subsection 6 of this section 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.

A. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Subsection 6 of this section regarding anchoring and elevation of factory-built homes.

14. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

15. Maximum Damage Potential Development. All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When flood proofing is utilized, a professional engineer registered in the State shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2 percent annual chance flood; and that the structure, below the 0.2 percent annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are flood proofed shall be maintained by the Administrator. Where 0.2 percent chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

160.07 ESTABLISHMENT OF APPEAL AND VARIANCE PROCEDURES. The Board of Adjustment shall hear and decide: (i) appeals; and (ii) requests for variances to the provisions of this chapter, and shall take any other action which is required of the Board.

1. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board all the documents constituting the record upon which the action appealed from was taken.

2. Variance. The Board may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (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.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

3. Hearings and Decisions of the Board.

A. Hearings. Upon the filing with the Board of an appeal or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation

of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Subparagraph (2) below.

(1) Factors Upon Which the Decision of the Board Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other land or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical, and water systems), facilities, streets, and bridges.

m. Such other factors which are relevant to the purpose of this chapter.

(2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

a. Modification of waste disposal and water supply facilities.

b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

4. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

160.08 NONCONFORMING USES. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

1. If such use is discontinued for six consecutive months, any future use of the structure premises shall conform to this chapter.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

3. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National

Register of Historic Places, provided that the alteration shall not preclude its continued designation.

Except as provided in Subsection 2 of this section, any use which has been permitted as a variance shall be considered a conforming use.

160.09 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.10 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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CHAPTER 165

ZONING REGULATIONS

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165.01 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

165.02 DEFINITIONS. For the purposes of this chapter 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,” and the following terms or words used herein shall be interpreted as follows:

1. Words beginning with “A”
 - A. “Accessory use” or “Structure” means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
 - B. “Actual construction” means the placing of construction materials in permanent position and fastened in a permanent manner; except, where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.
 - C. “Adult uses” includes adult amusement or entertainment, adult bookstore or gift shop, adult hotel or motel, adult photo studio, adult theater, and massage parlor.
 - (1) “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, including, but not limited to topless or bottomless dancers, exotic

dancers, strippers, male or female impersonators or similar entertainment.

(2) “Adult bookstore or gift shop” means an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein.

(3) “Adult hotel” or “motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by the individuals therein.

(4) “Adult photo studio” means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas” or “specified sexual activities,” as defined herein.

(5) “Adult theater” means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons herein.

(6) “Massage parlor” means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician’s direction, physical therapist, chiropodist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

(7) “Specified anatomical areas” means less than completely and opaquely covered human genitals, pubic region, buttocks; and female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state - even if completely and opaquely covered.

(8) “Specified sexual activities” means patently offensive acts, exhibitions, representations, depictions, or descriptions of:

- a. Human genitals in a state of sexual stimulation or arousal;

- b. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
 - c. Intrusion, however slight, actual, or simulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body;
 - d. Cunnilingus, fellatio, analingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
 - e. Flagellation, mutilation, or torture, actual or simulated, in a sexual context.
- D. "Alley" means a public way, other than a street, 20 feet or less in width, affording a secondary means of access to abutting property.
- E. "Apartment" means a room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.
- 2. Words beginning with "B"
 - A. "Basement" means a story having part but not more than one-half its height below grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five feet.
 - B. "Board" means the Board of Adjustment.
 - C. "Boarding house" means a building other than a hotel where, for compensation, meals and lodging are provided for four or more persons.
 - D. "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards.
 - E. "Building, height of" means 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. On a corner lot, the height is the mean vertical distance from the average natural grade at the building line, from the higher of the two grades.
 - F. "Bulk stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than 12,000 gallons.
- 3. Words beginning with "C"
 - A. "Cellar" means that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
 - B. "Commission" means the Planning and Zoning Commission of the City.

4. Words beginning with “D”
 - A. “District” means 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.
 - B. “Dwelling” means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer coach.
 - C. “Dwelling, multiple” means a building or portion thereof designed for or occupied by more than two families with separate housekeeping and cooking facilities for each.
 - D. “Dwelling, single-family” means a building designed for or occupied exclusively for residence purposes by one family.
 - E. “Dwelling, two-family” or “duplex” means a building designed for or occupied exclusively by two families with separate housekeeping and cooking facilities for each.
5. Words beginning with “E”
6. Words beginning with “F”
 - A. “Family” means one or more persons occupying a single housekeeping unit and using common cooking facilities.
7. Words beginning with “G”
 - A. “Garage, private” means an accessory building, or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building, except that a one- or two-car capacity garage may be rented for the private vehicles of persons not residents on the premises.
 - B. “Garage, public” means any building or premises, other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
 - C. “Grade” means the average elevation of the finished ground at the exterior walls of the main building.
8. Words beginning with “H”
 - A. “Hotel” means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.
9. Words beginning with “I”
10. Words beginning with “J”
 - A. “Junk yard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled, or handled, including house wrecking yards, used lumber yards and 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.

11. Words beginning with “K”
12. Words beginning with “L”
 - A. “Lodging house” means a building where lodging only is provided for compensation for four or more persons.
 - B. “Lot,” means 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 a dedicated or private street, and may consist of:
 - (1) A single lot of record;
 - (2) A portion of a lot of record;
 - (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
 - (4) 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.
 - C. “Lot measurement” terms are as follows:
 - (1) “Depth” is the mean horizontal distance between the front and rear lot lines.
 - (2) “Width” is considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.
 - D. “Lot of record” means a lot which is part of a subdivision, the deed of which is 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.
 - E. “Lot types” means as follows:
 - (1) “Corner lot” means a lot located at the intersection of two or more streets.
 - (2) “Double frontage lot” means 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.”
 - (3) “Interior lot” means a lot other than a corner lot with only one frontage on a street other than an alley.
 - (4) “Reversed corner lot” means 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.
13. Words beginning with “M”
 - A. “Mobile home” means 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. The term “mobile home” includes “camp car” and “house car.”

- B. "Mobile home park" means any lot or portion of a lot upon which two or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- C. "Motel, motor lodge" means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.
14. Words beginning with "N"
- A. "Nonconforming use" means use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.
- B. "Nursing" or "Convalescent home" means 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
15. Words beginning with "O"
- A. "Overlay district" means a district which overlays and acts in conjunction with the underlying zoning of the property.
16. Words beginning with "P"
- A. "Parking space" means an area of not less than 250 square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.
17. Words beginning with "Q"
18. Words beginning with "R"
19. Words beginning with "S"
- A. "Story" means 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.
- B. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
- C. "Street" means a public or private thoroughfare which affords the principal means of access to abutting property.
- D. "Street line" means a dividing line between a lot, tract, or parcel of land and a contiguous street.
- E. "Structural alterations" means any replacement or changes in the type of construction or in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.

- F. “Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards, and poster panels.
20. Words beginning with “T”
- A. “Tourist home” means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.
21. Words beginning with “U”
22. Words beginning with “V”
23. Words beginning with “W”
24. Words beginning with “X”
25. Words beginning with “Y”
- A. “Yard” means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except 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.
- B. “Yard, front” means 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. The narrow frontage on a corner lot is the front yard.
- C. “Yard, rear” means 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 corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots, the rear yard is the opposite end of the lot from the front yard.
- D. “Yard, side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building.
26. Words beginning with “Z”

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP. For the purpose of this chapter, the following districts are hereby established within the City as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter.

1. R-1 Single-Family Residence District
2. R-2 One-Family and Two-Family Residence District
3. R-3 Multiple Family Dwellings
4. C-1 Commercial District
5. C-2 Commercial District

6. M-1 Light Industrial District
7. M-2 Heavy Industrial District
8. WW Waste Water Treatment Facility Waiver of Separation Overlay District

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk under the following words:

“This is to certify that this is the Official Zoning Map referred to in Section _ of Ordinance Number __ of the City of Pleasantville, Iowa, adopted on this ____ day of _____, ____.”

If, in accordance with the provisions of this chapter and Chapter 414 of the *Code of Iowa*, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the Council. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the City. In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may 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 Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Pleasantville, Iowa.”

EDITOR'S NOTE

All ordinances rezoning property adopted prior to Ordinance No. 03-11-03 and the following additional ordinances have been adopted amending the Official Zoning Map described in Section 165.03 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

[illegible]

[The next page is 1391]

165.04 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, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - A. To exceed the height;
 - B. To accommodate or house a greater number of families;
 - C. To occupy a greater percentage of lot area;
 - D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.
3. 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.
4. No yard or lot existing at the time of passage of the Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Code shall meet at least the minimum requirements established by this chapter.

165.05 NONCONFORMING LOTS, USES OF LAND, AND USES OF STRUCTURES AND PREMISES.

1. Intent. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. 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 the Zoning Code and upon which actual building construction has been diligently carried on.
2. Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, 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 the Zoning Code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of the Zoning Code, lawful use of land exists that is made no longer

permissible under the terms of the Zoning Code as enacted or amended, such use may be continued subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Code.
 - B. 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 the Zoning Code.
 - C. If any such nonconforming use of land ceases for any reason for a period of more than six months, 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. Nonconforming Use of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Ordinance that would not be allowed in the district under the terms of this chapter, the lawful use may be continued subject to the following provisions:
- A. 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.
 - B. 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 the Zoning Code, but no such use shall be extended to occupy any land outside such building.
 - C. If no structural alterations are made, a nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or of a more restricted classification.
 - D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two years, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
 - E. Any nonconforming building or structure damaged more than 60 percent of its then fair market value, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but, if less than 60 percent damaged above the foundation, it may be restored, reconstructed or used as before, provided that reconstruction shall be started within six months of such happening and be built of like or similar materials.
5. 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 passage or amendment of this chapter, shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Special Permit Uses. Any use for which a special exception is permitted as provided in Section 165.15 shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use.

165.06 GENERAL REGULATIONS.

1. Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half and 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 25 feet from the point of intersection or right-of-way lines.

2. Fences, Walls, and Hedges. Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the side or front edge of any front yard shall be over four feet in height.

3. Street Frontage Required. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least 40 feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least 20 feet wide to a street; and there shall be not more than one single-family dwelling for such frontage or easement.

4. Accessory Buildings. No accessory buildings shall be erected in any required court or in any yard other than a rear yard, except as provided herein. Accessory buildings shall be distant at least five feet from a rear lot line and any other separate building on the lot, and two feet from side lot lines, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than 900 square feet of 30 percent of the rear yard, whichever is less; and shall not exceed 16 feet in height with 10 feet sidewalls. However, this regulation shall not be interpreted to prohibit the construction of a 440 square foot garage on a minimum rear yard. All accessory buildings shall meet the minimum standards set out in Paragraph D of Subsection 10 of this section entitled "Residential Dwelling Standards."

5. Corner Lots. For corner lots, platted after the effective date of the Zoning Code, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. On corner lots platted and of record at the time of the effective date of the Zoning Code, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersection street. In this case, there shall be side yard on the longer street side of the corner lot of not less than 50 percent of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of the Zoning Code, to less than 28 feet or to prohibit the erection of an accessory building.

6. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the 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.

7. Front Yard - Exceptions. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this chapter or where some lots have been developed with a front yard greater than required by this chapter, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of 200 feet measured from building to building, except as follows:

- A. Buildings located entirely on the rear half of a lot shall not be counted.
- B. No building shall be required to have a front yard greater than 50 feet.
- C. If no building exists on one side of a lot within 200 feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

8. Adult Uses. Adult uses in residential districts, commercial districts, or industrial districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both the business and the residential segments of the neighborhood. The establishment of more than two adult uses within 1,000 feet of each other compounds this deleterious effect. Control of the location of adult uses is needed to allow an acceptable level of such uses while maintaining neighborhoods which meet the expectations of the general public.

- A. An adult use shall not be located within 1,000 feet of another adult use or within 1,000 feet of any public or parochial school, licensed day-care facility, church, public park, residential district, or any dwelling (one-family, two-family or multiple dwelling).
- B. The 1,000 foot restrictions shall be computed by measurement from the residential zone or from the nearest property line of the land used for another adult use or any public or parochial school, licensed day-care facility, church, public park, residential district, or any dwelling to the nearest entrance of the building in which adult uses are to occur, using a route of direct measured horizontal distance.
- C. All building openings, entries, windows, etc., shall be covered in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways, or from other public or semi-public areas.

9. Sidewalks. Sidewalks shall be required for any new dwelling. The sidewalks shall be constructed on all sides of the lot which abut a street and built according to the specifications set out in Chapter 136 of this Code of Ordinances. The building permit shall include plans for the construction and placement of the sidewalks.

10. Residential Dwelling Standards. All residential dwelling units shall meet the following minimum standards:

- A. The dwelling unit must have a minimum width of 22 feet for at least 65 percent of the length of the dwelling unit, said dimension to be exclusive of attached garages, porches, or other accessory structures.
- B. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
- C. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.
- D. All dwelling units shall have an exterior wall covering that is either:
 - (1) Wood or masonry finish or its appearance, and/or;
 - (2) Vertical or horizontal grooved siding or lap siding or its appearance.
 - (3) The use of flat or corrugated sheet metal for exterior walls or roof covering is prohibited. Metal roofing that meets or exceeds the requirements of Chapter 156 of the Code of Ordinances shall be allowed.

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165.07 R-1 SINGLE-FAMILY RESIDENCE DISTRICT. In R-1 Districts, the following regulations apply, except as otherwise provided herein:

1. Uses Permitted.
 - A. Single-family dwellings. No temporary buildings, trailers, or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Churches and accessory buildings.
 - C. Museums, libraries, parks, playgrounds, community centers and similar uses operated by the City.
 - D. Golf courses, country clubs, and similar recreational uses, provided that special approval is obtained from the Commission with recommendation to the Council for final approval.
 - E. Crop and tree farming; truck gardening.
 - F. Nurseries and greenhouses for propagating and cultivating of plants only.
 - G. Private swimming pools when enclosed with a non-climbable fence of at least six feet in height.
 - H. Public and private schools and colleges for academic instruction.
 - I. Nursery schools, child nurseries.
2. Special Permit Uses. See Section 165.15.
3. Accessory Uses.
 - A. Private garage which may include living quarters of domestic servants employed on the premises. Servants' quarters shall not be restricted to the 12-foot minimum height regulations.
 - B. Home occupations, provided that such occupations shall be conducted solely by resident occupants in their place of abode, and provided that not more than one-half the area of one floor shall be used for such purpose, and provided further that such occupations shall not require external or internal alterations or the use of mechanical equipment not customary in dwellings.
4. Building Height Limit - two and one-half stories but not exceeding 35 feet in height, and no accessory structure shall exceed one story or 12 feet in height.
5. Minimum Lot Area - 9,500 square feet for each dwelling together with its accessory buildings; however, where public sewer and water facilities are not available - not less than 20,000 square feet if public water only is available - not less than 10,000 square feet.
6. Minimum Lot Width - 75 feet; where public sewer and water facilities are not available - 100 feet; if public water only is available - 80 feet.
7. Minimum Front Yard Depth - 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
8. Minimum Side Yard Width - eight feet on each side for a dwelling and 15 feet on each side for any other principal building.

9. Minimum Rear Yard Depth - 35 feet for a dwelling and 45 feet for any other building.
10. Exceptions. See Section 165.15.
11. Off Street Parking. See Section 165.16.

[The next page is 1403]

165.08 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT. In R-2 Districts, the following regulations apply, except as otherwise provided herein:

1. Uses Permitted.
 - A. Uses permitted in R-1 Districts. No temporary buildings, trailers, or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Two-family dwellings.
 - C. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section.
2. Special Permit Uses. See Section 165.15.
3. Parking. There shall be provided two automobile parking spaces for each dwelling unit.
4. Accessory Uses.
 - A. Accessory uses as permitted and regulated in R-1 District, except as herein specified.
 - B. Home occupations, provided that such occupations shall be conducted solely by resident occupants of the premises and provided that such occupation shall be conducted entirely within the dwelling or garage. Only one sign shall be permitted appurtenant to a home occupation or permitted use provided such sign shall not exceed four square feet in area and shall not emit any flickering, flashing, or glaring light.
5. Building Height Limit. Same as R-1 District.
6. Minimum Lot Area.
 - A. Single-family dwelling – seven thousand five hundred (7,500) square feet.
 - B. Two-family dwelling – eight thousand (8,000) square feet.
 - C. Duplex dwelling unit (in cases of lot division) four thousand (4,000) square feet.
 - D. Where public sewer and water facilities are not available - not less than twenty thousand (20,000) square feet; if public water only is available - not less than ten thousand (10,000) square feet. In the case of multiple dwellings, special determination shall be made by the Zoning Administrator.
(Subsection 6 – Ord. 2307-2023 – Feb. 24 Supp.)
7. Minimum Lot Width.
 - A. Single family dwelling - 65 feet.
 - B. Two-family dwelling - 70 feet.
 - C. Where public sewer and water facilities are not available - 100 feet; if public water only is available - 80 feet.
 - D. Duplex dwelling unit (in cases of lot division) 30 feet.

8. Minimum Front Yard Depth - 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
9. Minimum Side Yard Width.
 - A. Single family dwelling - eight feet on each side.
 - B. Two-family dwelling - eight feet on each side.
 - C. Any other permitted building - 15 feet on each side.
 - D. Duplex dwelling (in cases of lot division) zero feet (common lot line only).
10. Minimum Rear Yard Depth - 35 feet for a dwelling and 45 feet for any other building.
11. Exceptions. See Section 165.15.
12. Off-Street Parking. See Section 165.16.
13. Lot Division Procedures For Duplex Dwellings. Where a duplex dwelling is legally constructed, and the plat in which such dwelling is located is properly recorded, provided the dwelling has met zoning regulations at the time it was issued a building permit and subsequently inspected, the lot may thereafter be divided to provide individual ownership of the duplex dwelling unit pending the following conditions are met:
 - A. A plat of survey is provided to the Zoning Administrator showing the as-built location of the duplex dwelling with each duplex dwelling unit located exclusively on one lot, except for the party wall that bisects the lot line, and individual legal descriptions for each new parcel.
 - B. An executed party wall agreement is provided to the Zoning Administrator for each duplex dwelling unit.
 - C. The duplex dwelling and each duplex dwelling unit comply with the bulk regulation requirements of this section.
 - D. Each duplex dwelling unit is serviced by separate utilities.

[The next page is 1409]

165.09 R-3 MULTIPLE DWELLINGS. The purpose of this section is to regulate multiple family dwellings of more than two dwelling units within the City, and to establish the classification of R-3 District and adopt regulations relative to said use.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in R-3 District.
 - A. Any use permitted in R-2 and R-1 Districts.
 - B. Multiple dwellings including row dwellings and condominium dwellings.
 - C. Boarding and rooming houses.
 - D. Institutions of religious, educational, fraternal, and philanthropic nature, including libraries.
 - E. Nursing, convalescent and retirement homes.
 - F. Private clubs, lodges or veterans organizations.
2. Building Height Limit - same as in R-1 and R-2 Districts.
3. Minimum Lot Area.
 - A. Single-family dwelling - 7,500 square feet.
 - B. Two-family dwellings - 8,000 square feet.
 - C. Multiple family dwellings - 9,000 square feet.
 - D. Where public sewer and water facilities are not available - not less than 20,000 square feet; if public water only is available - not less than 10,000 square feet. In case of multiple dwellings, special determination shall be made by the Zoning Administrator.
4. Minimum Front Yard Depth and Side Yard Requirements. Minimum front yard depth shall be 30 feet or in conformity to existing structures. Single minimum side yard width shall be:
 - A. Single family dwelling - eight feet on each side.
 - B. Two-family dwellings - eight feet on each side.
 - C. One-story multiple family dwellings - 20 feet on each side.
 - D. Two-story or more family dwellings - 20 feet on each side.
 - E. Any other permitted building - 15 feet on each side.
5. Parking Spaces Required. For each multiple dwelling there shall be required two parking spaces of not less than 20 x 12 feet, up to eight units with a requirement of one and one-half spaces for each unit thereafter.
6. Permitted Accessory Uses - accessory uses permitted in and limited to R-3 District including garaging facilities incident to multiple dwelling units erected.

[The next page is 1415]

165.10 C-1 COMMERCIAL DISTRICT. In C-1 Districts, the following regulations shall apply, except as otherwise provided herein:

1. Uses Permitted.
 - A. Uses Permitted in R-2 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures, shall be used for dwelling purposes.
 - B. Any local retail business or service establishment such as the following:
 - (1) Animal hospital, veterinary clinic, or kennel.
 - (2) Antique shop.
 - (3) Automobile and truck sales, service, and repair.
 - (4) Baby store.
 - (5) Bakery whose products are sold only at retail and only on the premises.
 - (6) Barber shop or beauty parlor.
 - (7) Bowling alleys.
 - (8) Candy shops whose products are sold only at retail and only on the premises.
 - (9) Clothes cleaning and laundry pickup.
 - (10) Collection office of public utility.
 - (11) Dairy store – retail.
 - (12) Dance and/or music studio.
 - (13) Drive-in eating and drinking establishments.
 - (14) Drug store.
 - (15) Farm machinery sales and service.
 - (16) Filling station.
 - (17) Florist shop.
 - (18) Fruit and vegetable market.
 - (19) Funeral homes.
 - (20) Furniture store.
 - (21) Garages, public.
 - (22) Golf driving range and miniature golf course.
 - (23) Gift shop.
 - (24) Grocery and delicatessen.
 - (25) Hardware store.
 - (26) Hobby shop.

- (27) Hotel, motel, or motor lodge.
- (28) Household appliances - sales and repair.
- (29) Ice storage and distributing station of not more than five-ton capacity.
- (30) Jewelry shop.
- (31) Launderette and similar businesses.
- (32) Mobile home sales and/or repair.
- (33) Paint and wallpaper store.
- (34) Post office sub-station.
- (35) Radio and television sales and repair.
- (36) Real estate office.
- (37) Restaurant, café, and soda fountain.
- (38) Shoe repair shop.
- (39) Sporting goods.
- (40) Tailor shop.
- (41) Variety store.

C. Business or professional office and the like, supplying commodities or performing services.

- 2. Special Permit Uses. See Section 165.15.
- 3. Accessory Uses - accessory uses as permitted in the R-2 District.
- 4. Building Height Limit - two and one-half stories, but not exceeding 35 feet in height.
- 5. Minimum Lot Area - for a dwelling and any building containing any dwelling units - same as in R-2 District; no requirement for any other building.
- 6. Minimum Lot Width - for a dwelling and any building containing any dwelling units - same as in R-2 District; no requirement for any other building.
- 7. Minimum Front Yard Depth - 25 feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
- 8. Minimum Side Yard Width - none required except as follows:
 - A. Side yards shall be required for a dwelling and any building containing any dwelling units as required in the R-2 District.
 - B. A side yard shall be required on that side of a lot which adjoins any R-1 or R-2 District which shall be no less than five feet.
- 9. Minimum Rear Yard Depth - 35 feet. For each foot that the front yard is increased over 25 feet, the rear yard may be decreased proportionately; except that where the rear yard adjoins the side lot line of a lot in an "R" District, there shall be a minimum rear yard of five feet required adjacent to said lot line.

10. Exceptions. See Section 165.15.

11. Permanency and Strength of Materials. The purpose of this subsection is to preserve and promote the natural beauty and distinctive character of the City and its business districts which are so intimately connected with life in the City; maintenance of atmosphere and promotion of integrated shopping, living, entertainment and recreation area for visitors and the people of the City, to the end that the public welfare will be promoted and advanced through the preservation and promotion of property values and the resulting benefit to the economy of the City and most importantly, to preserve and promote the quality of life for the citizens of the City. The architectural theme of any development within a C-1 District shall be dominated with permanency and strength of materials in proportion to the aesthetic characteristics of the architectural bulk, shape, materials, and color, and shall be compatible with other structures within the immediate surrounding development area and the C-1 District. The buildings within the C-1 District, both as principal permitted uses and accessory uses, shall be designed, and constructed with such materials as may be necessary in order to assure durability, permanency and continued aesthetic quality. The general manner in which any use and development is accomplished shall be compatible to and in harmony with the character of the C-1 District as established or proposed. Existing or potential land use conflicts shall be avoided through proper orientation, open space, setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility.

A. For purposes of this subsection, the following shall be deemed as sufficient to provide for permanency and strength of materials in proportion to the aesthetic characteristics of architectural bulk, shape, and materials:

- (1) Brick, stone, marble, granite and other similar masonry veneers and fascia;
- (2) Glass and glass window panel systems;
- (3) Aluminum, steel, vinyl, and similar lap siding when in character with the architectural characteristics of the structure;
- (4) Textured, fluted or similar exposed concrete block masonry materials;
- (5) Textured, concrete tilt-up panel construction systems;
- (6) Canopies, awnings and similar portico coverings for windows, walkways and architectural character;
- (7) Pitched roofs with gables, hips, dormers and similar offsetting and intersecting roof lines;
- (8) Stucco and staccato board and trim.

B. The following shall not be deemed sufficient to provide permanency and strength of materials in proportion to the aesthetic characteristics of the architectural bulk, shape and materials when not used in conjunction with the previous list or when not specifically a part of an architectural character or theme:

- (1) Plywood and similar sheet, untextured wood coverings;
- (2) Particle board, pressed board and similar composite siding materials including lapsiding;

- (3) Flat roof systems when roof line can be used for addition to building architectural character;
 - (4) Common concrete block when used for exterior fascia, whether painted or not;
 - (5) Vertical steel siding.
12. Off-Street Parking and Loading. See Section 165.16.

[The next page is 1423]

165.11 C-2 COMMERCIAL DISTRICT. This district is intended only as the Central Business District of the City and no property shall be zoned C-2 Commercial unless it lies adjacent to property zoned C-2 Commercial as a part of the Central Business District. Off-street parking and loading facilities and building setbacks are not required in this district to provide for the intensive development of the land. Off-street parking facilities, if needed, should be provided by the City or by private enterprise as a business. In the C-2 District, the following uses and regulations shall apply, except as may be provided in other sections of this chapter:

1. Principal Permitted Uses.
 - A. Any use permitted in the C-1 Commercial District.
 - B. Any retail or wholesale business and service business including the following uses:
 - (1) Automobile body and fender repair shop.
 - (2) Bakeries.
 - (3) Ballrooms and dance halls.
 - (4) Bicycle and motorcycle shop - sales and repair.
 - (5) Billboards.
 - (6) Billiard parlors and pool halls.
 - (7) Bookbinding.
 - (8) Candy or confections manufacturing.
 - (9) Clothes dry cleaning.
 - (10) Commercial parking lots.
 - (11) Electric sub-stations.
 - (12) Household equipment repair shops.
 - (13) Laundry.
 - (14) Lawn mower repair shop.
 - (15) Office building.
 - (16) Plumbing shop.
 - (17) Monument sales and engraving.
 - (18) Automobile, truck, and mobile home sales and repair.
 - (19) Packing of candy, confections and/or frozen foods.
 - (20) Printing and/or publishing business.
 - (21) Repair and storage garages.
 - (22) Sheet metal shop.
 - (23) Sign painting shop.
 - (24) Storage warehouse.
 - (25) Tire repair shops.

2. Special Permit Uses. See Section 165.15. Exceptions and Preclusions to Permitted Uses. The permitted uses as defined in Section 165.07(1), R-1 Single Family Residence District; (2) 165.08(1), R-2 One- and Two-Family Residence; and (3) 165.09(1), R-3 Multiple Dwelling shall not be permitted within a C-2 Commercial District.
3. Conversion of Building/Structure Upon Transfer, Conveyance, Resale, Damage, or Destruction. Any building and/or structure which is being utilized as a permitted use as identified under Section 165.07(1), R-1 Single Family Residence District; (2) 165.08(1), R-2 One and Two-Family Residence; and (3) 165.09(1), R-3 Multiple Dwellings, as of the date of the passage of Ordinance 1903, shall be required to a permitted use pursuant to Section 165.11 in conformity with Ordinance 1903, upon subsequent resale, transfer, conveyance, or demolition. Additionally, any nonconforming building or structure damaged 60 percent or more of its then fair market value, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but, if less than 60 percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that reconstruction shall started within six months of such happening and be built of like or similar materials.
4. Accessory Uses.
 - A. Accessory uses permitted in the C-1 District.
 - B. Accessory uses and structures customarily incidental to any permitted principal uses.
5. Building Height Limit - four stories but not exceeding 60 feet.
6. Minimum Lot Area - dwelling - same as R-2 District; no requirement for any other building.
7. Minimum Lot Width - dwelling - same as R-2 District; no requirement for any other building.
8. Minimum Front Yard Depth - dwelling - same as R-2 District; no requirement for any other building unless fronting on the proposed right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, in which case, the building setback shall be the proposed right-of-way line.
9. Minimum Side Yard Width - dwelling - same as R-2 District; no requirement for any other building except when adjacent to the side lot line of a lot in an "R" District, in which case, not less than 15 feet.
10. Minimum Rear Yard Depth - dwelling - same as R-2 District; no requirement for any other building except when adjacent to the side lot line of a lot in an "R" District, in which case, 10 feet.
11. Off-Street Parking and Loading. See Section 165.16.
12. Exceptions. See Section 165.15.

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165.12 M-1 LIGHT INDUSTRIAL DISTRICT. In the M-1 District, the following regulations shall apply, except as otherwise provided herein:

1. Principal Permitted Uses.
 - A. Uses permitted in C-2 Districts.
 - B. Any of the following uses:
 - (1) Automobile assembly and major repair.
 - (2) Creamery, bottling, ice manufacturing and cold storage plant.
 - (3) Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
 - (4) Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone or cloth, cork, fiber, leather, paper, plastics, metals, or stones, tobacco, wax, yarns, and wood.
 - (5) Manufacture of musical instruments, novelties, and molded rubber products.
 - (6) Manufacture or assembly of electrical appliances, instruments, and devices.
 - (7) Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 - (8) Laboratories - experimental, film, or testing.
 - (9) Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
 - (10) Blacksmith, welding, or other metal shop.
 - (11) Foundry.
 - (12) Bag, carpet, and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 - (13) Enameling, lacquering, or japanning.
 - (14) Crematory - if located not less than 200 feet from any "R" District.
 - (15) Concrete mixing, concrete products manufacture.
 - (16) Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.
 - (17) Building material sales yards, lumberyard, contractor equipment storage yard or plant, or rental of equipment commonly used

by contractors, and storage yards for vehicles of a delivery or draying service.

(18) Circus, carnival, or similar transient enterprise; provided such structures or buildings are at least 200 feet from any "R" district.

(19) Inflammable liquids, underground storage only.

(20) Printing and/or publishing house.

(21) Truck terminal or yard including repair.

(22) Fertilizer, propane, petroleum and chemical products storage, handling, processing, packaging, and distribution to exclude the manufacture of such items; provided, however, these uses shall be permitted subject to approval by the Council after public hearing and after report and recommendation by the Planning and Zoning Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested:

a. 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;

b. Such use shall not impair an adequate supply of light and air to surrounding property.

c. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.

d. Such use shall not diminish or impair established property values in adjoining or surrounding property.

e. Such use shall be in accord with the intent, purpose, and spirit of this chapter and the Comprehensive Plan of the City.

2. Special Permit Uses. See Section 165.15.

3. Accessory Uses.

A. Any accessory use permitted in C-2 Commercial District.

B. Any accessory uses customarily accessory and incidental to a permitted principal use.

4. Required Conditions. No use shall be permitted to be established or maintained which, by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinder, gas, fumes, vibration, refuse matter or water-carried waste.

5. Building Height Limit - three stories but not more than 50 feet.

6. Minimum Lot Area - no minimum, except for dwellings, same as in R-2 District.

7. Minimum Lot Width - no minimum, except for dwellings, same as in R-2 District.

8. Minimum Front Yard Depth - 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
9. Minimum Side Yard - none required except adjacent to an "R" District, in which case, not less than 25 feet.
10. Minimum Rear Yard Depth - 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required.
11. Exceptions. See Section 165.15.
12. Off-Street Parking and Loading. See Section 165.16.

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165.13 M-2 HEAVY INDUSTRIAL DISTRICT. In the M-2 District, the following regulations shall apply, except as otherwise provided herein:

1. Principal Permitted Uses.

A. Uses permitted in M-1 Districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

B. Any other use not otherwise prohibited by law; provided, however, the following uses shall be permitted subject to approval by the Council after public hearing, and after report and recommendation by the Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested.

(1) 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) Such use shall not impair an adequate supply of light and air to surrounding property.

(3) Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

(4) Such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) Such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan.

C. The uses subject to the above provisions are as follows:

(1) Acid manufacture.

(2) Cement, lime, gypsum, or plaster of Paris manufacture.

(3) Distillation of bones, coal tar, petroleum, refuse, grain, or wood.

(4) Dump.

(5) Drilling for or removal of oil, gas, or other hydro-carbon substance.

(6) Explosives manufacture or storage.

(7) Fat rendering.

(8) Fertilizer manufacture.

(9) Garbage, offal or dead animal or fish reduction or dumping.

(10) Gas manufacture.

(11) Glue manufacture.

(12) Hog ranch.

- (13) Mineral extraction, including sand or gravel.
 - (14) Petroleum or petroleum products refining.
 - (15) Rubber goods manufacture.
 - (16) Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags storage or baling. No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles. Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden, metal or masonry fence or wall not less than six feet in height and so constructed that it completely obscures the view of the operations on the premises from surrounding streets or private property.
 - (17) Smelting of ores.
 - (18) Stockyard or slaughter of animals, except poultry or rabbits.
 - (19) Tannery.
 - (20) Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise, or may impose hazard to health or property.
- 2. Special Permit Uses. See Section 165.15.
 - 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.
 - B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least 100 feet from any "R" District boundary, except where adjoining a railroad right-of-way.
 - 4. Building Height Limit - three stories but not more than 50 feet.
 - 5. Minimum Lot Area - no minimum.
 - 6. Minimum Lot Width - no minimum.
 - 7. Minimum Front Yard Depth - 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
 - 8. Minimum Side Yard - none required except adjacent to an "R" District, in which case, not less than 100 feet as specified in Subsection 3.
 - 9. Minimum Rear Yard Depth - 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none is required.
 - 10. Exceptions. See Section 165.15.
 - 11. Off-Street Parking and Loading. See Section 165.16.

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165.14 WW WASTEWATER TREATMENT FACILITY WAIVER OF SEPARATION OVERLAY DISTRICT. The regulations set forth in this section, or elsewhere in this ordinance when applicable, shall apply in the WW District.

1. Waiver of Separation Requirements:

A. The property owners agree to forever waive all applicable site separation requirements of the Iowa Department of Natural Resources imposed under the provisions of *Iowa Administrative Code* Section 567--64.2(3) with respect to the location of the City Wastewater Facilities. Such waiver shall extend to the facility as depicted in Exhibit "1" to the Zoning Map.

B. The property owners agree the City can construct, reconstruct, maintain, or modify the project as set forth in Exhibit "1" to the Zoning Map.

C. The property owners acknowledge and agree that they have received full and fair compensation as consideration for this agreement and the property owners are forever barred and stopped from filing in law or equity requesting additional compensation.

D. The property owners are forever barred and stopped from filing any action in law or equity relative to the location or operation of the City Wastewater Facilities, with said bar extending to, but not necessarily limited to, noise, light, odor, traffic, proximity, or physical facilities relating to the construction or operation of said project. These commitments by the property owners shall in no way limit their right to access their property or to the free use and enjoyment of their property.

E. The property owners understand and agree this Permanent Site Separation Waiver Agreement and Easement shall be recorded and shall run with the land and shall be fully applicable and binding upon the assigns, or successors in interest to said property, or any part thereof.

F. These regulations shall apply to, but are not limited to, the following actions:

(1) As a condition of approval for building permits for all new commercial or inhabitable structures on parcels of record within the WW District, a Waiver of Separation shall be executed and recorded with the County Recorder for abstract of title purposes.

(2) As a condition of Final Plan approval, for each and every new parcel created within the WW District after the effective date, a Waiver of Separation shall be executed and recorded with the County Recorder for abstract of title purposes.

G. A copy of recorded Waiver of Separation shall be submitted to the Iowa DNR by the City Administrator.

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165.15 EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS.

1. Structures Permitted Above Height Limit. The building height limitations of this chapter shall be modified as follows:

A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.

B. Public, semi-public, or public service buildings, hospitals, sanitariums, or schools, when permitted in a district, may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot, in addition to the minimum yard requirements, for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

2. Double Frontage Lots. Buildings on double frontage lots extending through from street to street shall provide the required front yard on both streets.

3. Rear Yards Adjacent to Alleys. In computing the depth of a rear yard where the rear yard opens on an alley, one-half of the alley width may be included as a portion of the rear yard.

4. Other Exceptions to Yard Requirement. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed 24 inches including roof overhang.

5. Home Occupations. The secondary use of a dwelling unit for commercial purposes is limited to uses hereinafter defined, and restricted to the principal dwelling unit and/or an accessory unit attached thereto, occupying not more than 25 percent of the total floor area of such combined dwelling unit. In no event shall a home occupation occupy more than a total of 500 square feet of floor area within the principal dwelling unit and/or accessory unit attached thereto.

A. Exclusive Use. The home occupation shall be for the exclusive use of the occupants of the dwelling unit and/or not more than one employee.

B. Restrictions. A home occupation shall not display or create outside the building any external evidence of the operation of the home occupation, except that upon each street front on which the building is located, no more than one inanimate, non-illustrated flat or window sign not exceeding four square feet shall be allowed.

C. Exterior Use. The exterior yard of the premises in question shall not be used or utilized other than for the parking of no more than two vehicles used in the home occupation. The parking of customer's or client's vehicles within the exterior yard of the premises in question shall not be allowed.

D. Uses Allowed. Home occupation shall include the use of premises by a physician, psychologist, surgeon, dentist, lawyer, clergyman, chiropractor, engineer, draftsman, architect, real estate broker or salesman, insurance office and sales, music studio, dance studio, artist's studio, barbershop, beauty shop or beauty parlor, dressmakers, tailor, babysitters, caterer, photographer,

salesman, cabinet maker, furniture restorer, accountants, bookkeepers, carpenters, sign painters, painters, and said use shall be restricted so as to emit no odors, create unusual noise, litter, electrical interference, and said property shall be maintained so as to be consistent with the neighborhood within which said home occupation is located.

E. Allowed in all Districts. Home occupations may be utilized in any and all zoning districts within the City.

F. Special Permit. In case of conflict or dispute, and within the discretion of the Board of Adjustment, uses similar to those set forth herein may be authorized as home occupations by reason of special permit issued by the Board of Adjustment.

6. Special Permit Uses. The Board of Adjustment may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are otherwise prohibited by this chapter. Notice of time and place of hearing shall be given to all affected property owners at least 10 days in advance of hearing by placing notices in the United States mail.

A. Any public building erected and used by any department of the City, Township, County, State, or federal government.

B. Airport or landing field.

C. Community building or recreation center.

D. Hospitals, homes for the aged, nursing homes, non-profit, fraternal institutions, provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic, or eleemosynary character, provided that the building shall be set back from all yard lines a distance of not less than two feet for each foot of building height but not less than the yard requirements for the district in which located.

E. Mobile Home Parks, subject to the following requirements:

(1) Minimum Development Requirements for Park:

a. Front yard (to be measured from all streets on which park abuts) - 35 feet.

b. Side yard - 35 feet.

c. Rear yard - 35 feet.

d. Minimum area - two acres.

e. Drives - 25 feet in width surfaced with asphalt or Portland Cement Concrete.

f. Sanitary facilities - connection with the municipal sewer system or adequate private sewage disposal facilities.

(2) Minimum Development Requirements for "Home" spaces:

a. Minimum space size - 40 feet by 75 feet.

b. Minimum space area - 3,000 square feet.

c. Off-drive parking - one parking space for each "home" space.

- d. Minimum front yard - 15 feet.
- e. Minimum rear yard - 10 feet.
- f. Minimum side yard - five feet.
- F. Multiple dwellings containing more than four units provided the density shall not exceed 25 dwelling units per usable acre of land.
- G. Pre-schools.
- H. Public Cemetery.

Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Planning and Zoning Commission, which Commission shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed; provided, however, if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the said Commission.

165.16 PARKING AND LOADING AREAS.

1. Off-Street Loading Spaces Required. In any "C" or "M" District, in connection with every building or part thereof, hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

- A. Each loading space shall be not less than 10 feet in width and 35 feet in length.
- B. Such space may occupy all or any part of any required yard or court space.

2. Off-Street Parking Area Required. In all districts, except the C-2 District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:

- A. Automobile sales and service garages - 50 percent of floor area.
- B. Banks, business, and professional offices - 50 percent of floor area.
- C. Bowling alleys - five spaces for each alley.
- D. Churches and schools - one space for each eight seats in a principal auditorium. When no auditorium is involved, one space for every two employees.
- E. Dance halls, assembly halls - 200 percent of floor area used for dancing or assembly.
- F. Dwelling - one parking space for each family or dwelling unit.

- G. Funeral homes, mortuaries - one parking space for each five seats in the principal auditorium.
- H. Furniture and appliance stores, household equipment or furniture repair shops over 1,000 square feet of floor area - 50 percent of floor area.
- I. Hospitals - one space for each four beds.
- J. Hotels, lodging houses - one space for each two bedrooms.
- K. Manufacturing plants - one space for each three employees on the maximum working shift.
- L. Restaurants, beer parlors, and night clubs, over 1,000 square feet floor area - 200 percent of floor area.
- M. Retail stores, supermarkets, etc., over 2,000 square feet floor area - 250 percent of floor area.
- N. Retail stores, shops, etc., under 2,000 square feet floor area - 100 percent of floor area.
- O. Sports arenas, auditoriums, other than in schools - one parking space for each six seats.
- P. Theaters, assembly halls with fixed seats - one parking space for each six seats.
- Q. Wholesale establishments or warehouses - one parking space for every two employees.

In case of any building, structure, or premises, the use of which is not specifically mentioned herein, requirements for a use which is mentioned and to which said use is similar shall apply. Off-street parking areas may be established in any "R" District that immediately joins a "C" or an "M" District, or is directly across an alley from a "C" or "M" District, provided that such parking is accessory to and for use of one or more business or industrial establishments, located in the adjoining "C" or "M" District; provided, however, such transitional use shall not extend more than 100 feet from the boundary of the less restricted zone. Off-street parking areas shall be surfaced with Portland cement concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the Council and shall be maintained in a dust-free condition. All new driveways shall be surfaced with the aforementioned material, including residential houses that are constructed after August 19, 2002. In addition, any residential, commercial, industrial, or institutional addition or alteration to any site or structure which is in excess of 50 percent of the main floor area shall also construct or reconstruct the driveways and parking area which service such site or structure with the aforementioned material.

3. Parking on the Grass Prohibited. All parking of motor vehicles, utility trailers, campers, motor homes/trailers, boats, and construction equipment within the front yard must be located on a driveway or driveway approach and must be an improved surface with Portland cement concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the Council and shall be maintained in such dust-free condition. In addition motor vehicles, utility trailers, campers, motor homes/trailers, boats, and construction equipment, may not block sidewalks or public streets. Parking is permitted within the side and rear yards provided that all parking is on an improved surface as defined in this Zoning Code and meets the setback

requirements of the Land Development Code. The only exception to this requirement is during a snow emergency when this requirement will not be enforced.

165.17 COMMUNITY UNIT PLAN. The owner or owners of any tract of land comprising an area of not less than 20 acres may submit to the Council a plan for the use and development of the entire tract of land. The development shall be referred to the 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 Council for consideration and approval. If the Council approves the plan, building permits and Certificates of Zoning Compliance 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 plan do not conform in all respects to the district regulations of the district in which it is located except as follows:

1. Only uses permitted in the "R" Districts shall be permitted.
2. The average lot area per family contained in the proposed plan, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

165.18 ZONING OF ANNEXED AREAS. Any land annexed to the City after the effective date of the Zoning Code shall be zoned R-1 Residential until the Commission and Council shall have studied the area and adopted a final zoning plan for the area. Said final zoning plan shall be adopted within six months of date of annexation.

165.19 ADMINISTRATION AND ENFORCEMENT. The Public Works Director shall administer and enforce this chapter. Said officer may be provided with the assistance of such other persons as the Council may direct. If the Public Works Director finds that any of the provisions of this chapter are being violated, the Director shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Public Works Director shall order discontinuance of illegal use of land, building or structures; the removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; and the discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

165.20 BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

1. Building Permit. No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Public Works Director. No building permit shall be issued except in conformity with the provisions of this chapter, except after a written order from the Board of Adjustment. Fees for building permits shall be as provided by resolution. The building permit shall remain in force and effect for a period of one year from the date it is issued. After the building permit expires, a new application must be made pursuant to the requirements of Subsection 2 below.
2. Application for Building Permit. All applications for building permits shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the

building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter.

3. Certificates of Zoning Compliance for New, Altered or Nonconforming Uses. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefor by the Public Works Director, stating that the proposed use of the building or land conforms to the requirements of this chapter. Certificates of Zoning Compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within 10 days after the lawful erection or alteration of the building is completed in conformity with the provisions of this chapter. A temporary Certificate of Zoning Compliance may be issued by the Public Works Director for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The Public Works Director shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this chapter.

165.21 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS AND PLANS. Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Public Works Director authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. All construction authorized by the Public Works Director pursuant to building permits or Certificates of Zoning Compliance shall be completed within one year of date so authorized.

165.22 BOARD OF ADJUSTMENT.

1. Board of Adjustment Created. The Council shall appoint five persons to the Board of Adjustment. Each member of the Board shall serve a five-year term, and terms shall be staggered so that no more than one term expires per year. A majority of the Board shall be persons not involved in the business of purchasing or selling real estate.

2. Chairperson. The Board shall select, by majority vote, one of its members to serve as Chairperson. The Chair shall preside at meetings of the Board.

3. Meetings. The meetings of the Board shall be held at the call of the Chairperson or at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, of 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. The presence of three members shall be necessary to constitute a quorum.

4. Powers and Duties of the Board of Adjustment. The Board of Adjustment shall have only the following powers and duties:

A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the

Zoning Administrator in the enforcement of this Zoning Code or any regulation relating to the location or soundness of structures.

B. Special Use Permits. To hear and decide the approval of applications for special use permits, as provided by this chapter.

C. Variances to Relieve Hardships Relating to Property. To authorize, upon appeal, variances from the strict application of this chapter where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

(1) Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:

a. Strict application of the Zoning Code will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

b. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

e. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Code.

f. The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.

(2) Findings by Board. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance.

(3) Conditions for Grant of Variance.

a. 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 this chapter and punishable under this chapter.

b. 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.

c. No nonconforming use of neighboring lands, structures, or buildings in the same district and non-permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(4) Board has Powers of Zoning Administrator on Appeals; Reversing Decisions of Zoning Administrator. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

(5) The concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirements, 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.

(6) All meetings of the Board of Adjustment shall be open to the public. The Zoning Administrator shall keep minutes of its proceedings, showing the vote of each member on 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 Zoning Administrator and shall be a public record. The presence of a majority of the entire Board shall be necessary to constitute a quorum

(7) A resolution signed by the Chairperson or acting Chair of the Board of Adjustment shall be kept in the office of the Zoning Administrator. The resolution shall set forth the full reason for its decision and the vote of each member participating therein.

5. Standing to Appeal. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Commission. At the hearing, any party may appear in person or by agent, or by attorney.

6. Procedure for Appeals.

A. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property.

- B. The Zoning Administrator shall provide a notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City at least 10 days before and no more than 20 days before the date of public hearing. The Zoning Administrator shall post an agenda in City Hall and at the location of the meeting prior to the Board of Adjustment meeting. The Zoning Administrator shall attempt to notify adjacent property owners within 200 feet of the property in question by mail prior to the Board of Adjustment meeting. Failure to notify 100 percent of all adjacent property owners shall not stop Board of Adjustment from considering the application request or acting on the petition.
- C. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the appellant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation in such Zoning Code.
- D. An appeal stays all proceedings in furtherance the action appealed from, unless the Zoning Administrator certifies to the Board that a stay would, in their opinion, cause imminent danger to life, property, or the public safety. In such a case, the proceedings shall be stayed only by a restraining order granted by the Board or by a court of record on application, on notice to the Zoning Administrator.
- E. The processing of special use permits shall follow the same procedures for hearings and public notifications as variance or administrative review appeals.
7. Filing Fee for Appeal. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of \$15.00 to the Clerk to be credited to the General Fund of the City.
8. Variances to Be Consistent with Intent of the Zoning Ordinance. All variations granted under this chapter shall be in harmony with the general purpose and intent of the Zoning Code.
9. Appeals from the Board of Adjustment. Any person or persons, the City, or any board, taxpayer, officer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, of the *Code of Iowa*.
10. Power to Permit Specific Exceptions. The Board shall permit the following exceptions to the district regulations set forth in the Zoning Code.
- A. To permit erection and use of a building or the use of premises or vary the height, yard, or other area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
- B. To permit the use of property in residential districts for off-street parking purposes as accessory to permitted residential district uses where said parking lots do not immediately adjoin the permitted residential district use.

C. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract of purchase at the time of the passage of the Zoning Code, but in no case shall such extension of the district boundary line exceed 40 feet in any direction.

11. Exceptions to Promote Public Welfare. All exceptions shall, by their design, construction, and operation, adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion on the public streets, shall not increase public danger of fire and safety and shall not diminish or impair established property values in surrounding areas.

165.23 DUTIES ON MATTERS OF APPEAL. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Public Works Director, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Public Works Director, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law. It is further the intent of this chapter that the duties of the Council, in connection with this chapter, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter, the Council shall have only the duties of: (i) considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law; (ii) establishing a schedule of fees and charges; (iii) considering applications for special permits for special uses as specified in Section 165.15(6) of this chapter; and (iv) considering applications for uses listed in the M-2 Heavy Industrial District.

165.24 SCHEDULE OF FEES. The Council shall establish a schedule of fees, charges and expenses, and a collection procedure for Certificates of Zoning Compliance, appeals and other matters pertaining to this chapter. The schedule of fees listed below shall be posted in the office of the Public Works Director, and may be altered or amended only by the Council. No certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

1. Certificate of Zoning Compliance:
 - A. New structure - The building permit fee shall include the Certificate of Zoning Compliance.
 - B. Change of use:

Residential use.....	\$10.00
Any use other than residential ...	\$20.00
2. Appeal - Board of Adjustment \$10.00

165.25 AMENDMENTS. The Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council. Whenever any person desires that any amendment or change be made in this chapter, including the text and/or map, as to any

property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of 50 percent of the area of all real estate lying outside of said tract but within 200 feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such 200 feet, it shall be the duty of the Council to vote upon such petition within 90 days after the filing of such petition with the Clerk. In case the proposed amendment, supplement, or change is disapproved by the Commission, or a protest is presented duly signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed 200 feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorite vote of at least four-fifths of all the members of the Council. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one year shall have elapsed from the date of the filing of the first petition. Before any action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk the sum of \$10.00 to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

165.26 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 Public Works Director. The Public Works Director shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

165.27 ENFORCEMENT. All departments, officials, and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provisions of this chapter. Each day that any violation of this chapter continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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CHAPTER 166

SITE PLANS

166.01 Purpose and Scope	166.05 City Council Action
166.02 Site Plan Requirements for Single-Family and Two-Family Residences	166.06 Required Plan Information
166.03 Site Plan Requirements for All Uses Other Than Single-Family and Two-Family Residences	166.07 Structural Certificate
166.04 Appeals	166.08 Design Standards
	166.09 Approval and Penalties
	166.10 Enforcement

166.01 PURPOSE AND SCOPE. It is the intent and purpose of this chapter to establish a procedure by which the City can review proposed improvements of property within a specified zoning district. The site plan requirements of this chapter are designed to aid the City's Building Department, Planning and Zoning Commission, and the Council in issuing building permits, promoting the most beneficial relation between the uses of land and the circulation of traffic throughout the City, encourage adequate provisions for surface and subsurface drainage, and to insure that the proposed facilities shall meet the existing City zoning and building requirements, and to insure the availability and capacity of public facilities for the proposed installation. A site plan shall be submitted as outlined in this chapter for all proposed improvement installations, including new building construction, building addition construction, accessory building construction, parking facilities construction, for proposed or existing structures.

166.02 SITE PLAN REQUIREMENTS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENCES. In the event a building permit is required for the construction of a one- or two-family dwelling or the addition to a one- or two-family dwelling, or for the construction of an accessory use building for a one- or two-family dwelling, or for an addition or expansion of parking or driveway facilities for each unit, the applicant shall submit three copies of the site plan depicting the requirements contained in this section.

1. Name and address of the owner or developer.
2. Name and address of the person preparing the site plan.
3. Address of site.
4. Date of preparation of site plan.
5. Legal description of site.
6. Plat information:
 - A. Lot boundary with dimensions;
 - B. Easements;
 - C. Building setback lines.
7. Improvement information with legend for those listed below:
 - A. Street or road pavement width and location.
 - B. Water Mains:
 - (1) Main size and location;
 - (2) Service location.

- C. Sanitary Sewer:
 - (1) Location in right-of-way with size;
 - (2) Location from lot lines;
 - (3) Location of service wye.
- D. Storm sewer manholes and intake locations.
- 8. Obstruction (trees, utility poles, hydrants, etc.)
- 9. Proposed facilities.
 - A. Buildings with cantilevers, retaining walls, drives, walks, decks, etc.
 - B. Drainage arrows depicting direction of drainage.

166.03 SITE PLAN REQUIREMENTS FOR ALL USES OTHER THAN SINGLE-FAMILY AND TWO-FAMILY RESIDENCES.

1. Procedure. Any person proposing to develop, improve or alter any tract or parcel of land within any district by construction of facilities other than one- or two-family dwelling unit shall prepare and submit to the Planning and Zoning Commission a site plan depicting the requirements contained herein. The site plan shall be accompanied by the proper filing fee as follows:

- A. One acre or less: \$35.00
- B. More than one acre: \$70.00

In addition to the fees set forth in this section, the applicant shall be responsible for just and reasonable costs incurred by the City during the course of the site plan approval for work deemed necessary by the City to assure proper construction in accordance with applicable standards and ordinances.

The applicant shall submit two full-size copies (if full-size site plan is larger than 11" x 17"), eight half-sized copies (11" x 17") and one electronic PDF file of the site plan to the Clerk no less than 15 days prior to the meeting at which any action is to take place. The Clerk shall deliver copies to the City Engineer and the Building Department for their review and comments. The remaining copies shall be retained by the Clerk for delivery to the Commission. The City Engineer and the Building Department shall review such plans for conformance with the site plan requirements. Their review, comments and recommendations shall be presented at the next following regular Planning and Zoning Commission meeting.

2. Commission Action. Following the Engineer's and Building Department's review, the Commission, at its next regular meeting, shall approve the site plan as submitted if the same conforms to all State and local regulations and ordinances. If the site plan fails to conform to all State regulations and applicable ordinances, the Commission shall state the reasons for its disapproval and shall return a copy to the applicant for revision in accordance with the action taken. The applicant shall then submit the revised copy to the Building Department and City Engineer for their review and comments for presentation at the next regular Commission meeting. Upon approval by the Commission, the site plan shall be presented to the Council at its next regular meeting. The Council shall approve, disapprove, or approve subject to conditions.

166.04 APPEALS. If the site plan is disapproved by the Planning and Zoning Commission, the applicant may, upon written application to the Commission, appeal in whole or in part any condition or requirement the Commission would require for its approval. The application for appeal and the site plan as submitted shall be presented to the Council at its next regular meeting for their action. The application for appeal must include specific reasons and conditions that exist for variance from the applicable codes or ordinances and variations from the Commission recommendations.

166.05 CITY COUNCIL ACTION. The Council shall review the Commission's recommendations for disapproval, accompanied with the applicant's appeal request. The Council shall also review the Building Department and City Engineer's review, comments, and recommendations. The Council shall thereupon take action either approving or disapproving the site plan. Upon approval, the Council shall direct the Building Department to issue the proper building permits. A site plan that has been denied by the Planning and Zoning Commission and the Council may be resubmitted to the Commission by the applicant in accordance with the terms of this chapter and upon payment of the appropriate fees.

166.06 REQUIRED PLAN INFORMATION. Site plans which are submitted for review shall be drawn to a scale of 1" = 50' or larger and shall include as a minimum the following items of information:

1. Narrative Information:
 - A. Name by which the development or improvement shall be called.
 - B. Name and address of the owner of the property.
 - C. Name and address of the developer or builder.
 - D. Name and address of person or firm preparing the site plan.
 - E. Address of the site.
 - F. Legal description of the site.
 - G. Present zoning classification of the site.
 - H. Proposed zoning of the site.
 - I. Development schedule with approximate starting date, staging of development and completion dates.
 - J. Total area of the proposed site.
 - K. Total number and types of all buildings.
 - L. Number of stories of each existing or proposed building.
 - M. Total floor area of each building.
 - N. Total number and types of dwelling units.
 - O. Estimated number of employees for each proposed use where applicable.
 - P. Total number of parking spaces proposed in the site plan.
 - Q. Evidence concerning the feasibility of the project and its effect on surrounding property.

2. The following items are to be shown in illustration on the site plan:
 - A. A vicinity sketch at a suitable scale showing the general location of the property, existing land uses adjoining the property, and adjacent existing facilities such as buildings, parking lots, etc.
 - B. A certification by a licensed land surveyor shall be on or accompany the site plan, showing that the dimensions and bearings on the property lines are accurately shown.
 - C. All existing utilities shall be shown, including the location and size of existing public utilities.
 - D. Proposed connections to existing utilities.
 - E. Existing buildings, right-of-ways, street improvements, railroads, easements, drainage courses, streams and wooded areas shall be shown.
 - F. Building setback lines required by the zoning district and the average setback of buildings within 200 feet of the proposed building where applicable.
 - G. Location, grade, and dimension of all existing and proposed paved surfaces.
 - H. Traffic circulation and parking plans showing the location and dimensions of all existing and all proposed parking stalls, loading areas, entrances and exit drives, dividers, planters and frontage roads, and other similar permanent improvements.
 - I. Location and type of any existing and proposed signs.
 - J. Location and type of any existing or proposed lighting.
 - K. Location of existing trees six inches or larger in diameter.
 - L. Location, amount and type of any proposed landscaping, fences, walls, or other screening.
 - M. Location and size of all solid waste enclosures.
 - N. All existing and proposed sidewalks and pedestrian traffic facilities.
 - O. Existing contours at maximum two-foot intervals.
 - P. Proposed elevations of structure and improvement and proposed contours or grades.
 - Q. Site plan shall include a drainage plan to show the connections to existing storm sewers or drainage ditches and the courses which surface water shall take for exit from the property.
 - R. Type and location of all proposed paved surfaces.
 - S. Site plan shall include sufficient information to demonstrate compliance with Chapter 156 for permanency and strength of materials in proportion to the aesthetic characteristics. Such evidence should include architectural building elevations showing the architectural character, type of materials, and indication of colors.

166.07 STRUCTURAL CERTIFICATE. All site plan information required under Section 166.06 of this chapter, when submitted, shall be accompanied by a certification from a licensed structural engineer or architect certifying as to the structural integrity of the proposed structure.

166.08 DESIGN STANDARDS. The design standards provided herein are to insure the orderly and harmonious development of property in such a manner as will safeguard the public's health, safety, and general welfare. All site plans submitted shall conform to the standards and to the City's standard construction specifications.

1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage and for connections to water and sanitary sewer lines, each so designed neither to overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
2. The proposed development shall be designed and located within the property in such a manner as to not unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effect on such adjoining properties from automobile headlights, illumination of required peripheral yards, refuge containers, and imperilment of light and air. For purposes of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning district in which adjoining property is located.
3. The proposed development shall conform to all applicable provisions of the *Code of Iowa*, and all applicable provisions of this Code of Ordinances.
4. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent surrounding public streets.
5. All electrical, telephone and other public utilities shall be placed underground, where required under applicable subdivision regulations, or wherever installation of the same is reasonably practicable.
6. The proposed development shall be in conformity with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture.
7. All lighting in connection with the proposed development shall conform to the following standards:
 - A. General Standards:
 - (1) Flashing or pulsating lights, moving lights, high intensity lights, strobe lights or rotating beacons shall be prohibited out of doors or visible from the outdoors in all zoning districts except when otherwise legally displayed as emergency lights or warning lights.
 - (2) Any use of neon lights shall be designed in harmony with the surrounding area and in an aesthetically sound manner.

B. Parking Lot Lights:

- (1) Parking lot lights are required to be halogen, metal halide, LED, or others with similar qualities to reduce glare and provide for improved color correct vision.
- (2) Full cut-off high pressure sodium lamps, not exceeding a maximum lumen rating of 16,000 lumens, may be used in outdoor storage areas where the need for good color rendering capabilities for safety and security is not necessary. Such areas must not be accessible to the general public or adjacent to any residential zoning district.
- (3) The fixture itself cannot be adjustable; the fixture must be permanently fixed at an angle such that it shines directly onto the parking lot.
- (4) No portion of the lamp, lens, or diffuser shall be visible from the side or top of any shield, or otherwise protrude from the bottom of the shield.
- (5) No forward-throwing flood lights are allowed in the parking lot.
- (6) The developer must provide an isometric map illustrating the foot-candle contours for the site.
- (7) The maximum average-maintained foot-candles for a parking lot shall be two foot-candles. The maximum foot-candle shall be seven- and one-half foot-candles.
- (8) When the site is located adjacent to a residential zoning district, no light pollution is allowed onto the residential district.
- (9) The maximum pole height for the light fixture is 25 feet when adjacent to a residential zoning district. The maximum pole height is 30 feet when adjacent to all other zoning districts. The pole heights must be illustrated in detail on the site plan or annotated on the drawing.
- (10) Multiple light fixtures are allowed on one pole of the parking lot lights.

C. Wall Pack Lights:

- (1) Wall pack lighting is allowed, however, such lighting may not be a forward-throwing flood light.
- (2) The maximum lumen rating for the fixture shall not exceed 16,000 lumens.

D. Canopy Lights:

- (1) An isometric map is required illustrating average foot-candles across the entire site, particularly under the canopy. The average illumination must be less than 50 foot-candles under the canopy and the maximum illumination under the canopy must be 70 foot-candles at the ground.

- E. Soffit Lights:
 - (1) Soffit lighting is allowed but must be entirely contained within the soffit itself. No bulb shall be visible.
 - (2) The maximum lumen rating for the fixture shall not exceed 16,000 lumens.
- F. Gooseneck Lights:
 - (1) For the purpose of down-lighting only.
 - (2) The bulb itself cannot be visible and the maximum lumen rating does not exceed 16,000 lumens.
- G. Site Lighting:
 - (1) The use of flood lights is not encouraged but is allowed as up lighting only for the purpose of illuminating items such as flag poles or the building itself.
 - (2) The flood light fixture must be screened from view with landscape materials. Lighting billboards with diffusers is allowed.

The lighting design standards set forth in this subsection shall be applicable to any proposed modifications, change, erection, or construction of lighting on any property within the City after the effective date of the ordinance codified in this chapter, whether or not such change, modification, erection, or construction is made or proposed in connection with a development of property for which the submission of a site plan is required. It is the intent and purpose of this provision that all lighting in the City conform with the provisions of this subsection.

166.09 APPROVAL AND PENALTIES. No building permits shall be issued for any building or development construction that is subject to this chapter within any of these zoning districts: R-1 Districts (Single-Family Residential); R-2 Districts (One- and Two-Family Residential) R-3 Districts (Multiple Family Residential); C Districts (Commercial); or M Districts (Industrial), until a site plan has been submitted and approved for each development in accordance with this chapter. No Certificate of Occupancy shall be issued for such construction or development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for with the approval of the City. Construction, grading or other development activities for those uses listed above shall be carried out only in substantial compliance with the approved site plan and any conditions or restrictions attached thereto. A site plan shall become effective upon approval by the Council, pursuant to this chapter. The approval of any site plan required by this chapter shall remain valid for one year after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this section, “actual construction” means that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of additional building permits, letting of contracts, grading of the property, or stockpiling of materials on the site shall not constitute actual construction. Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of these regulations, to prevent unlawful construction, to recover damages, to restrain, to correct or abate a violation, to prevent illegal occupancy of a building, structure, or premises.

166.10 ENFORCEMENT. It is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation in or any provision

of this chapter, or any amendment or supplement thereto. Each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

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CHAPTER 167

SIGNS

167.01 Purpose

167.02 Definitions

167.03 Signs Permitted

167.04 General Regulations

167.05 Nonconforming Signs

167.06 Administration, Enforcement, and Appeals

167.01 PURPOSE. The purpose of this chapter is to set standards and requirements for the erection, placement, and size of signs within all zoning districts.

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

1. “Billboard” includes all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures and other pictorial reading matter which advertise a business, attraction or other message which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located including signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
2. “Sign” means any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, the following are not included in the application of the regulations herein:
 - A. Signs bearing only property numbers, post box numbers, residential names of occupants of premises, or other identification of premises not having commercial connotations, provided they do not emit flickering, flashing or glittering lights.
 - B. Flags and insignias of any government except when displayed in connection with commercial promotion.
 - C. Legal notices; identification, information, or directional signs erected or required by governmental bodies or permitted by the City on City property or specific easements approved by the Planning and Zoning Commission.
 - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - F. Signs depicting holiday messages as a part of holiday decorations provided such signs are appropriate to the season or holiday.
3. “Sign, free standing” means a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall. The free-standing sign may have one of the following configurations.
 - A. “Sign, portable” means a free-standing sign or banners not permanently anchored or secured.
 - B. “Sign, monumental” means a free-standing sign affixed to a sign monument.

- C. “Sign, pole” means a free-standing sign other than a portable sign or monumental sign.
- 4. “Sign monument” means a structure built on grade that forms an integral part of the sign or its background and is in conformance with the zoning requirements of the district in which it is located.
- 5. “Signs, number, and surface area.” means for the purpose of determining number of signs, a sign is considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element is considered to be a single sign. The surface area of a sign is computed as including the entire area within a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign, and including all the elements of the matter displayed including insignias and logos. Frames and structural members not bearing advertising matter are not included in computation of the surface area.
- 6. “Sign, on-site” means a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises.
- 7. “Sign, off-site” means a sign other than an on-site sign. (See also: “billboard.”)
- 8. “Sign, roof” means a sign permanently mounted on the roof of the occupied structure on the premises.
- 9. “Sign, wall” means all flat signs of solid face construction which are placed against the building or other structure and attached to the exterior front, rear, or side wall of any building or other structure, which includes all signs painted on the exterior surface of a building. Said sign shall project no more than six inches from the face of wall.

167.03 SIGNS PERMITTED.

- 1. Signs Permitted in R-1 and R-2 Districts On-Site.
 - A. One portable sign per street front, not to exceed a total of 18 square feet in area, with a maximum of two sides of nine square feet each per side, pertaining only to the lease, hire or sale of the building or premises on which such sign is located, and campaign signs related to elections and signs advertising on-premises sales or auctions, provided such signs are removed within two days following the election or sale.
 - B. One monumental sign or pole sign for use as outdoor identification and bulletin boards for churches, schools, institutional and other public buildings will be permitted on the premises of such use, subject to approval of the Planning and Zoning Commission. Such sign shall not exceed 32 square feet in surface area and shall be a maximum of eight feet in height above the ground. No part of any such signs shall be located closer than five feet from public right-of-way and shall not be located closer to an intersection than 25 feet as measured each way from the intersecting right-of-way lines so as not to impede the vision of the traveling public.

2. Signs Permitted in R-3 Districts On-Site.

A. One portable sign per street front, not to exceed a total of 18 square feet in area, with a maximum of two sides of nine square feet each per side, pertaining only to the lease, hire or sale of the building or premises on which such sign is located, and campaign signs related to elections and signs advertising on-premises sales or auctions, provided such signs are removed within two days following the election or sale.

B. One monumental sign or pole sign for use as outdoor identification and bulletin boards for churches, schools, institutional and other public buildings will be permitted on the premises of such use, subject to approval of the Planning and Zoning Commission.

C. One monumental sign for identification of the complex shall be permitted on the premises of any multiple-family dwelling complex. Such sign shall be of ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of such multiple-family complex and other informational messages required by law. Such sign shall not exceed 32 square feet in surface area and shall be a maximum of eight feet in height above the ground. No part of any such signs shall be located closer than five feet from public right-of-way and shall not be located closer to an intersection than 25 feet as measured each way from the intersecting right-of-way lines so as not to impede the vision of the traveling public.

3. Signs Permitted in C-1 Districts On-Site.

A. Monumental or Pole Sign.

(1) One monumental sign on each street on which a business abuts shall be permitted. Such signs shall pertain only to a use conducted on the premises. No part of any such signs shall be located closer than five feet from public right-of-way and shall not be located closer to an intersection than 25 feet as measured each way from the intersecting right-of-way lines so as not to impede the vision of the traveling public. Such signs shall be ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of the business operating on the premises. Such sign shall not exceed 80 square feet in surface area per side, with a maximum of two sides, and shall be a maximum of 10 feet in height above the ground; or

(2) One pole sign on the premises that a business is located; provided, however, said pole sign shall not have a surface area greater than 85 square feet on any one side thereof and not more than two sides on said pole sign shall be used for advertising purposes. Said pole sign shall not extend over street right-of-way lines or otherwise obstruct or impair the safety of pedestrians or motorists and shall be a maximum of 25 feet in height above the ground.

B. One wall sign on each street on which a business abuts shall be permitted pertaining only to a use conducted on or product sold on the premises. In no case shall any sign project more than four feet above the roofline of parapet wall.

C. One roof sign upon the structure in which the business is located, provided however, that said roof sign does not have a surface area greater than 80 square feet on any side thereof and that not more than two sides on said roof sign shall be used for advertising purposes. Said roof sign shall not extend or project more than four feet above the roof line or parapet wall.

D. Any number of signs affixed or painted on windows or doors, or any sign contained within the premises for the purpose of messaging outside the premises.

E. Any number of portable signs including banners for the specific use of advertising a special event or sale, provided that such signs are in place for short term duration not to exceed 30 days. Such portable signs shall be placed only after obtaining a temporary sign permit from the City's Public Works Director. A maximum of two such permits shall be issued within a consecutive 12-month period for each building premises.

F. The total area of all signs pertaining to the business conducted on any premises shall not exceed a total area of 200 square feet.

4. Signs Permitted in C-2 Districts On-Site.

A. One wall sign on each street on which a business abuts shall be permitted. The sign shall pertain only to a use conducted on the premises. No sign may project over any street line or right-of-way line whether fixed to the building or any other structure. In no case shall any sign project more than four feet above the roofline, or parapet wall.

B. Any number of signs affixed or painted on windows or doors, or any sign contained within the premises for the purpose of messaging outside the premises.

C. One roof sign upon the structure in which the business is located, provided however, that said roof sign does not have a surface area greater than 80 square feet on any side thereof and that not more than two sides on said roof sign shall be used for advertising purposes. Said roof sign shall not extend or project more than four feet above the roof line or parapet wall.

D. Any number of portable signs including banners for the specific use of advertising a special event or sale, provided that such signs are in place for short term duration not to exceed 30 days. Such portable signs shall be placed only after obtaining a temporary sign permit from the Public Works Director. A maximum of two such permits shall be issued within a consecutive 12-month period for each building premises.

E. The total area of all signs pertaining to the business conducted in any building shall not exceed a total area of 150 square feet.

5. Signs Permitted in M-1 and M-2 Districts.

A. Monumental or Pole Sign.

(1) One monumental sign on each street on which a business abuts is permitted. Such signs shall pertain only to a use conducted on the premises. No sign may project more than six feet over any building setback line. Such signs shall be ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of the

business operating on the premises. Such sign shall not exceed 80 square feet in surface area per side, with a maximum of two sides, and shall be a maximum of 10 feet in height above the ground; or

(2) One pole sign on each street on which a business abuts provided, however, that said pole sign shall not have a surface area greater than 85 square feet on any one side thereof and that not more than two sides on said pole sign are used for advertising purposes. Said pole sign shall not extend over street right-of-way lines or otherwise obstruct or impair the safety of pedestrians or motorists and shall be a maximum of 25 feet in height above the ground.

B. One wall sign on each street on which the business abuts shall be permitted pertaining only to a use conducted on the premises. In no case shall any sign project more than four feet above the roofline or parapet wall.

C. One roof sign upon the structure in which the business is located; provided, however, that said roof sign does not have a surface area greater than 80 square feet on any side thereof and that not more than two sides on said roof sign are used for advertising purposes. Said roof sign shall not extend or project more than four feet above the roof line or parapet wall.

D. Any number of signs affixed or painted on windows or doors or any sign contained within the premises for the purpose of messaging outside the premises.

E. Any number of portable signs including banners for the specific use of advertising a special event or sale, provided that such signs are in place for short term duration not to exceed 30 days. Such portable signs shall be placed only after obtaining a temporary sign permit from the Public Works Director. A maximum of two such permits shall be issued within a consecutive 12-month period for each building premises.

F. The total area of all signs pertaining to the business conducted in any building shall not exceed a total area of 300 square feet.

167.04 GENERAL REGULATIONS.

1. Signs may be internally or externally lit provided that any external lighting is shielded and not directed toward or allowed to emit light to any adjoining property.
2. No sign shall contain flashing or strobe lighting. Electronic message scroll signage is allowed provided the message does not flash. The total dimensions of the message board shall be considered the size of such sign for calculation of the area of such sign.
3. All signs not specifically permitted by this chapter are prohibited.
4. Billboards are not permitted in any district within the City limits.
5. All signs shall be maintained in good repair and in good working order, free from deterioration to its lighting; fit and finish.

167.05 NONCONFORMING SIGNS.

1. Within the districts referred to in this chapter or amendments that may later be adopted, there exist signs which were lawful before the ordinance codified in this

chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment.

2. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, or used as grounds for adding other signs prohibited elsewhere in the same district.

3. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any sign which exists prior to the effective date of adoption or amendment of the ordinance codified in this chapter. Where, at such effective date, a lawful sign exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued subject to the following provisions:

A. No such nonconforming sign shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this chapter.

B. No such nonconforming sign shall be moved in whole or in part to any other portion of the lot or parcel occupied by such sign at such effective date.

C. If any such nonconforming sign is damaged, removed or ceases for any reason, and is not replaced or repaired within one 180 days from the date the original sign was first damaged or removed, any subsequent sign shall conform to the regulations specified by this chapter for the district in which such sign is located.

167.06 ADMINISTRATION, ENFORCEMENT, AND APPEALS. The Public Works Director shall administer and enforce this chapter. The Public Works Director may be provided with the assistance of such other persons as the Council may direct. If the Director finds that any of the provisions of this chapter are being violated, said officer shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Public Works Director shall take any action authorized by the Zoning Code to insure compliance with or to prevent violation of its provisions. Variances from the requirements herein or appeals to the decision of the Public Works Director on any matter of compliance with this chapter may be made to the Board of Adjustment in accordance with the procedures and requirements of Section 165.22 of this Code of Ordinances.

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CHAPTER 170

SUBDIVISION REGULATIONS

170.01 Jurisdiction
170.02 Definitions
170.03 Procedure
170.04 Subdivision Design Standards
170.05 Street Construction
170.06 Improvements

170.07 Preliminary Plat Requirements
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170.09 Fees
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170.12 Changes and Amendments

170.01 JURISDICTION. This chapter governs the subdivision of all lands within the corporate limits of the City and, pursuant to Section 354.9 of the *Code of Iowa*, this chapter shall also govern all lands lying within two miles of the said corporate limits.

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

1. Words beginning with “A”
 - A. “Aliquot part” means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
 - B. “Architect” means a registered architect authorized to practice architecture as defined by the laws of the State.
2. Words beginning with “B”
 - A. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, parks, railroad, or similar fixed land division and/or the exterior boundaries of the subdivision.
 - B. “Building lines” means setback lines and outline the building area of a lot which remains after the required yard areas have been provided for. Building lines shall be shown on all lots intended for residential use of any character and on commercial and industrial lots when required by ordinance. 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.
3. Words beginning with “C”
 - A. “City Inspector” means the person or persons appointed by the Council to act in that capacity.
 - B. “Collector streets” means those streets 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.
 - C. “Commission” means the Planning and Zoning Commission of the City.

D. “Cul-de-sac” means a short, minor, street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

4. Words beginning with “D”

A. “District” means a section or sections of land area depicted on the Official Zoning Map within which the regulations governing the use of buildings and premises or the height of buildings and area of sites are uniform.

5. Words beginning with “E”

A. “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 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.

B. “Engineer” means a registered engineer authorized to practice civil engineering as defined by the laws of the State.

6. Words beginning with “F”

7. Words beginning with “G”

8. Words beginning with “H”

9. Words beginning with “I”

10. Words beginning with “J”

11. Words beginning with “K”

12. Words beginning with “L”

A. “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 for building development.

13. Words beginning with “M”

A. “Maintenance bonds” means maintenance bonds issued by a responsible surety company and shall be required as follows:

- (1) Streets..... Four-year maintenance bond
- (2) Sanitary Sewers..... Four-year maintenance bond
- (3) Storm Sewers Four-year maintenance bond
- (4) Water Mains..... Four-year maintenance bond
- (5) Sidewalks Four-year maintenance bond

The amount of the maintenance bond shall be one 100 percent of the construction cost of the improvement and shall be determined by the City Engineer.

B. “Major thoroughfare” means a street used primarily for fast, intense volume, mixed vehicular, through traffic.

- C. “Marginal 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, while limiting access to the major thoroughfare.
- D. “Minor street” means a street used primarily for access to the abutting properties.
14. Words beginning with “N”
15. Words beginning with “O”
16. Words beginning with “P”
- A. “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 record in final form.
17. Words beginning with “Q”
18. Words beginning with “R”
- A. “Roadway” means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back-to-back of curbs.
19. Words beginning with “S”
- A. “Street” means the entire width between the 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 the purpose of vehicular traffic and others, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however otherwise designated.
- B. “Subdivider” means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.
- C. “Subdivision” means a division of land into three or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, or any change in existing street lines or public easements. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or the resubdivision of land previously divided or platted into lots or other divisions of land or, if a new street is involved, any division of land. A subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.
- D. “Surveyor” means a registered surveyor authorized to practice surveying as defined by the Registration Act of the State.
20. Words beginning with “T”
- A. “Tract” means an aliquot part of a section, a lot within an official plat, or a government lot.
21. Words beginning with “U”

22. Words beginning with “V”
23. Words beginning with “W”
24. Words beginning with “X”
25. Words beginning with “Y”
26. Words beginning with “Z”

170.03 PROCEDURE. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat and a final plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the Clerk four copies of a preliminary plat conforming in detail to the requirements set forth in this chapter. Six copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City.
2. The Clerk shall forthwith refer two copies to the City Inspector and two copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer two copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.
3. The City Inspector shall carefully examine said plat as to its compliance with the laws and ordinances of the City, the existing street system, and good engineering practices and shall as soon as possible submit findings in duplicate to the Commission.
4. After receiving the City Inspector’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. The Commission shall approve or reject such plan within 45 days after the date of submission thereof to the Commission. If the Commission does not act within 45 days, the preliminary plat shall be deemed to be approved provided; however, that the subdivider may agree to an extension of the time for a period not to exceed 60 days. The approval of the preliminary plat shall be null and void unless the final plat is presented to the Commission within 180 days after date of approval.
5. Before approving a preliminary plat, the Commission may in 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 not less than four or more than 20 days prior to the public hearing.
6. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat together with any detailed construction drawings and specifications for the improvements required under this chapter.
7. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information as listed in Section 170.08 of this chapter necessary for the detailed engineering consideration of the improvements required under this chapter and obtain approval of the City Inspector which shall be endorsed thereon.

8. The final plat shall be filed in duplicate together with a certificate from the City Inspector that the final plat is substantially in accord with the preliminary plat as approved by the Commission.
9. The Commission shall then consider the final plat and if the same is approved, shall submit its recommendation of approval to the Council together with a certified copy of its resolution showing action of the Commission.
10. The Council shall then consider the plat and if the same is acceptable and in accordance with this chapter, the Council shall accept the same. If said plat is disapproved by the Council, such disapproval shall be pointed out in writing wherein said proposed plat is objectionable.
11. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder, as provided in Chapter 354 of the *Code of Iowa*, and amendatory acts thereto, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

170.04 SUBDIVISION DESIGN STANDARDS.

1. Blocks.
 - A. No block shall be longer than 1,320 feet except as approved by the Commission.
 - B. At street intersections, block corners shall be rounded with a radius of not less than 25 feet; where, at any one intersection, a curve radius has been previously established, such radius shall be used as standard.
2. Easements. Easements for utilities shall be provided along rear or side lot lines or long alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for straightening or widening the channel so it will properly carry the surface water, and shall reserve or dedicate to the City an easement along each side of the stream. Such easements shall be for the purpose of widening, improving, maintaining, or protecting the stream. The width of such easements shall be not less than 20 feet each, plus the stream design width and the total width of the easement shall be adequate to provide for any necessary channel straightening or relocation.
3. Lots.
 - A. Corner lots shall be not less than 20 feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.
 - B. Double frontage lots other than corner lots are prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots. Such double frontage lots shall be buffered from the rear street frontage by permanent screen walls, planting screens, or other screening method deemed acceptable by the Commission. Ingress/egress shall be limited to the frontage street and is strictly prohibited on the rear street.
 - C. Each lot shall be provided by means of a public street with satisfactory access to an existing public street.

- D. Each lot shall be provided with not less than 20 feet of access frontage to a public street.
 - E. No lot shall be less in size, or shape required to provide an adequate building site in compliance with the Zoning Regulations.
 - F. Lot Size. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
 - (1) Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of 100 feet, measured at the building line, and an area of not less than two acres or the minimum permitted by the Zoning Regulations, whichever is larger.
 - (2) Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of 80 feet and an area of two acres or the minimum permitted by the Zoning Regulations, whichever is larger.
 - G. Side lot lines where possible shall be at right angles or radial to the street lines.
4. Concrete Monuments. Monuments shall be placed at block corners, point of curves. Iron rods shall be placed at the change in direction along lot lines and at each lot corner.
5. Streets and Right-of-Ways.
- A. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street 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.
 - B. 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 turnaround may be required.
 - C. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan.
 - D. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of an existing street (constructed or recorded) in adjoining property at equal or greater width, but not less than 60 feet in width, except cul-de-sacs and in similar alignment, unless variations are recommended by the Commission and approved by the Council.
 - E. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall comply with the minimum requirements set forth on Sketch 1 at the end of this chapter, as applicable.
 - F. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

G. Half Streets. Dedication of half streets will be discouraged. 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.

H. 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 master plan of the entire tract of land under the ownership, mortgage purchase options or other agreements for deed.

I. Major Thoroughfares. When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing on the trafficway.
- (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highways.
- (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 of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

J. 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.

K. 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.

L. Railroads. If a railroad is involved, the subdivision plat should:

- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
- (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back onto railroad, or form a buffer strip for park, commercial or industrial use.
- (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back onto the railroad.

M. 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 for main and secondary thoroughfares or 10 percent 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 equivalent

to 20 times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary by the City Engineer, for secondary and minor streets, 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.

N. Street Intersections. Street intersections shall be as nearly at right angles as possible.

O. 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 City in order to avoid duplication or close similarity of names.

P. Driveways. All newly constructed driveways shall be surfaced with Portland Cement Concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the Council and shall be maintained in a dust-free condition. Driveways shall include all residential, commercial, industrial, or institutional access drives and parking lots and shall be hard surfaced in the right-of-way and on private property. Any addition or alteration in excess of 50 percent of the main floor area shall reconstruct the driveway with the aforementioned material.

170.05 STREET CONSTRUCTION.

1. General Considerations.

A. The street layout shall provide access to all lots and parcels of land within the subdivision.

B. Street jogs of less than 150 feet shall be avoided.

C. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.

D. No dead-end streets will be permitted except at subdivision boundaries.

E. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is shown in the master street plan.

F. Alleys shall not be allowed.

G. Intersection of road centerlines shall be between 80 degrees and 100 degrees.

H. Intersection of more than two streets at a point is not permitted.

I. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street. Names of new streets shall avoid duplication of or similarity to existing names of streets or public and semipublic buildings and areas.

2. Requirements. All streets shall be installed according to the Iowa Department of Transportation requirements.

3. Minimum Rights-of-way. The minimum rights-of-way shall be provided as follows:
 - A. Thoroughfares - 80 feet.
 - B. Residential collector streets - 70 feet.
 - C. Commercial collector streets - 80 feet.
 - D. Residential streets - 60 feet.
 - E. Cul-de-sac streets - 50 feet.
4. Street Width. All construction of new streets within the City shall be concrete pavement with a minimum width of surfacing to be provided as follows:
 - A. Thoroughfare streets - 45 feet.
 - B. Residential collector streets - 45 feet if parking on both sides of street or 31 feet if parking on one side of street.
 - C. Commercial collector streets:
 - (1) Parallel parking - 45 feet.
 - (2) No angle parking.
 - D. Residential streets - 28 feet if no parking on either side of street or 31 feet if parking on one side of street.
5. Backfilling. The area between the back of the curb and the sidewalk or property line shall be backfilled to the top of the curb and sloped to the sidewalk or property line. All backfill material shall be free of rocks and other debris.

170.06 IMPROVEMENTS. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, material and workmanship of such improvements, installation and/or construction for a period of four years from and after completion. Such warrant shall be by bond or other acceptable collateral; shall be subject to review by the City Attorney; shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the City from any and all costs or losses resulting from or contributed to by such defective improvements. The developer shall provide construction drawings to the City for review and recommendation by the City Engineer and Planning and Zoning Commission and approval by the Council for all public improvements. Documents shall include as a minimum, grade plan, plan and profiles for sanitary sewer, water main, storm sewer and pavements, and any other such details as required to demonstrate the proposed construction, and shall include submittal of any and all permit requests as required by the Iowa Department of Natural Resources. No construction shall commence unless and until the construction drawings have been approved by the Council. 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 agreements between the subdivider and the City. This requirement may be waived if the subdivider posts a performance bond or certified check with the City guaranteeing that said improvements will be constructed within a period of one 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 their construction has been completed and no public funds will be expended in the subdivision until such improvements have been completed and

accepted by the City. If a performance bond is posted, such bond shall be subject to review by the City Attorney prior to acceptance, shall specifically assure the expedient installation and completion of all improvements within the specified construction time period, and shall indemnify the City from any and all costs or losses of the development and construction. The Council may waive the requirements of this chapter for the construction and installation of some or all of the improvements in cases of resubdivisions where only the size, shape, and arrangement of the lots is being changed; provided, however, such waiver shall be limited to existing improvements in good repair as determined by the City Engineer. Improvements not existing or in poor repair shall meet the requirements of this chapter. The Council may waive the requirements of this chapter for the construction and installation of some or all of the improvements in cases of dedications of land or right-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.

1. All Improvements. All plans, specifications, installation, and construction required by this chapter shall be subject to the review, approval, and inspection by the City Engineer or other authorized City representative. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any and/or all construction; and shall notify the City Engineer, not less than 24 hours in advance of readiness for required inspections.
2. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the Council after receiving the report and recommendation of the City Engineer.
3. Drainage. All subdivisions shall include storm drainage plans for the positive removal of stormwaters. Such plans shall be prepared by a registered Engineer and approved by the City Engineer. The following criteria shall be considered minimum standards:
 - A. Run-off for street and limited area drainage shall be determined by the rational method.
 - B. Area run-off shall be determined by a suitable empirical formula.
 - C. Storm frequency chart for determination for rainfall intensity shall be not less than 10 years.
 - D. The system shall be designed with the use of materials, flow velocities and sizes so as to assure long life, low maintenance and self-cleaning of the drainage facilities. Storm sewers with less than 15 inches inside diameter must be approved by the City Engineer.
 - E. Underground storm drainage facilities shall be located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* shown on Sketch No. 2 and additional diagrams at the end of this chapter.
 - F. The designing engineer shall upon the completion of construction certify to the City that the drainage facilities have been constructed and installed in accordance with the plans and specifications which have been designed to comply with the intent of this chapter.
 - G. Gas. Gas mains shall be installed underground and located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* shown on Sketch No. 2 and additional diagrams at the end of this chapter.

4. Sidewalks.
 - A. Sidewalks shall be required in front of and adjacent to each lot frontage for each lot within the subdivision and shall be constructed to the grade approved by the Council after receiving the report and recommendation of the City Engineer.
 - B. All sidewalks shall be constructed with four-inch Portland cement concrete and shall be four feet in width.
 - C. Additional width may be required in commercial areas if deemed necessary by the Council.
 - D. Half-inch expansion joints shall be placed at all points where the sidewalk abuts an existing curb, concrete slab, or concrete driveway and at lot line.
5. Sewer. The subdivider shall provide each lot in the subdivision with connection to the sewer. Further, where the existing sewer may be reasonably extended through the subdivision so as to provide for continuous future development, such provisions shall be made. All sanitary sewers shall be installed as for City and State specifications and shall be located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* as shown on Sketch No. 2 and additional diagrams at the end of this chapter. All house laterals shall be installed to the right-of-way line prior to paving of the street. Sanitary sewers shall have a minimum diameter of eight inches and be made available to each lot. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be in accordance with the State Board of Health. The designing engineer shall furnish the City with three certified copies of as-built plans and certify that the facilities have been installed in accordance with the plans and specifications. As-built plans shall specifically show service line stub locations.
6. Utility Cables. All utility cables shall be placed underground. Underground cables shall be required and located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* shown on Sketch No. 2 and additional diagrams at the end of this chapter or shall be placed at the back lot lines within the area of perpetual easement.
7. Water Lines. The subdivider shall connect with such water main and provide a water connection for each lot and stubbed in to the proper line in accordance with the Water Department standards, procedure, and supervision. Water mains shall extend to the boundary of the subdivision to provide for continued future development. All water mains shall be installed as for City and State specifications and shall have a minimum diameter of six inches with larger sizes for feeder main. Water mains shall be located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* as shown on Sketch No. 2 and additional diagrams at the end of this chapter, or shall be placed at the back lot lines within the area of perpetual easement, with a minimum cover of 66 inches. Water lines shall be available to each lot, and such service lines shall be installed prior to paving of the street. The designing engineer shall furnish the City with three certified copies of as-built plans and certify that the facilities have been installed in accordance with the plans and specifications. As-built plans shall specifically show service line stub locations.

170.07 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a record plat and shall be submitted for review separately and prior to submission of the final plat. 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 a representative may call at the office of the Commission in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Four copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be 1" = 50' on small subdivisions and 1" = 100' on large subdivisions unless otherwise approved by the Commission.
2. Contents of Preliminary Plat.
 - A. Areas dedicated for public use, such as schools, parks, playgrounds, and streets.
 - B. Boundaries of the proposed subdivision shall be labeled and indicated by a heavy line.
 - C. Building setback lines for frontage and side streets.
 - D. Contour lines at intervals of not more than five feet, MSL datum.
 - E. Corner radii.
 - F. Easements for public utility purposes.
 - G. Existing buildings, railroads, underground utilities, other rights-of-way, and easements
 - H. Location and names of adjoining subdivisions.
 - I. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in and adjoining the area being subdivided.
 - J. Lot areas (approximate) of all non-rectangular lots and the area of smallest rectangular lot.
 - K. Lot numbers.
 - L. Names and addresses of engineer and surveyor.
 - M. Names and addresses of recorded owner and/or developer.
 - N. Name of subdivision, date, compass point, scale, and official description and acreage of the property being platted.
 - O. Proposed lot lines with approximate dimensions.
 - P. Proposed utility service.
 - (1) Source of water supply.
 - (2) Provisions for sewage disposal, drainage, and flood control.
3. Accompanying Material.
 - A. Any plat that cannot 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 the specifications approved by the City Engineer.

B. Restrictions proposed, if any, to be included in the owner's dedication of the plat.

C. Written statement of the appropriate officials of the availability of gas and electricity to the proposed subdivision.

D. Written and signed statements explaining how and when the subdivider proposes to install all improvements required by this chapter. Such statement shall acknowledge required inspections and approvals by the City Engineer.

170.08 FINAL PLAT REQUIREMENTS.

1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit six copies of the final plat for review by the Commission. The scale of the map shall be 1" = 100' on large subdivisions, unless otherwise approved by the Commission.

2. Contents of Final Plat. The final plat shall be drawn in India ink on reproducible linen, Mylar film, or approved equivalent on an 18 x 24-inch or 24 x 36-inch sheet size with a border line allowing a three-inch binding margin along the left-hand narrow width and a one-half-inch margin on the remaining narrow width and two long sides. The following information shall be shown on the plat:

A. Block lines shall be designated by heavy solid lines.

B. Block corners shall be shown rounded by appropriate radius with arch length (A=), chord (ch=), central angle (L=), radius (R=) and tangent (T=) shown.

C. Boundary lines shall be designated by a heavy line (#3 or #4 pen) of long dash/two dots, etc., and labeled "Plat Boundary."

(1) Boundary dimensions from angle point to angle point shall be shown for all sides of the closed traverse.

(2) Bearings, based on an assumed meridian approximating North, of all boundary lines or internal angles of all angle points on the boundary shall be shown.

D. Building setback lines for frontage and side streets shall be designated by a fine short dashed line, labeled "Building Setback Line" and dimensioned.

E. Centerlines of all street rights-of-way shall be designated by a fine line (#0 or #00 pen) of long dash/short dash or dot, etc., and dimensions from angle point to angle point, point of curvature to point of tangency, intersection to intersection or any combination thereof between intersections with the appropriate bearings, angles, curve data, right-of-way widths and distances clearly shown. Curve data shall include arc length (A=), chord (ch=), central angle (L=), radius (R=), and tangent (T=). All points of curvature (P.C.) and points of tangency (P.T.) shall be located and labeled.

F. Certification by a registered engineer and/or land surveyor in accordance with State law.

- G. Easements for public utilities and drainage facilities shall be designated by fine line (#0 or #00 pen) of medium length dashes and appropriately labeled with reserved width and type of "easement."
- H. Fractional lines and corners of the government township and section surveys shall be appropriately labeled and dimensioned as applicable to the plat. All plats shall be tied to a known section or fractional corners by distances and bearings or angles.
- I. Legal description of the platted area shall be included on the plat.
- J. Lot lines shall be designated by medium fine (#0 or #1 pen) solid lines.
- K. Lots shall be numbered consecutively, all sides dimensioned. The bearings or corner angles of all lot lines which are not parallel to the block lines shall be shown and lines intersecting a curbed line shall be labeled as radial or not radial as applicable. Dimensions of lot lines which are curved shall include appropriate curve data; arc length (A), chord (ch) and central angle (L); where the radius is not shown elsewhere it shall be shown. The area of all rectangular lots shall be shown to the nearest 100 square feet.
- L. Permanent reference monuments shall be labeled (P.R.M.) and located.
- M. Scale shall be indicated graphically as the scale in feet along with the compass point.
- N. Street names, location, lot designation and right-of-way width for all streets within or abutting the plat shall be shown.
- O. Surveyor's notes shall include the following as appropriate or applicable to the particular plat:
- (1) All bearings are based on an assumed meridian for computation purposes.
 - (2) Block corner radii are 25 feet unless noted otherwise.
 - (3) Dashed lines shown at the rear or sides of certain lots are "easements" reserved for the installation and maintenance of public utilities and drainage facilities.
 - (4) Any other notes deemed necessary for the particular plat.
3. Accompanying Material.
- A. A statement by the proprietors and their spouses, 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 acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
- B. 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. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the

subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

C. 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. Utility easements shall not be construed to be encumbrances for the purpose of this section.

D. 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*.

E. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

F. Performance bond, if any.

G. A warranty deed to the City properly executed for all streets intended as public streets and for any other property intended for public use.

H. Plans and profiles of all streets and alleys at a 50-foot horizontal scale and five-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 shall be drawn with North oriented to the top or left side of the drawing.

I. Drainage plans for the positive removal of stormwater.

4. Recording Plat. There shall be three copies stamped as approved by the Council:

A. The original linen tracing, Mylar, or approved equal shall be retained for file by the Clerk.

B. One copy shall be filed with the County Recorder.

C. One copy with accompanying resolution by the Council approving and accepting the plat shall be filed with the County Auditor. This copy must be accompanied by the statement of the owner and spouse.

170.09 FEES. Filing fees shall be set by resolution of the Council.

170.10 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape or is surrounded by such development of unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Council, upon recommendation 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 that, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

170.11 ENFORCEMENT. No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the 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 on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision street has been approved in accordance with the provisions contained herein and accepted by the Council as a public street.

170.12 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, 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 four and not more than 20 days prior to such hearing.

SKETCH NO. 1

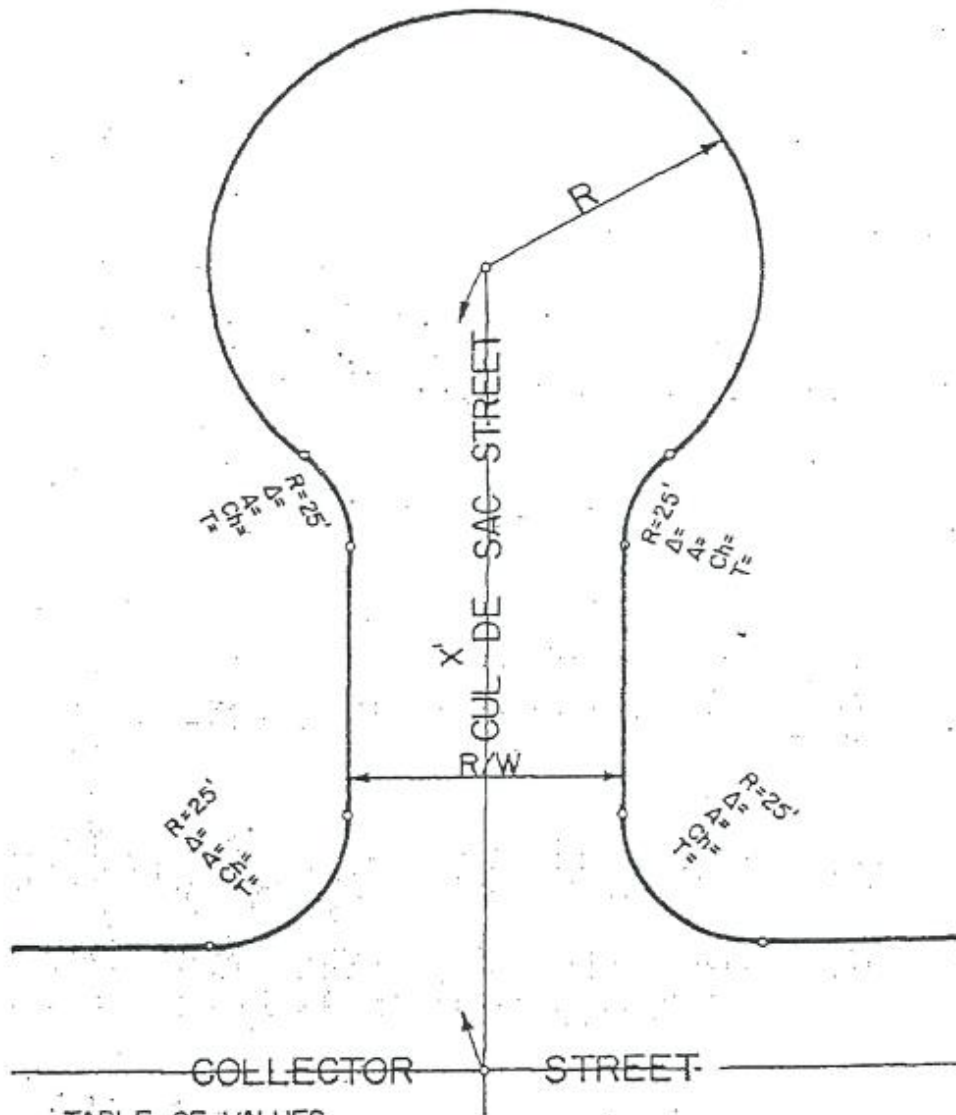
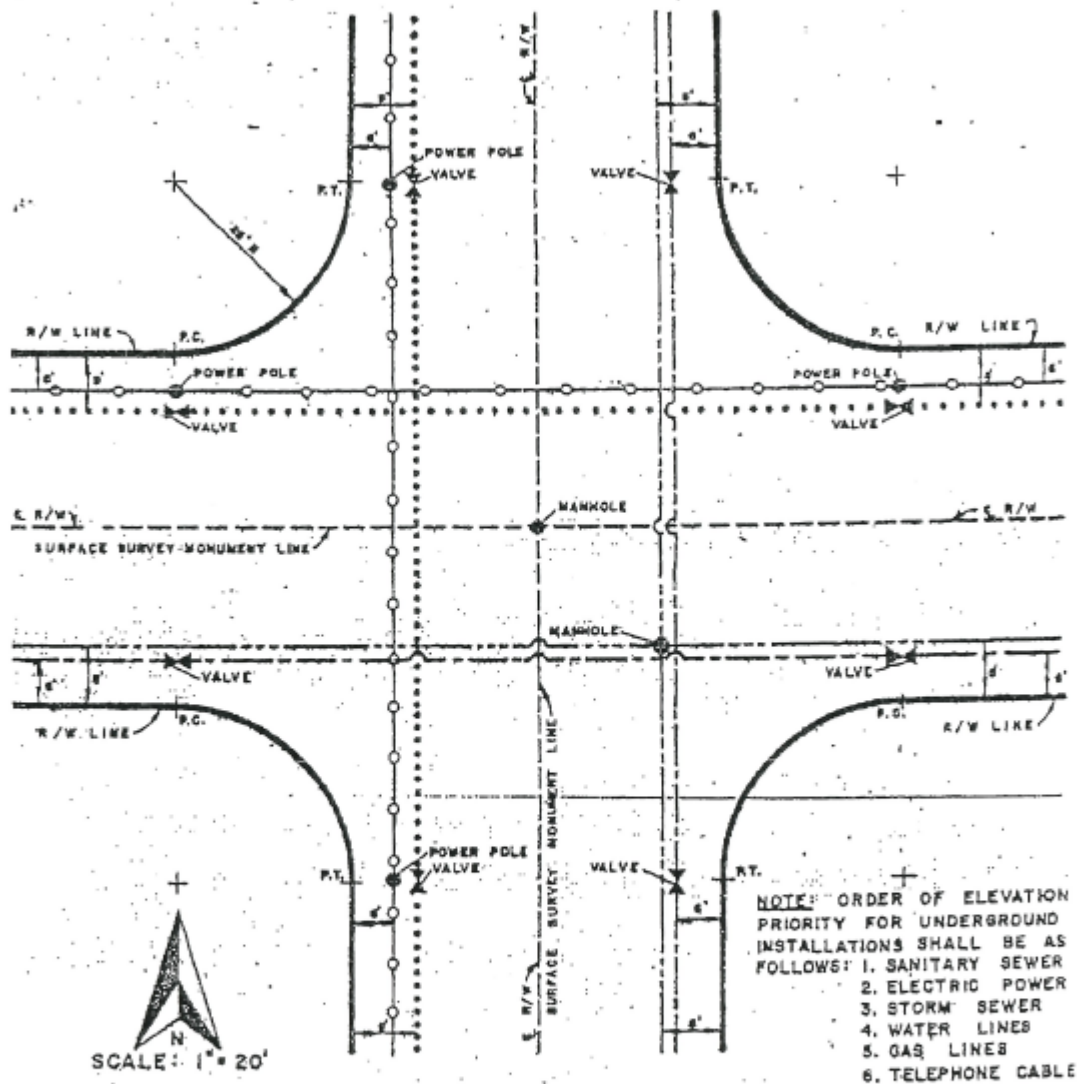


TABLE OF VALUES

LENGTH OF X	RESIDENTIAL USE		COMMERCIAL-INDUSTRIAL USE	
	R	R/W	R	R/W
600	52	50	52	50

STANDARDS
FOR
NORMAL CUL-DE-SAC
RIGHT-OF-WAY

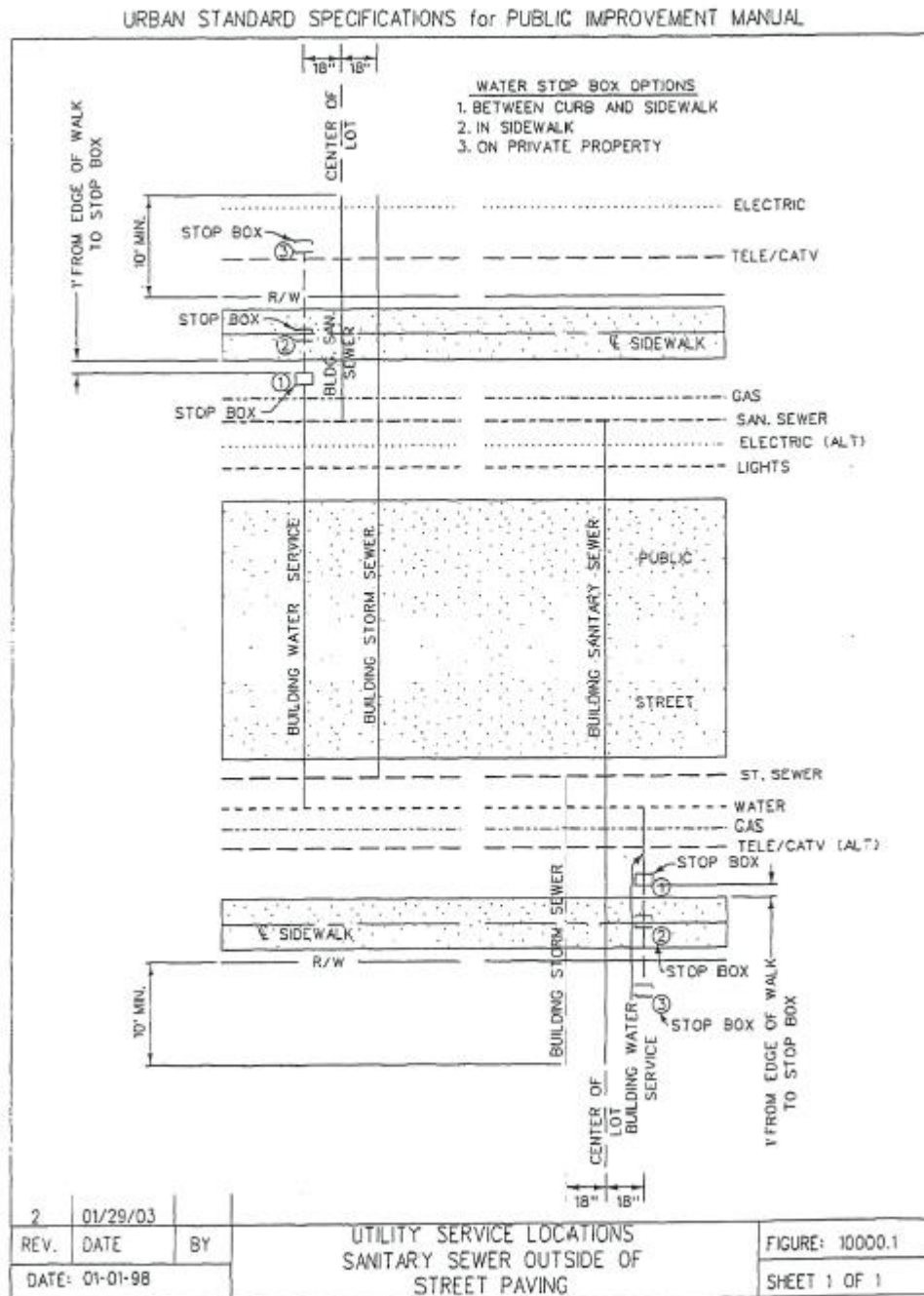
SKETCH NO. 2



TYPICAL STANDARDS FOR UTILITY LOCATIONS WITHIN PUBLIC RIGHT-OF-WAYS

LEGEND

- DENOTES SANITARY SEWER (UNDERGROUND)
- DENOTES WATER LINE (UNDERGROUND)
- - - - - DENOTES GAS LINE (UNDERGROUND)
- - - - - DENOTES STORM SEWER (UNDERGROUND)
- ○ ○ ○ ○ DENOTES TELEPHONE & POWER LINES (ABOVE OR UNDERGROUND)



URBAN DESIGN STANDARDS MANUAL

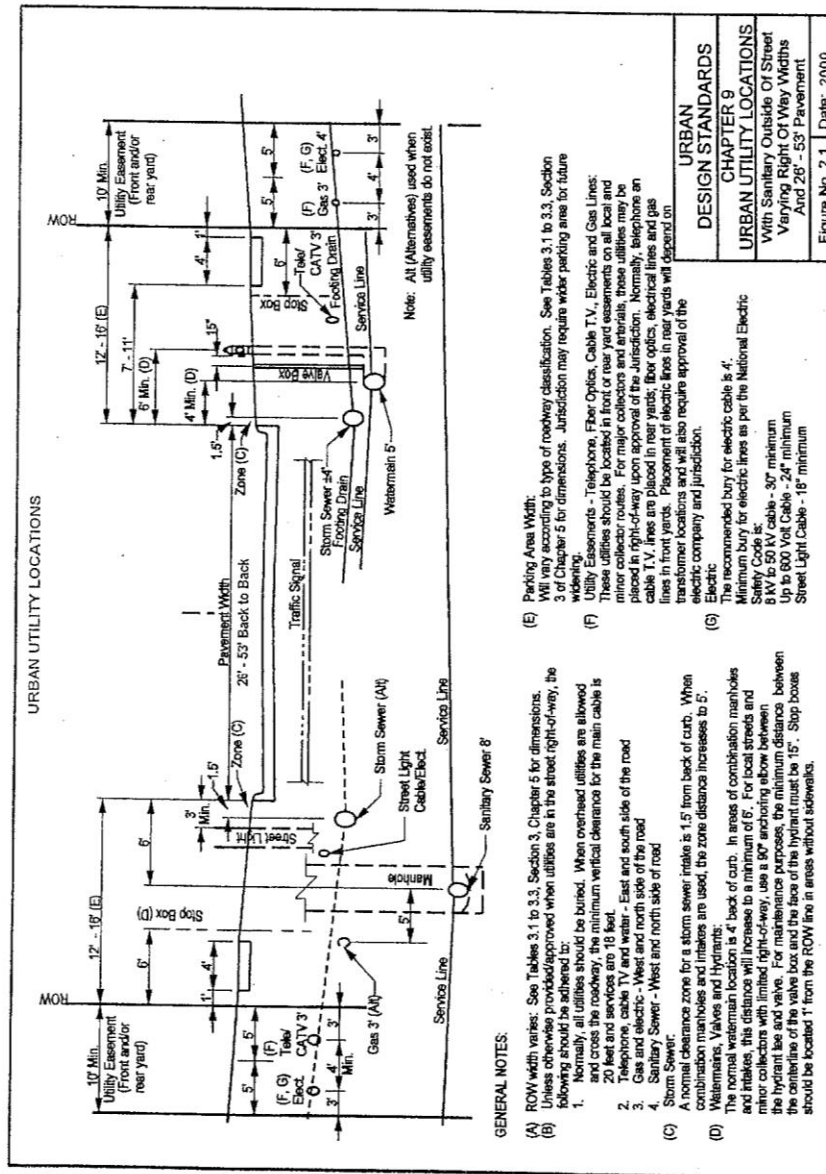
CHAPTER 9 - UTILITY LOCATION
SECTION 2 - UTILITY LOCATION
DESIGN

Figure 7.5: Standard water main location at cul-de-sac

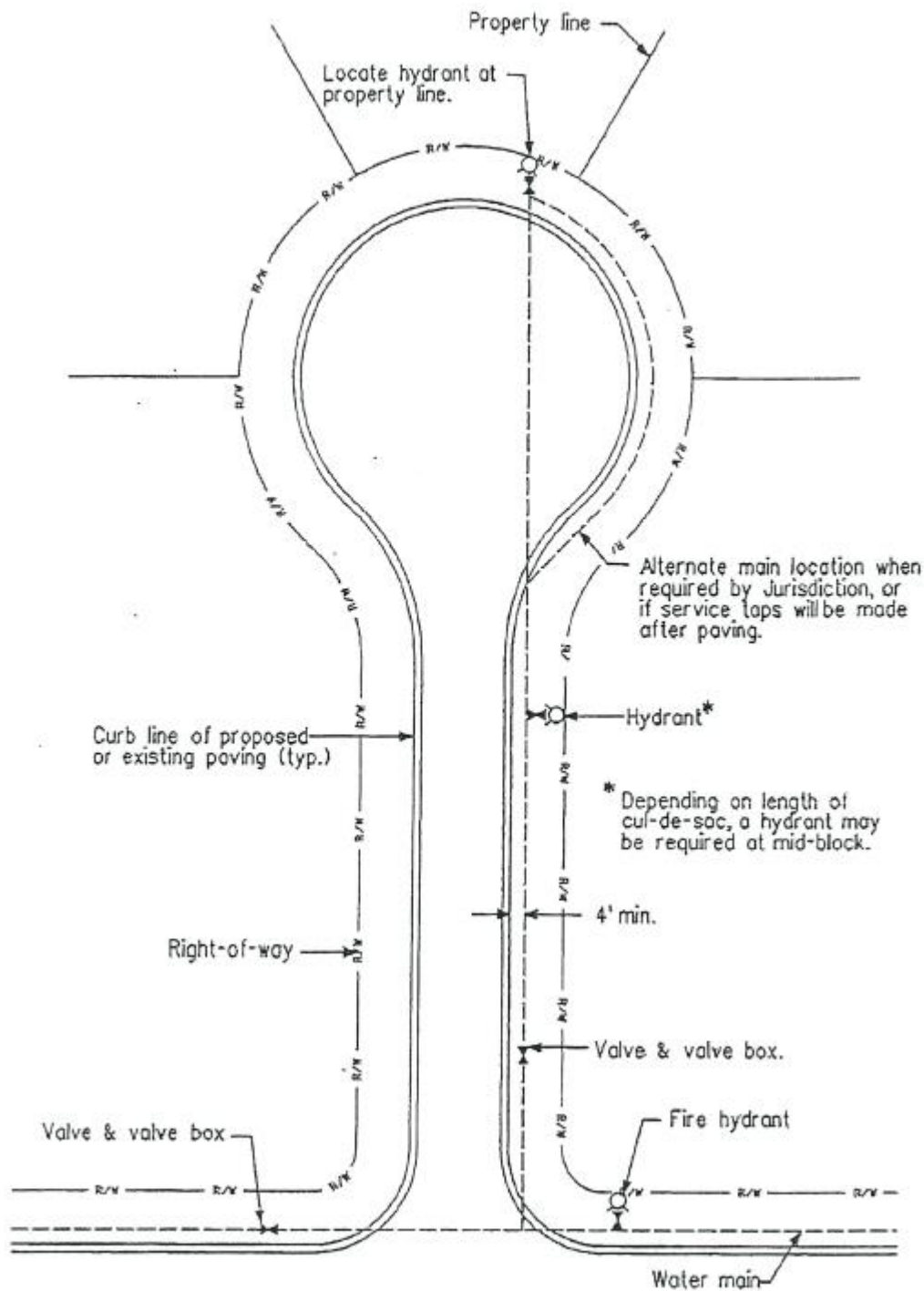
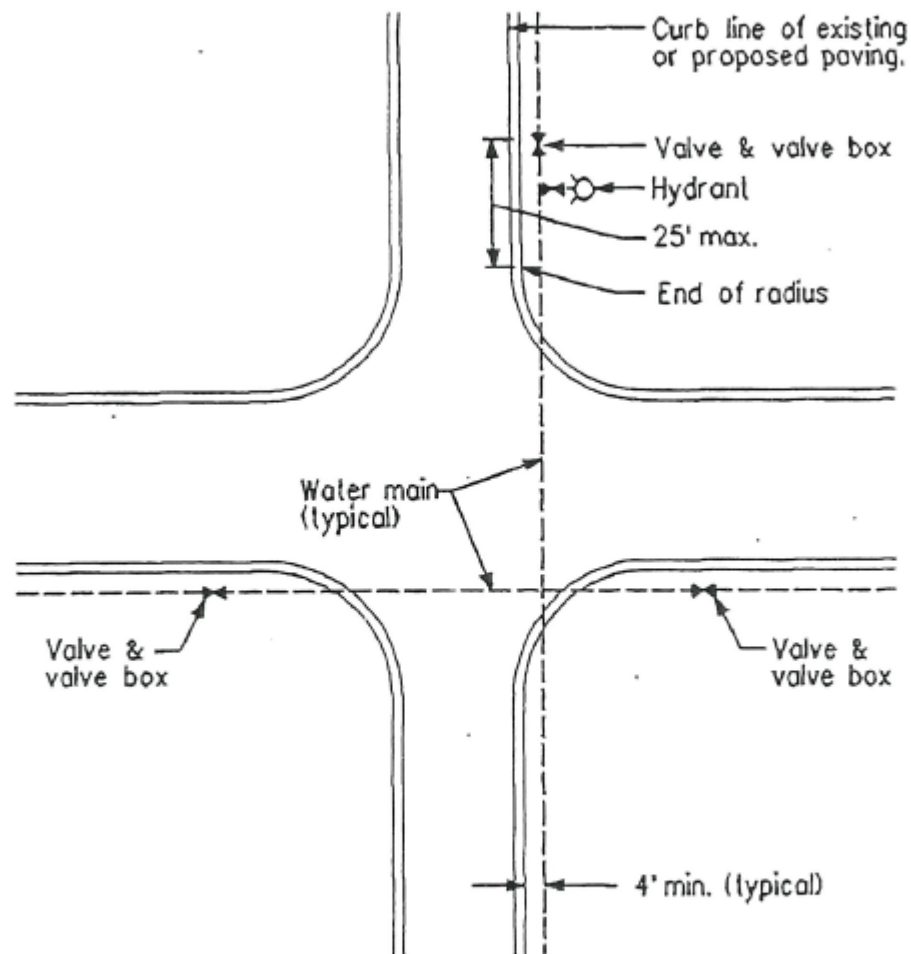


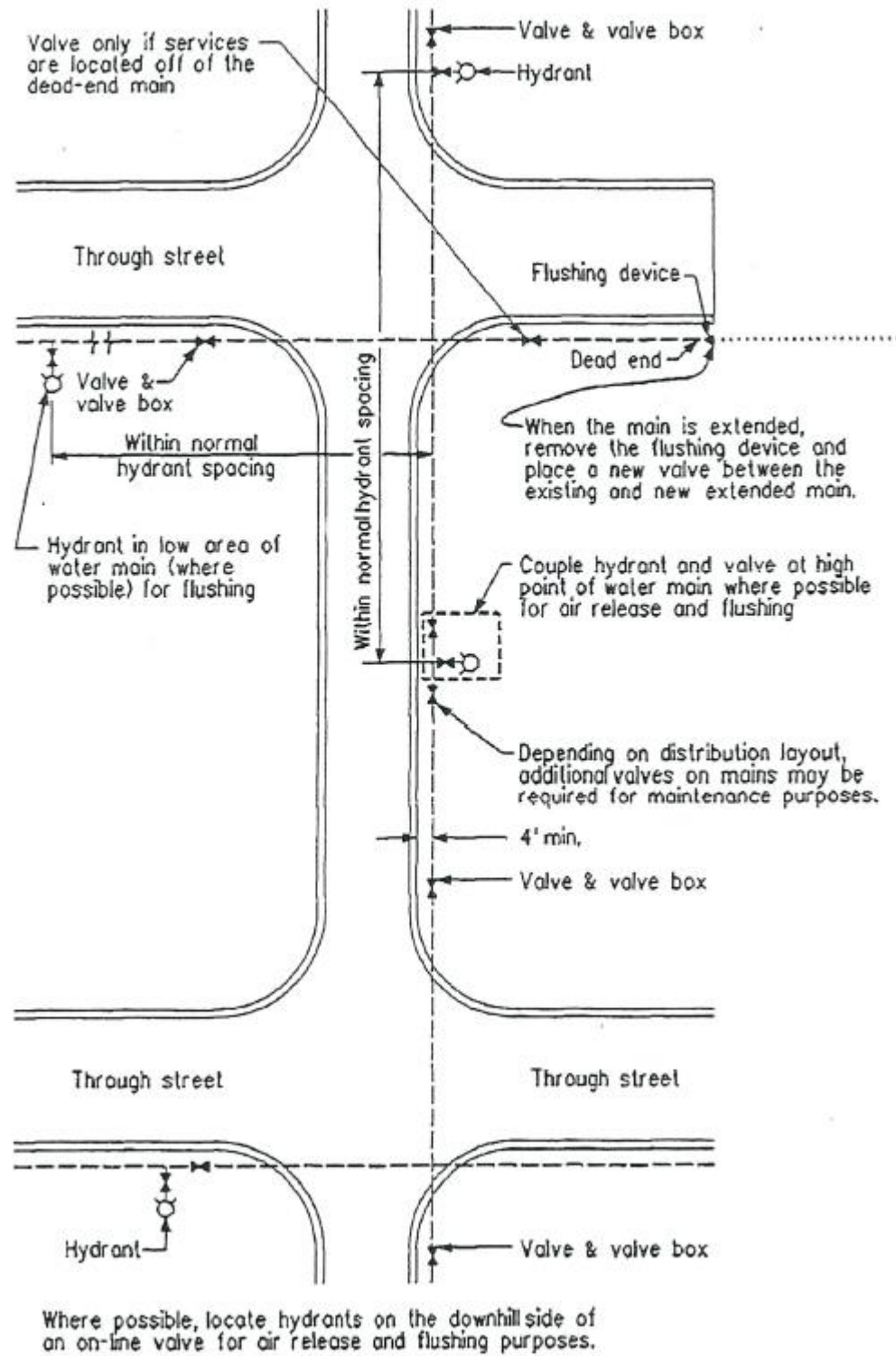
Figure 2-33: Standard water main location



Notes:

1. Install three valves and one fire hydrant at each intersection except T-intersections, which will have two valves.
2. When possible, locate fire hydrant near high point.
3. Locate fire hydrants within 25 feet of intersection return radius, but outside of radius to avoid conflicts with storm sewers and intakes.

Figure 3-4: Standard water main location



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APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. OFFICIAL COPY. The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. DISTRIBUTION. Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. SALE. The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. RECORD OF DISTRIBUTION. The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as shown in the following sample ordinance:

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF _____, IOWA, BY ADDING A NEW SECTION
LIMITING PARKING TO 30 MINUTES ON A PORTION OF
_____ STREET**

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of _____, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO 30 MINUTES. It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. _____ Street, on the _____ side, from _____ Street to _____ Street.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 20____.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS, as shown in the following sample ordinance:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF _____, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON _____ STREET.

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of _____, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on _____ Street to stop at _____ Street.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No.____ on the ____ day of _____, 20____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed, as shown in the following sample:

ORDINANCE NO. ____**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF _____, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES**

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of _____, Iowa, is repealed and the following adopted in lieu thereof:

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service charges in the amount of _____ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than \$_____ dollars per _____.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

**ORDINANCES NOT CONTAINED IN THE
CODE OF ORDINANCES**

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____

**AN ORDINANCE VACATING (INSERT LOCATION OR LEGAL
DESCRIPTION OF STREET OR ALLEY BEING VACATED) TO
_____, IOWA**

Be It Enacted by the City Council of the City of _____, Iowa:

SECTION 1. The (*location or legal description of street or alley*) to _____, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORMS

FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of _____, Iowa, will meet on the ____ day of _____, 20____, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of _____, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on (property owner's name), through (agent's name or "none"), agent, to abate the nuisance existing at (legal description and address) within ____ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ____ days after the service of this Order upon said owner or agent. and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner's name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(designate officer initiating notice)

NOTICE**REQUIRED SEWER CONNECTION**

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ (____) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

The nearest public sewer line within _____ (____) feet of the above described property is located

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: _____

City of _____, Iowa

By: _____, _____
(Name) (Title)

NOTICE OF HEARING**REQUIRED SEWER CONNECTION**

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that the City Council of _____, Iowa, will meet on the ____ day of _____, 20____, at _____ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of _____, Iowa

By: _____, _____
(Name) (Title)

RESOLUTION AND ORDER**REQUIRED SEWER CONNECTION**

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on
_____, (Name of Property
Owner)
through _____, Agent,
(Agent's Name or "None")

to make connection of the property described as

to the public sanitary sewer located _____
within _____ (_____) days from service of notice upon said owner or agent. and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent, _____
(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent. and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

_____,

(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

(Owner's Name)

_____, as provided by law.

(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____, _____, _____,

_____, _____, _____.

NAYS: _____, _____, _____,

_____, _____, _____.

Resolution approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk