CHAPTER 1

CODE OF ORDINANCES

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Sac City, Iowa, 2007.

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 Sac City, Iowa.
3. “Clerk” means the city clerk of Sac City, 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).
6. “Council” means the city council of Sac City, Iowa.
7. “County” means Sac County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.
11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Sac City, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal
entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

14. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

15. “Shall” imposes a duty.

16. “Sidewalk” means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

17. “State” means the State of Iowa.

18. “Statutes” or “laws” means the latest edition of the Code of Iowa, as amended.

19. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

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

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

(Code of Iowa, Sec. 364.1)

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

1.05 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City,
and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

(Code of Iowa, Sec. 718.5)

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

1.12 WARRANTS. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.
1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

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

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

CHARTER

2.01 Title. This chapter may be cited as the charter of the City of Sac City, Iowa.†

2.02 Form of Government. The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.03 Powers and Duties. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules and regulations of the City.

2.04 Number and Term of Council. The Council consists of five 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 four years.

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

† EDITOR’S NOTE: Ordinance No. 2B-1B adopting a charter for the City was passed and approved by the Council on July 14, 1975, and was published on July 23, 1975, in the Sac Sun. Terms of the Mayor and Council members were changed to four-year terms pursuant to a special election held December 13, 1977, to be effective with terms commencing in 1979.
CHAPTER 3
MUNICIPAL INFRACTIONS

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

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

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

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

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

1. Standard Civil Penalties.
   A. First Offense – Not to exceed $750.00
   B. Each Repeat Offense – Not to exceed $1,000.00

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

2. Special Civil Penalties.
   A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than $1,000.00 for each day a violation exists or continues.
B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than $1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

1. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

2. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

3. The violation does not continue in existence for more than eight (8) hours.

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

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

1. The name and address of the defendant.

2. The name or description of the infraction attested to by the officer issuing the citation.

3. The location and time of the infraction.

4. The amount of civil penalty to be assessed or the 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.


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

(Code of Iowa, Sec. 364.22[8])

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

(Code of Iowa, Sec. 364.22[11])
5.01 OATHS. The oath of office shall be required and administered in accordance with the following:

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

   (Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: “I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Sac City 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[3])

5.03 DUTIES: GENERAL. 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 which are combined with data processing software shall be in accordance with policies and procedures established by the City.

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)
5.07 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5[1])

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

(Code of Iowa, Sec. 362.5[2])

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

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

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

(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

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

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

(Code of Iowa, Sec. 362.5[7])

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

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

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

(Code of Iowa, Sec. 362.5[9])

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

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

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

(Code of Iowa, Sec. 362.5[11])
11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[12])

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

(Code of Iowa, Sec. 362.5[13])

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

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

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

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council’s option, by one of the two following procedures:

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

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

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

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

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

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

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

[The next page is 29]
CHAPTER 6

CITY ELECTIONS

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

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

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

(Code of Iowa, Sec. 45.4)

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

(Code of Iowa, Sec. 376.8[3])
[The next page is 35]
CHAPTER 7
FISCAL MANAGEMENT

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

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

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

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

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

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

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

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

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

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

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

   (IAC, 545-2.5[384,388], Sec. 2.5[2])

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

\((IAC, 545-2.5[384,388] Sec. 2.5[3])\)

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

\((IAC, 545-2.5[384,388] Sec. 2.5[4])\)

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may
be transferred to any other City fund, except the Emergency Fund and Road Use Tax
Funds, by resolution of the Council. A surplus may exist only after all required
transfers have been made to any restricted accounts in accordance with the terms and
provisions of any revenue bonds or loan agreements relating to the Utility or
Enterprise Fund. A surplus is defined as the cash balance in the operating account or
the unrestricted retained earnings calculated in accordance with generally accepted
accounting principles in excess of:

A. The amount of the expense of disbursements for operating and
   maintaining the utility or enterprise for the preceding three (3) months, and
   
B. The amount necessary to make all required transfers to restricted
   accounts for the succeeding three (3) months.

\((IAC, 545-2.5[384,388], Sec. 2.5[5])\)

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

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

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

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

3. Submission to Council. The finance officer shall submit the completed
budget proposal to the Council no later than February 15 of each year.

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a
date for public hearing thereon to be held before March 15 and cause notice of such
hearing and a summary of the proposed budget to be published not less than ten (10)
nor more than twenty (20) days before the date established for the hearing. Proof of
such publication must be filed with the County Auditor.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed by the Clerk following Council approval, except as provided by subsection 5 hereof.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates.
and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.

2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

[The next page is 45]
CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

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 which 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 which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which 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 of the City upon the recommendation of the Iowa Department of Economic Development.

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 which 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 (5) years.

(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, seventy-five percent (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%)

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 City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty (30) days after such hearing the City 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)
CHAPTER 9

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.

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
<th>NAME OF AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979-5</td>
<td>October 12, 1979</td>
<td>Urban Revitalization Area No. 1</td>
</tr>
<tr>
<td>1990-96</td>
<td>October 22, 1990</td>
<td>Urban Revitalization Area</td>
</tr>
<tr>
<td>2000-152</td>
<td>September 11, 2000</td>
<td>Urban Revitalization Area</td>
</tr>
</tbody>
</table>
[The next page is 71]
CHAPTER 15

MAYOR

15.01 Term of Office

15.02 Powers and Duties

15.03 Appointments

15.01 TERM OF OFFICE. The Mayor is elected for a term of four 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, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

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

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

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

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

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

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

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

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

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

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

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.
9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

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

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

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:

   (Code of Iowa, Sec. 372.4)

   1. Mayor Pro Tem
   2. Police Chief
   3. Library Board of Trustees
   4. Park Board
   5. Zoning Board of Adjustment
   6. Historic Preservation Commission

15.04 COMPENSATION. The salary of the Mayor is two hundred dollars ($200.00) per month, payable 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)
CHAPTER 16
MAYOR PRO TEM

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 fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem’s performance of the Mayor’s duties and upon the compensation of the Mayor.

(Code of Iowa, Sec. 372.13[8])
CHAPTER 17

COUNCIL

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 & 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 which may be specially assessed.

(Code of Iowa, Sec. 364.2[1], 384.16 & 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, Sec. 26.10)

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 one hundred thousand dollars ($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 which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)
17.04 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])

   
   (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. Director of Public Works
5. Planning and Zoning Commission
6. Arts Council
7. Airport Commission
8. Airport Board of Adjustment

17.06 COMPENSATION. The salary of each Council member is twenty-five dollars ($25.00) for each meeting of the Council attended.

   (Code of Iowa, Sec. 372.13[8])
[The next page is 83]
CHAPTER 18

CITY CLERK

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January each year the Council shall appoint by majority vote a City Clerk to serve for a term of one year. 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. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the 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 & 2])

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

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

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

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.13[4])
18.11 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their 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 following duties relating to elections and nominations:

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

(Code of Iowa, Sec. 376.6)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which is the word “IOWA” and around the margin of which are the words “CORPORATE SEAL OF THE CITY OF SAC CITY.”
CHAPTER 19
CITY 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.
CHAPTER 20

CITY ATTORNEY

20.01 APPOINTMENT AND COMPENSATION. The Council shall annually appoint by majority vote a City Attorney to serve for a term of one year. 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 which the Council or City Administrator 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, City Administrator, City Clerk or Police Chief.

(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, Council or City Administrator.

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

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

(Code of Iowa, Sec. 372.13[4])
CHAPTER 21

CITY ADMINISTRATOR

21.01 APPOINTMENT AND TERM. There is hereby created the office of the City Administrator. The office shall be filled by resolution adopted by a majority of the entire Council. The person so appointed shall serve at the discretion of the Council. The Council may, by resolution, enter into an employment contract for a term not to exceed three (3) years at a time. The City Administrator shall be subject to removal by a resolution adopted by a majority vote of the Council. The qualifications of the position include competency through education or experience to perform the duties imposed upon the City Administrator by Section 21.03 of this chapter.

21.02 COMPENSATION. The City Administrator shall receive such annual salary as the Council shall from time to time determine by resolution, and payment shall be made from the treasury of the City, in the manner provided for paying other officers and employees.

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

1. To supervise enforcement and execution of the City laws, ordinances and resolutions.
2. To attend all meeting of the Council unless excused by the Mayor.
3. To recommend to the Council such measures as deemed necessary or expedient for the good government and welfare of the City.
4. To have the general supervision and direction of the administration of the City government and to appoint with consent and approval of the Council such administrative assistants as shall be deemed advisable.
5. To be directly responsible to the Council for the administration of municipal affairs as directed by that body. All City departmental administration requiring the attention of the Council shall be brought before the Council by the City Administrator. Council involvement in administration initiated by the Council must be coordinated through the City Administrator.
6. To supervise and direct the official conduct of all officers, departments and employees of the City. These include but are not limited to the Public Works Department, Gas Department, Water Department, Sewer Department, Police Department and Administration Department.
7. To supervise the performance of all contracts for work to be done for the City, supervise all purchases of material and supplies and see that such material and supplies are received and are of the quality and character called for by the contract.
8. To 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.
9. To cooperate with any administrative agency, board or commission.

10. To be responsible for supervision of the cleaning, sprinkling and lighting of streets, alleys and public places, and of the collection and disposal of waste.

11. Upon request of the Council, to investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the City Administrator, and to see that all persons acting under the supervision of the City Administrator properly perform their duties.

12. To provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City law.

13. To prepare and police the annual budget and financial conditions of the City, and to keep the Council fully advised of the financial and other conditions of the City and of its future needs.

14. To conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

15. To make to the Council periodic itemized financial reports in writing.

16. To perform other duties as the Mayor and Council may direct.

21.04 BOND. The City Administrator shall be bonded for the faithful performance of duties, and in favor of the City, in the sum of ten thousand dollars ($10,000.00). The City shall pay for the cost of this bond.
CHAPTER 22

LIBRARY BOARD OF TRUSTEES

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

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of eight resident members and one nonresident member. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of eighteen (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 six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.

2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) 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.

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.

2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

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

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

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

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

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

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

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

(Code of Iowa, Ch. 661)

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

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

22.06 CONTRACTING WITH OTHER LIBRARIES. The Board has power to contract with other libraries in accordance with the following:
CHAPTER 22   LIBRARY BOARD OF TRUSTEES

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

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

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

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. The check-writing officer is the Clerk.

   (Code of Iowa, Sec. 384.20 & 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)
CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven 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 & 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 residue of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

[The next page is 105]
CHAPTER 24

PARK BOARD

24.01 PARK BOARD CREATED. There is hereby established a Park board for the City.

24.02 QUALIFICATIONS. The Board shall consist of five members, all residents of the City, appointed by the Mayor with the approval of the Council.

24.03 TERMS OF OFFICE. All appointments to the Board shall be for terms of four years, except to fill vacancies. Each term shall commence on January 1 following the appointment. The appointments shall be staggered so that the terms of office of two members shall expire at one time and the terms of three members shall expire at one time.

24.04 VACANCIES. The position of any Board member shall be vacant if said member moves permanently from the City or if said member is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as original appointments, and the new member shall fill out the unexpired term for which the appointment is made.

24.05 COMPENSATION. The Board shall receive no compensation for their services. The Board shall receive reimbursement for mileage and expenses for out-of-town meetings.

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

1. Officers. To meet and elect from its members a Chairperson, Secretary and such other officers as it deems necessary.

2. Advise Council. To advise the Council on the needed facilities to provide open space such as parks, playgrounds and community facilities for other forms of recreation.

3. Programs. To plan and oversee City park programs and encourage other programs for the leisure time of the City’s residents of all ages.

4. Funds. To accept gifts and bequests and to expend the funds received from such gifts and bequests as requested for improvement of the parks.

5. Records. To keep a record of meetings.

24.07 ANNUAL REPORT. The Board shall make a report to the Council after the close of the municipal fiscal year. This report shall contain statements as required by the Council.
CHAPTER 25
ARTS COUNCIL

25.01 ARTS COUNCIL CREATED. There is hereby established an Arts Council for the City.

25.02 QUALIFICATIONS. The Arts Council shall consist of five members. The appointments made by the Council will come from recommendations made by representative civic, educational and professional associations and groups concerned with or engaged with fine arts generally.

25.03 TERM OF OFFICE. The term of office of each member shall be four years except to fill vacancies. Each term shall commence on January 1. Appointments shall be made every two years.

25.04 VACANCIES. Vacancies shall be filled for the balance of any unexpired term in the same manner as the original appointments.

25.05 COMPENSATION. The Arts Council shall not receive any compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

25.06 POWERS AND DUTIES. The Arts Council shall have the following powers and duties:

1. Officers. To meet and elect from its members a Chairperson, Vice Chairperson and Secretary.

2. Policies and Procedures. To review policies, programs and procedures for carrying out the functions, duties or responsibilities of the Arts Council.

3. Review Program. To review existing artistic and cultural programs and activities, including (but not limited to) music, theater, dance, painting, sculpture, architecture and allied arts and crafts and to ascertain those which should be brought to existence to best serve the cultural needs of the City.

4. Determine Needs. To determine the legitimate cultural and artistic needs and aspirations of residents of the City.

5. Promote Arts. To stimulate and encourage the study and presentation of the performing and fine arts and public interest and participation.

6. Budget. To prepare a feasible budget for the implementation of programs to be supported by the Council.

8. Expenditures. To expend such funds as appropriated by the Council and to accept gifts and bequests and to expend the funds received from such gifts and bequests as requested, subject to appropriation.

9. Records. To keep a record of meetings.

**25.07 ANNUAL REPORT.** The Arts Council shall make a report to the Council after the close of the municipal fiscal year. This report shall contain statements as required by the Council.
CHAPTER 26
HISTORIC PRESERVATION COMMISSION

26.01 PURPOSE AND INTENT. The purposes of this chapter are to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;
2. Safeguard the City’s historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past;
5. Protect and enhance the City’s attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

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

1. “Commission” means the Sac City Historic Preservation Commission, as established by this chapter.
2. “Historic district” means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:
   A. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
   B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
   C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or
   D. Is associated with the lives of persons significant in our past; or
   E. Has yielded, or may be likely to yield, information important in prehistory or history.
3. “Historic site” means a structure or building which:
   A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
   B. Is associated with the lives of persons significant in our past; or
   C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
   D. Has yielded, or may be likely to yield, information important in prehistory or history.

26.03 STRUCTURE OF COMMISSION.
   1. The Commission consists of five (5) members who are residents of the City.
   2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
   3. The Commission members are appointed for staggered terms of three (3) years. Members may serve for more than one term. Each term shall commence on January 1 and each member shall serve until the appointment of a successor.
   4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
   5. Members shall serve without compensation.
   6. A simple majority of the Commission shall constitute a quorum for the transaction of business.
   7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.
   8. The Commission shall meet at least three (3) times a year.

26.04 POWERS OF THE COMMISSION.
   1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.
   2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
   3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
4. In addition to those duties and powers specified above, the Commission may, with Council approval,

A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;

B. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;

C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;

D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;

E. Contract with State or Federal government or other organizations;

F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;

G. Provide information for the purpose of historic preservation to the Council; and

H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
CHAPTER 27
AIRPORT COMMISSION

29.01 AIRPORT COMMISSION. There shall be an Airport Commission consisting of five resident voters of the City.
(Code of Iowa, Sec. 330.20)

29.02 APPOINTMENT AND TERM. Commissioners shall be appointed by the Council for staggered terms of six years.
(Code of Iowa, Sec. 330.20)

29.03 VACANCIES. Vacancies shall be filled by appointment of the Council to fill out the unexpired term for which the appointment was made.
(Code of Iowa, Sec. 330.20)

29.04 COMPENSATION. Members of the Commission shall serve without compensation.
(Code of Iowa, Sec. 330.20)

29.05 OFFICERS. The Commission shall elect from its own members a Chairperson and Secretary who shall serve for such term as the Commission shall determine.
(Code of Iowa, Sec. 330.20)

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

1. General. The Commission has all the powers in relation to airports granted to cities under State law except powers to sell the airport.
(Code of Iowa, Sec. 330.21)

2. Budget. The Commission shall annually certify the amount of tax to be levied for airport purposes, and upon such certification the Council may include all or a portion of said amount in its budget.
(Code of Iowa, Sec. 330.21)

3. Funds. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the Commission for the purposes prescribed by law, and shall be deposited with the Treasurer or City Clerk to the credit of the Airport Commission, and shall be disbursed only on the written orders of the Airport Commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof.
(Code of Iowa, Sec. 330.21)

29.07 ANNUAL REPORT. The Airport Commission shall immediately after the close of each municipal fiscal year, file with the City Clerk a detailed and audited written report of all
money received and disbursed by the Commission during said fiscal year, and shall publish a summary thereof in an official newspaper.

(Code of Iowa, Sec. 330.22)
CHAPTER 35

POLICE DEPARTMENT

35.01 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.

35.02 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.

35.03 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)

35.04 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])
(IAC, 501-3 and 501-8)

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

35.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The City Administrator shall select, subject to the approval of Council, the other members of the department.

(Code of Iowa, Sec. 372.4)

35.07 POLICE CHIEF: DUTIES. 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.

35.08 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.

35.09 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)*

35.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which 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)*

35.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a police chief by the Mayor as provided by Section 35.06, 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)*
CHAPTER 36

FIRE DEPARTMENT

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

(Code of Iowa, Sec. 364.16)

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

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

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

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

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

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

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

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

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.
3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department’s duties.

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of $200,000 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal’s Division immediately. For all other fires causing an estimated damage of $50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal’s Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)
12. Records. Cause to be kept records of the Fire Department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 100.41)
CHAPTER 37
HAZARDOUS SUBSTANCE SPILLS

37.01 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.

37.02 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])

37.03 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 thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

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

1. The reasonable cleanup costs incurred by 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 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.

37.05 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 (6) 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, who shall then notify the Department of Natural Resources.

37.06 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.
37.07 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 37.02(4).
[The next page is 185]
CHAPTER 40

PUBLIC PEACE

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

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
   
   (Code of Iowa, Sec. 708.1[1])

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
   
   (Code of Iowa, Sec. 708.1[2])

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

   (Code of Iowa, Sec. 708.1)

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 which is reasonably related to that sport.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 723.4[5])

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

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

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

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

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)
CHAPTER 41
PUBLIC HEALTH AND SAFETY

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 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)

41.04 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)

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

(Code of Iowa, Sec. 719.1)

41.06 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)

41.07 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])

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

41.09 SHOOTING AND DISCHARGING WEAPONS. It is unlawful for a person to shoot guns or rifles, revolvers or pistols or other firearms or to shoot arrows, rubber guns, slingshots, air rifles, BB guns or other dangerous instruments or toys on or into or across any street, highway, alley, sidewalk or public place except when under proper supervision of persons authorized by the Council. Further, no person shall discharge any of the above described weapons inside the City limits in the act of hunting, pursuing game or attempting to hunt or take game or wildlife, except by authorization of the Council.

41.10 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.

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

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

   (Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a
competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury: $250,000 per person.

B. Property Damage: $50,000

C. Total Exposure: $1,000,000

(Code of Iowa, Sec. 727.2)

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

(Code of Iowa, Sec. 727.2)
CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

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

(Code of Iowa Sec. 716.7 and 716.8)

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

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

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

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

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

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

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

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

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

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

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)
CHAPTER 43

DRUG PARAPHERNALIA

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.

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 which explain or depict 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.


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.
[The next page is 225]
CHAPTER 45
ALCOHOL CONSUMPTION AND INTOXICATION

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

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

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

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

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

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

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place.
3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. (See Section 62.07 of this Code of Ordinances.)
CHAPTER 46
MINORS

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 which 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 eighteen (18) years.

D. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which 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 (6) 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 which 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. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 10:30 p.m. and 5:00 a.m. of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of 12:00 midnight and 5:00 a.m. on Friday, Saturday, and any day preceding a legal holiday.

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 non-secured 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 eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person’s employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

46.04 MINORS IN BILLIARD ROOMS. It is unlawful for any person who keeps a billiard hall where beer, liquor or wine is sold, or the agent, clerk or employee of any such person, or any person having charge or control of any such hall, to permit any minor to remain in such hall or to take part in any of the games known as billiards or pool.
CHAPTER 47
PARK REGULATIONS

47.01 PURPOSE. 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 PARKING. All vehicles shall be parked in designated parking areas.

47.04 FIRES. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.05 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.

47.06 CAMPING.

1. Camping Areas. No person shall camp in any portion of a park except in portions prescribed or designated by the Council.

2. Camping Fees. The Council may establish by resolution such fees for camping and other special privileges as it deems appropriate and reasonable.

3. Registration. Any person who camps in any park shall register his or her name and address with the park custodian.

4. Camping Refused. The City may refuse camping privileges or rescind any and all camping privileges for cause.

47.07 SWIMMING POOL CLOSED. No person shall enter or remain within the swimming pool area at any time except when such pool is open for use and under the supervision of persons authorized by the Council.
CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1.   Offensive Smells. Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

2.   Filth or Noisome Substance. Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

3.   Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

4.   Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

5.   Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

6.   Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (See also Section 62.08)

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 one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

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

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

1. Junk and Junk Vehicles (See Chapter 51)
2. Dangerous Buildings (See Chapter 145)
3. Storage and Disposal of Solid Waste (See Chapter 105)
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 the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. †

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

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

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.

† 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.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

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

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

50.07 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

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

50.09 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

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

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

50.11 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])

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars ($100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

50.13 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.
CHAPTER 51
JUNK AND JUNK VEHICLES

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

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

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

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

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

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

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

   E. Inoperable. Any motor vehicle, recreation vehicle, boat, trailer or semi-trailer which lacks a current registration or component part which renders the vehicle unfit for legal use, or any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more. Recreation vehicles are exempt from the 30-day usage period.

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

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

3. “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.
51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

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

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to:

1. Structures. Any junk or a junk vehicle stored within a garage or other enclosed structure; or

2. Farm Storage. Farm machinery within A-1 zoned areas.

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

(Code of Iowa, Sec. 364.12[3a])
# CHAPTER 55

## ANIMAL PROTECTION AND CONTROL

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>55.01</td>
<td>Definitions</td>
</tr>
<tr>
<td>55.02</td>
<td>Animal Neglect</td>
</tr>
<tr>
<td>55.03</td>
<td>Livestock Neglect</td>
</tr>
<tr>
<td>55.04</td>
<td>Abandonment of Cats and Dogs</td>
</tr>
<tr>
<td>55.05</td>
<td>Abandonment of Cats and Dogs</td>
</tr>
<tr>
<td>55.06</td>
<td>At Large Prohibited</td>
</tr>
<tr>
<td>55.07</td>
<td>Damage or Interference</td>
</tr>
<tr>
<td>55.08</td>
<td>Annoyance or Disturbance</td>
</tr>
<tr>
<td>55.09</td>
<td>Removal of Solid Waste</td>
</tr>
<tr>
<td>55.10</td>
<td>Vicious Dogs</td>
</tr>
<tr>
<td>55.11</td>
<td>Pit Bull Dogs Prohibited</td>
</tr>
<tr>
<td>55.12</td>
<td>Rabies Vaccination</td>
</tr>
<tr>
<td>55.13</td>
<td>Owner’s Duty</td>
</tr>
<tr>
<td>55.14</td>
<td>Confinement</td>
</tr>
<tr>
<td>55.15</td>
<td>At Large: Impoundment</td>
</tr>
<tr>
<td>55.16</td>
<td>Disposition of Animals</td>
</tr>
<tr>
<td>55.17</td>
<td>Impounding Costs</td>
</tr>
<tr>
<td>55.18</td>
<td>Pet Awards Prohibited</td>
</tr>
</tbody>
</table>

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

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

2. “Animal” means a nonhuman vertebrate.
   
   *(Code of Iowa, Sec. 717B.1)*

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

4. “Business” means any enterprise relating to any of the following:
   
   A. The sale or offer for sale of goods or services.
   B. A recruitment for employment or membership in an organization.
   C. A solicitation to make an investment.
   D. An amusement or entertainment activity.

5. “Fair” means any of the following:
   
   A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
   B. An exhibition of agricultural or manufactured products.
   C. An event for operation of amusement rides or devices or concession booths.

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

7. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
   
   *(Code of Iowa, Sec. 717.1)*

8. “Owner” means any person owning, keeping, sheltering or harboring an animal.
9. “Pet” means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

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

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

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

55.09 REMOVAL OF SOLID WASTE. Any owner who walks or allows a dog to be on public or private property shall provide for the disposal of any solid waste material left by the dog by immediately removing the waste from those premises.

55.10 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.
55.11 PIT BULL DOGS PROHIBITED.

1. It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the City any pit bull dogs.

2. “Pit bull dog” is defined to mean:
   A. The Bull Terrier breed of dog;
   B. The Staffordshire Bull Terrier breed of dog;
   C. The American Pit Bull Terrier breed of dog;
   D. The American Staffordshire Terrier breed of dog;
   E. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
   F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds;
   G. Rottweilers or rottweiler breed of dog;
   H. Any other breed that has the propensity or has demonstrated propensity to be a danger to public health and safety.

55.12 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 kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

55.15 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.

55.16 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner’s name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.17 IMPOUNDING COSTS. Impounding costs are set by resolution of the Council.

(Code of Iowa, Sec. 351.37)

55.18 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
   A. A prize for participating in a game.
   B. A prize for participating in a fair.
   C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
   D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:
   A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
   B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen’s Federation.

[The next page is 301]
CHAPTER 60
ADMINISTRATION OF TRAFFIC CODE

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Sac City Traffic Code.”

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

7. “Stop” means when required, the complete cessation of movement.

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

9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.
10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

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

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

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

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

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Police Chief. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.
3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control by Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.
CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01  INSTALLATION. The Police Chief 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 Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02  CROSSWALKS. The Police Chief 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.


61.03  TRAFFIC LANES. The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be 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.


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

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)
CHAPTER 62

GENERAL TRAFFIC REGULATIONS

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.
5. Section 321.79 – Intent to injure.
6. Section 321.91 – Penalty for abandonment.
7. Section 321.98 – Operation without registration.
12. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
14. Section 321.194 – Special minor’s licenses.
15. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
16. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
17. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 – Permitting unauthorized minor to drive.
21. Section 321.222 – Renting motor vehicle to another.
22. Section 321.223 – License inspected.
25. Section 321.234A – All-terrain vehicles.
27. Section 321.247 – Golf cart operation on City streets.
29. Section 321.259 – Unauthorized signs, signals or markings.
30. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
31. Section 321.262 – Damage to vehicle.
32. Section 321.263 – Information and aid.
33. Section 321.264 – Striking unattended vehicle.
34. Section 321.265 – Striking fixtures upon a highway.
35. Section 321.275 – Operation of motorcycles and motorized bicycles.
36. Section 321.278 – Drag racing prohibited.
37. Section 321.288 – Control of vehicle; reduced speed.
38. Section 321.295 – Limitation on bridge or elevated structures.
39. Section 321.297 – Driving on right-hand side of roadways; exceptions.
40. Section 321.298 – Meeting and turning to right.
41. Section 321.299 – Overtaking a vehicle.
42. Section 321.302 – Overtaking and passing.
43. Section 321.303 – Limitations on overtaking on the left.
44. Section 321.304 – Prohibited passing.
45. Section 321.306 – Roadways laned for traffic.
46. Section 321.307 – Following too closely.
47. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
48. Section 321.309 – Towing; convoys; drawbars.
49. Section 321.310 – Towing four-wheel trailers.
50. Section 321.312 – Turning on curve or crest of grade.
51. Section 321.313 – Starting parked vehicle.
52. Section 321.314 – When signal required.
53. Section 321.315 – Signal continuous.
54. Section 321.316 – Stopping.
55. Section 321.317 – Signals by hand and arm or signal device.
56. Section 321.319 – Entering intersections from different highways.
57. Section 321.320 – Left turns; yielding.
58. Section 321.321 – Entering through highways.
59. Section 321.322 – Vehicles entering stop or yield intersection.
60. Section 321.323 – Moving vehicle backward on highway.
61. Section 321.323A – Approaching certain stationary vehicles.
63. Section 321.324A – Funeral processions.
64. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
65. Section 321.330 – Use of crosswalks.
66. Section 321.332 – White canes restricted to blind persons.
68. Section 321.340 – Driving through safety zone.
69. Section 321.341 – Obedience to signal of train.
70. Section 321.342 – Stop at certain railroad crossings; posting warning.
71. Section 321.343 – Certain vehicles must stop.
72. Section 321.344 – Heavy equipment at crossing.
73. Section 321.344B – Immediate safety threat; penalty.
74. Section 321.354 – Stopping on traveled way.
75. Section 321.359 – Moving other vehicle.
76. Section 321.362 – Unattended motor vehicle.
77. Section 321.363 – Obstruction to driver’s view.
78. Section 321.364 – Preventing contamination of food by hazardous material.
79. Section 321.365 – Coasting prohibited.
80. Section 321.367 – Following fire apparatus.
81. Section 321.368 – Crossing fire hose.
82. Section 321.369 – Putting debris on highway.
83. Section 321.370 – Removing injurious material.
84. Section 321.371 – Clearing up wrecks.
85. Section 321.372 – School buses.
86. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
88. Section 321.382 – Upgrade pulls; minimum speed.
89. Section 321.383 – Exceptions; slow vehicles identified.
90. Section 321.384 – When lighted lamps required.
91. Section 321.385 – Head lamps on motor vehicles.
92. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
93. Section 321.387 – Rear lamps.
94. Section 321.388 – Illuminating plates.
95. Section 321.389 – Reflector requirement.
96. Section 321.390 – Reflector requirements.
97. Section 321.392 – Clearance and identification lights.
98. Section 321.393 – Color and mounting.
99. Section 321.394 – Lamp or flag on projecting load.
100. Section 321.395 – Lamps on parked vehicles.
101. Section 321.398 – Lamps on other vehicles and equipment.
102. Section 321.402 – Spot lamps.
103. Section 321.403 – Auxiliary driving lamps.
104. Section 321.404 – Signal lamps and signal devices.
106. Section 321.405 – Self-illumination.
107. Section 321.406 – Cowl lamps.
108. Section 321.408 – Back-up lamps.
109. Section 321.409 – Mandatory lighting equipment.
110. Section 321.415 – Required usage of lighting devices.
112. Section 321.418 – Alternate road-lighting equipment.
113. Section 321.419 – Number of driving lamps required or permitted.
114. Section 321.420 – Number of lamps lighted.
115. Section 321.421 – Special restrictions on lamps.
117. Section 321.423 – Flashing lights.
118. Section 321.430 – Brake, hitch and control requirements.
119. Section 321.431 – Performance ability.
120. Section 321.432 – Horns and warning devices.
121. Section 321.433 – Sirens, whistles and bells prohibited.
122. Section 321.434 – Bicycle sirens or whistles.
123. Section 321.436 – Mufflers, prevention of noise.
124. Section 321.437 – Mirrors.
125. Section 321.438 – Windshields and windows.
127. Section 321.440 – Restrictions as to tire equipment.
128. Section 321.441 – Metal tires prohibited.
129. Section 321.442 – Projections on wheels.
130. Section 321.444 – Safety glass.
131. Section 321.445 – Safety belts and safety harnesses; use required.
132. Section 321.446 – Child restraint devices.
133. Section 321.449 – Motor carrier safety regulations.
134. Section 321.450 – Hazardous materials transportation.
136. Section 321.455 – Projecting loads on passenger vehicles.
137. Section 321.456 – Height of vehicles; permits.
138. Section 321.457 – Maximum length.
139. Section 321.458 – Loading beyond front.
140. Section 321.460 – Spilling loads on highways.
141. Section 321.461 – Trailers and towed vehicles.
142. Section 321.462 – Drawbars and safety chains.
143. Section 321.463 – Maximum gross weight.
145. 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 **TAMPERING WITH VEHICLE.** It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.07 **OPEN CONTAINERS IN MOTOR VEHICLES.**

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

   *(Code of Iowa, Sec. 321.284)*

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

   *(Code of Iowa, Sec. 321.284A)*

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

62.08 **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.

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

   *(Code of Iowa, Sec. 321.277)*

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

   *(Code of Iowa, Sec. 321.277A)*

   1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.

   2. Simulating a temporary race.

   3. Causing any wheel or wheels to unnecessarily lose contact with the ground.

   4. Causing the vehicle to unnecessarily turn abruptly or sway.

62.11 **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.
62.12 SEMI-TRACTORS – PROHIBITED NOISES. It is unlawful for any person in any part of the City to make or cause to be made obnoxious or disturbing noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, commonly referred to as “jake braking.”
[The next page is 321]
63.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

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

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

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. Main Street, between D.O.T. Station 9+00 and D.O.T. Station 546+00.
   B. North Fifth Street, between Main Street and Mill Road.
   C. South Sixteenth Street, between Irvine Street and Main Street.
   D. South Fifth Street, between Main Street and Duffie Street.
   E. North Sixteenth Street, between Main Street and County Road.
F. Park Avenue, between Main Street and Ash Avenue.
G. Highland Avenue between Ahrens Street and City limits.

2. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.
   A. South Fifth Street, between Duffie Street and City limits.
   B. South Sixteenth Street, between Losure Street and Irvine Street.
   C. North Fifth Street, between Mill Road and City limits.
   D. North Sixteenth Street, between County Road and south edge O.L.D.
   E. Highland Avenue, between Park Avenue and Ahrens Street.
   F. Main Street, between D.O.T. Station 9+00 and D.O.T. Station 15+00.
   G. Main Street, between D.O.T. Station 546+00 and D.O.T. Station 500+80.

3. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.
   A. Highland Avenue, between City limits and Ahrens Street.
   B. South Sixteenth Street, between City limits and Losure Street.
   C. North Sixteenth Street, between City limits and south edge O.L.D.
   D. Main Street, between D.O.T. Station 15+00 and City limits.
   E. Main Street, between D.O.T. Station 500+80 and D.O.T. Station 491+00.

4. Special 55 MPH Speed Zones. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof.
   A. Main Street, between D.O.T. Station 491+00 and City limits.

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

(Code of Iowa, Sec. 321.294)
CHAPTER 64

TURNING REGULATIONS

64.01 TURNING AT INTERSECTIONS. 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 Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district and at intersections where there are automatic traffic signals.

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

64.03 RIGHT TURN ON RED SIGNAL PROHIBITED. Vehicular traffic facing a steady red signal shall not proceed or make a right turn at the following locations when appropriate signs are in place.

(Code of Iowa, Sec. 321.257[2])

1. Vehicles traveling on South Fifth Street shall not turn right on red at Main Street.

2. Vehicles traveling on North Fifth Street shall not turn right on red at Main Street.

64.04 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.
CHAPTER 65

STOP OR YIELD REQUIRED

65.01 THROUGH STREETS – STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. North Fifth Street from City limits to Main Street.
2. North Sixteenth Street from City limits to Main Street.
3. Hobbs Street from North Sixteenth Street to North Twelfth Street.
4. Hobbs Street from North Twelfth Street to North Fifth Street.
5. Early Street from North Sixteenth Street to North Ninth Street.
6. Highland Avenue from City limits to Park Avenue.
7. South Fifth Street from City limits to Main Street.
8. South Ninth Street from Main Street to Gishwiller Street.
9. South Eleventh Street from Audubon Street to Gishwiller Street.
10. South Twelfth Street from Gishwiller Street to Main Street.
11. South Sixteenth Street from Main Street to City limits.
12. Gishwiller Street from South Sixteenth Street to South Ninth Street.
13. Schaller Street from South Thirteenth Street to South Ninth Street.
14. Duffie Street from South Ninth Street to South Fifth Street.
15. Audubon Street from South Fifth Street to South Seventh Street.
16. Park Avenue from Main Street to City limits.
17. Main Street from the east City limits to the west City limits.

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

(Code of Iowa, Sec. 321.345)

1. Meadow Lark Avenue. Vehicles traveling north on Meadow Lark Avenue shall stop at Gishwiller Street.
2. South Seventh Street. Vehicles traveling north on South Seventh Street shall stop at Platt Street.
3. South Sixth Street. Vehicles traveling south on South Sixth Street shall stop at Leonard Street.

4. Hilltop Drive. Vehicles traveling south on Hilltop Drive shall stop at Ahrens Street.

5. Fairing Avenue. Vehicles traveling south on Fairing Avenue shall stop at Ahrens Street.

6. Ahrens Street. Vehicles traveling east on Ahrens Street shall stop at Highland Avenue.

7. Morningside Drive. Vehicles traveling east on Morningside Drive shall stop at Ash Avenue.

8. North State Street. Vehicles traveling south on State street shall stop at Williams Street.

9. South Third Street. Vehicles traveling south on South Third Street shall stop at Ahrens Street.

10. Audubon Street. Vehicles traveling on Audubon Street shall stop at South Thirteenth Street.

11. Early Street. Vehicles traveling west on Early Street shall stop at North Nineteenth Street.

12. Hobbs Street. Vehicles traveling west on Hobbs Street shall stop at North Nineteenth Street.

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

(Code of Iowa, Sec. 321.345)

1. South Ninth Street and Gishwiller Street. All vehicles approaching the intersection of South Ninth Street and Gishwiller Street shall stop before entering such intersection.

2. North Twelfth Street and Hobbs Street. All vehicles approaching the intersection of North Twelfth Street and Hobbs Street shall stop before entering such intersection.

3. South Thirteenth Street and Schaller Street. All vehicles approaching the intersection of South Thirteenth Street and Schaller Street shall stop before entering such intersection.

4. South Thirteenth Street and Robbins Street. All vehicles approaching the intersection of South Thirteenth Street and Robbins Street shall stop before entering such intersection.

5. South Eleventh Street and Gishwiller Street. All vehicles approaching the intersection of South Eleventh Street and Gishwiller Street shall stop before entering such intersection.
65.04 THREE-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated three-way stop intersections:

1. South Eleventh Street and Audubon Street. Vehicles approaching the intersection of South Eleventh Street and Audubon Street from the north, east and west shall stop before entering such intersection.

2. South Eleventh Street and Robbins Street. Vehicles approaching the intersection of South Eleventh Street and Robbins Street from the east, west and north shall stop before entering such intersection.

3. South Twelfth Street and Robbins Street. Vehicles approaching the intersection of South Twelfth Street and Robbins Street from the south, east and west shall stop before entering such intersection.

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

(Code of Iowa, Sec. 321.345)

1. Highland Avenue. Vehicles traveling north on Highland Avenue shall yield at Park Avenue.


3. Fair Ground Entrance. Vehicles traveling north on Fair Ground Entrance shall yield at Park Avenue.

4. Leonard Street. Vehicles traveling west on Leonard Street shall yield at South Fifth Street.

5. Bowery Street. Vehicles traveling on Bowery Street shall yield at South Fifth Street.

6. Platt Street. Vehicles traveling on Platt Street shall yield at South Fifth Street.

7. Duffie Street. Vehicles traveling east on Duffie Street shall yield at South Fifth Street.

8. South Seventh Street. Vehicles traveling on South Seventh Street shall yield at Audubon Street.


10. Audubon Street. Vehicles traveling east on Audubon Street shall yield at South Thirteenth Street.

11. Lee Street. Vehicles traveling west on Lee Street shall yield at South Thirteenth Street.

12. Robbins Street. Vehicles traveling on Robbins Street shall yield at South Twelfth Street.

13. Robbins Street. Vehicles traveling on Robbins Street shall yield at South Eleventh Street.

15. Bailey Street. Vehicles traveling on Bailey Street shall yield at South Eleventh Street.
16. Schaller Street. Vehicles traveling on Schaller Street shall yield at South Twelfth Street.
17. Schaller Street. Vehicles traveling on Schaller Street shall yield at South Eleventh Street.
18. Schaller Street. Vehicles traveling on Schaller Street shall yield at South Tenth Street.
19. North Fifteenth Street. Vehicles traveling on North Fifteenth Street shall yield at Early Street.
20. North Eleventh Street. Vehicles traveling on North Eleventh Street shall yield at Early Street.
21. North Tenth Street. Vehicles traveling on North Tenth Street shall yield at Early Street.
22. South Eighth Street. Vehicles traveling on South Eighth Street shall yield at Audubon Street.
23. Hilltop Drive. Vehicles traveling northeast on Hilltop Drive shall yield at Fairing Avenue.

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

(Code of Iowa, Sec. 321.249)

1. Main Street, midway between Tenth Street and Eleventh Street.
2. Main Street at the intersection of Sixteenth Street across Main Street on the east and west sides of the intersection and across Sixteenth Street on the south and north sides of the intersection.
3. Sixteenth Street at the intersection of Robbins Street and the grade school driveway.

65.07 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)

65.08 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.

65.09 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)

65.10 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. Intersection of Main Street and Fifth Street.

2. Intersection of South Sixteenth Street and Robbins Street and elementary school driveway.
CHAPTER 66
LOAD AND WEIGHT RESTRICTIONS

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

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or 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 & 321E.1)

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

(Code of Iowa, Sec. 321.473 & 475)

– NONE –

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, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

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

1. Truck Routes Designated. Every motor vehicle weighing 15 tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

   (Code of Iowa, Sec. 321.473)

   A. Fifth Street from north City limits to south City limits.

   B. Sixteenth Street from north City limits to south City limits.
C. Highland Avenue from south City limits to Highway 20 and from Park Avenue to Highway 20.

2. Deliveries off Truck Route. Any motor vehicle weighing 15 tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

   (Code of Iowa, Sec. 321.473)

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

   (Code of Iowa, Sec. 321.473)

4. No Truck Route. All tractor-trailer trucks and/or trucks with tandem rear axles and trucks with more than two axles shall be restricted from traveling City streets that carry the NO TRUCK ROUTE designation. Every driver of a truck that meets this definition shall not be permitted to drive such truck on West Audubon Street between South 19th Street and South 21st Street.

[The next page is 355]
CHAPTER 67

PEDESTRIANS

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)
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. South Sixth Street is southbound from Main Street to Leonard Street.
2. South Eleventh Street is southbound from Main Street to Gishwiller Street.
3. South Twelfth Street is northbound from Gishwiller Street to Main Street.
4. Swimming Pool Drive is westbound from South Eleventh Street to South Twelfth Street.
.............
CHAPTER 69
PARKING REGULATIONS

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

(Code of Iowa, Sec. 321.361)

69.02 PARK ADJACENT TO CURB – ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. East State Street, on the west side, from Williams Street to Main Street.
2. Williams Street, on the south side, from West State Street to East State Street.
3. West State Street, on the east side, from Tourgee Street to Williams Street.
4. West State Street, on the west side, from Williams Street to Tourgee Street.
5. Tourgee Street, on the north side, from East State Street to West State Street.
6. South State Street, on the east side, from Audubon Street to Tourgee Street.
7. South Sixth Street, on the west side, from Main Street to 150 feet south of Audubon Street.
8. Audubon Street, on the south side, from South Sixth Street to 150 feet east of South Sixth Street.
9. North Sixth Street, on the east side, from Main Street to Williams Street.

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

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than 72 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

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

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

1. Crosswalk. On a crosswalk.
   (Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
   (Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
   (Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
   (Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
   (Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.
   (Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
   (Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
   (Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
   (Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.

   (Code of Iowa, Sec. 321.358(9))

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

   (Code of Iowa, Sec. 321.358(10))

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

   (Code of Iowa, Sec. 321.358(11))

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

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

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

   (Code of Iowa, Sec. 321.360)

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

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

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

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

17. 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 which is properly placed under the provisions of Section 321L.2A(1) of the Code of Iowa.

4. Parking Time Limits. All parking in designated persons with disabilities parking spaces shall be limited to two continuous hours every twenty-four hours. Two-hour parking is allowed between the hours of 6:00 a.m. and 1:00 a.m.

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. Main Street on the north side from North Second Street to East State Street.
2. Main Street on the north side from North Sixth Street to North Seventeenth Street.
3. Main Street on the south side from North Seventeenth Street to South Sixth Street.
4. Main Street on the south side from East State Street to North Second Street.
5. North Third Street on the west side from Sioux Street to Main Street.
6. North Sixth Street on both sides between Williams Street and Sioux Street.
7. North Seventh Street on the east side from Main Street to dead end.
8. North Ninth Street on the east side from Main Street to Early Street.
9. Lee Street on both sides between South Thirteenth Street and South Twelfth Street.
10. South Ninth Street on the west side from Main Street to Duffie Street.
11. South Ninth Street on the east side from Gishwiller Street to Audubon Street.
12. Platt Street on both sides between South Fifth Street and South Ninth Street.
13. South Fifth Street on the west side from Audubon Street to Platt Street.
14. South Sixth Street on the east side from Audubon Street to 150 feet south of Audubon Street.
15. Gishwiller Street on the south side from Oak Street to Oak Lane.
16. Park Avenue on the south side from Main Street to Fairing Avenue.
17. Park Avenue on the north side from Mauer Street to Main Street.
18. Main Street on the south side from Pierson Avenue to D.O.T. Station 36+88.
19. North Seventh Street on the west side from Main Street to alley.
20. North Sixteenth Street on both sides between West Ingersoll and railroad tracks.
21. No parking zone in the first parking stall north of the alley in front of the Keir Building on the east side of South Sixth Street.
22. No parking zone in the third parking stall east from the intersection of West State Street and Tourgee Street on the north side of Tourgee Street.
23. North Fifteenth Street on the east side from Main Street to Early Street.
24. North Sixteenth Street on both sides from Main Street north to the alley.
25. No parking zone from the parking lot to the corner of Eleventh Street in front of the swimming pool entrance on the south side and from the intersection of South Eleventh Street and the pool entrance 300 feet south on South Eleventh Street on the west side.
26. South Twelfth Street on the west side from Gishwiller Street to Losure Street.

**69.09 ALL NIGHT PARKING PROHIBITED.** No person shall park a vehicle on any street listed in Section 69.10 (PARKING LIMITED TO 15 MINUTES), Section 69.11 (PARKING LIMITED TO ONE HOUR), and Section 69.12 (PARKING LIMITED TO TWO HOURS) between the hours of 2:00 a.m. and 7:00 a.m. of any day. No person shall park a vehicle on the following streets between the hours of 2:00 a.m. and 7:00 a.m. of any day:

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

1. Williams Street from North Sixth Street to alley – north side.
2. Williams Street from North Sixth Street to North Fifth Street – south side.
3. West State Street from Williams Street to Main Street – east side.
4. West State Street from Main Street to Tourgee Street – east side.
5. Williams Street from West State Street to East State Street – south side.
6. Williams Street from North State Street to East State Street – south side.
7. East State Street from Williams Street to Main Street – north side.
8. East State Street from Main Street to Tourgee Street – both sides.
9. Tourgee Street from West State Street to East State Street – both sides.
10. South State Street from Tourgee Street to Audubon Street – both sides.
11. Audubon Street from South State Street to South Fifth Street – both sides.
12. Audubon Street from alley to South Fifth Street – south side.
13. South Sixth Street from Main Street to Audubon Street – both sides.
14. Main Street from West State Street to East State Street – both sides.

69.10 PARKING LIMITED TO FIFTEEN MINUTES. It is unlawful to park any vehicle for a continuous period of more than fifteen (15) minutes between the hours of 8:00 a.m. and 5:00 p.m. on each weekday including Saturday upon the following designated streets:
(Code of Iowa, Sec. 321.236[1])
1. Audubon Street, on the south side, from South Sixth Street to the alley east of South Sixth Street.

69.11 PARKING LIMITED TO ONE HOUR. It is unlawful to park any vehicle for a continuous period of more than one (1) hour between the hours of 8:00 a.m. and 5:00 p.m. on each weekday including Saturday upon the following designated streets:
(Code of Iowa, Sec. 321.236[1])
1. North Fifth Street from the second northernmost parking space south to Main Street, on the west side.
2. North Fifth Street from Main Street to Williams Street, on the east side.
3. South Fifth Street from Main Street to Audubon Street, on the west side.
4. South Fifth Street from Audubon Street to Main Street, on the east side.
5. South Sixth Street from Audubon Street to 142 feet south of Audubon Street, on the west side.
6. Main Street from South Sixth Street to South Fifth Street, on the south side.
7. Main Street from South Fifth Street to West State Street, on the south side.
8. Main Street from West State Street to North Fifth Street, on the north side.
9. Main Street from North Fifth Street to North Fifth Street, on the north side.

69.12 PARKING LIMITED TO TWO HOURS. It is unlawful to park any vehicle for a continuous period of more than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. on each weekday including Saturday upon the following designated streets:
(Code of Iowa, Sec. 321.236[1])
1. North Sixth Street from Main Street to Williams Street, on both sides.
2. South Sixth Street from Main Street to Audubon Street, on both sides.
3. Audubon Street from South Fifth Street to South Sixth Street, on the north side.
4. West State Street from Main Street to Tourgee Street, on the west side.
5. West State Street from Williams Street to Main Street, on the west side.
6. Williams Street from North Fifth Street to West State Street, on both sides.
7. Williams Street from North Fifth Street to alley, on the south side.
8. West State Street from alley to Main Street, on the west side.
69.13 PARKING LIMITED. It is unlawful to park any vehicle between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, upon the following designated streets:

1. South Eleventh Street on the west side from Audubon Street to the alley directly north of the high school north parking lot.
2. South Twelfth Street on the east side from Robbins Street to Lee Street.

69.14 SEASONAL NO PARKING. During the period of time from November 1 to April 15, it is unlawful to park any vehicle upon a street or alley within the corporate limits of the City between the hours of 2:00 a.m. and 7:00 a.m. Vehicles which are found in violation of this section are subject to being towed away with all costs incurred in the towing and storage of said vehicles to be assessed to the registered owners of such vehicles.

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

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

1. Residential Areas. Trucks over 10,000 pounds gross weight and buses are prohibited from parking on streets in residential areas.

2. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any streets within the Business District. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

3. Trailers. It is unlawful for any person to park a trailer that is not attached to a motor vehicle upon any street or public parking.

4. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station in a residentially zoned district between the hours of 10:00 p.m. and 6:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

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

(Code of Iowa, 321.236[1])
CHAPTER 70
TRAFFIC CODE ENFORCEMENT PROCEDURES

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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or

2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

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

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

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine of ten dollars ($10.00) payable at the office of the City Clerk. Failure to pay the fine shall be grounds for the filing of a complaint in District Court.

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

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

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

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:
1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

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

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

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

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

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

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

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

[The next page is 391]
CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain 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 flotation-tire vehicle, with not less than three (3) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) 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” means a motorized flotation-tire vehicle, with not less than four (4) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

4. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (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 which 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.
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 & 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. Unplowed Streets. Snowmobiles shall not be operated on the following designated streets except when the same have not been plowed during the snow season and are impassable.

(Code of Iowa, Sec. 321G.9[4a])

A. Main Street (or Highway 20) from Twentieth Street to Third Street.
B. North Sixteenth Street from Ingersoll to Main Street.
C. South Sixteenth Street from Main Street to south City limits.
D. Hobbs Street from North Sixteenth Street to North Twelfth Street.
E. Early Street from North Sixteenth Street to North Twelfth Street.
F. North Twelfth Street from Hobbs Street to Main Street.
G. South Twelfth Street from Main Street to Gishwiller Street.
H. South Eleventh Street from Main Street to Gishwiller Street.
I. Gishwiller Street from South Sixteenth Street to Oak Street.
J. Robbins Street from South Twelfth Street to South Eleventh Street.
K. Lee Street from South Twelfth Street to South Eleventh Street.
L. South Ninth Street from Main Street to Gishwiller Street.
M. Audubon Street from South Twelfth Street to South State Street.
N. South Sixth Street from Audubon Street to Main Street.
O. North Sixth Street from Main Street to Sioux Street.
P. North Fifth Street from Sioux Street to Main Street.
Q. South Fifth Street from Main Street to Platt Street.
R. Williams Street from North Sixth Street to North Third Street.
S. Sioux Street from North Fifth Street to North Third Street.
T. North Third Street from Sioux Street to Main Street.
U. South Third Street to Tourgee Street.
V. All of West State Street.
W. All of East State Street.
X. All of Tourgee Street.
Y. Park Avenue from East Main Street to Highland Avenue.
Z. All of Oakland Cemetery area.
2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

1. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
2. The snowmobile is brought to a complete stop before crossing the street;
3. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
4. In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

4. 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. However, should the river be blocked by debris or obstructions, snowmobiles may exit onto City park land and, once beyond the obstruction, immediately enter directly back onto the river.

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

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

(Code of Iowa, Sec. 321I.10[1 & 3])

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

(Code of Iowa, Sec. 321I.10[4])

3. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
4. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

75.06 HOURS OF OPERATION. No ATV or snowmobile shall be operated in the City between the hours of 10:00 p.m. and 7:00 a.m. except for emergency situations or for loading and unloading from a transport trailer.

75.07 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.08 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars ($1000.00) 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 & 321I.11)

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

[The next page is 401]
CHAPTER 76

BICYCLE REGULATIONS

<table>
<thead>
<tr>
<th>76.01 Scope of Regulations</th>
<th>76.08 Carrying Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>76.02 Traffic Code Applies</td>
<td>76.09 Riding on Sidewalks</td>
</tr>
<tr>
<td>76.03 Double Riding Restricted</td>
<td>76.10 Towing</td>
</tr>
<tr>
<td>76.04 Two Abreast Limit</td>
<td>76.11 Improper Riding</td>
</tr>
<tr>
<td>76.05 Bicycle Paths</td>
<td>76.12 Parking</td>
</tr>
<tr>
<td>76.06 Speed</td>
<td>76.13 Equipment Requirements</td>
</tr>
<tr>
<td>76.07 Emerging from Alley or Driveway</td>
<td>76.14 Special Penalty</td>
</tr>
</tbody>
</table>

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, Sec. 321.236[10])

76.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234[3 and 4])

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236[10])

76.05 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code of Iowa, Sec. 321.236[10])

76.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, Sec. 321.236[10])

76.07 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, Sec. 321.236[10])
76.08 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, Sec. 321.236[10])

76.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

(Code of Iowa, Sec. 321.236[10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, Sec. 321.236[10])

3. Yield Right-of-way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Code of Iowa, Sec. 321.236[10])

76.10 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

76.11 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.12 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, Sec. 321.236[10])

76.13 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 which shall emit a white light visible from a distance of at least three hundred (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 which shall be visible from all distances from fifty (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 which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, Sec. 321.236[10])
76.14 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 the Code of Ordinances, allow the person’s bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.
CHAPTER 78

SKATES AND SKATEBOARDS

78.01 Use Prohibited in Central Business District
78.02 Pedestrians
78.03 Penalty

78.01 USE PROHIBITED IN CENTRAL BUSINESS DISTRICT. The use of skateboards, roller skates and in-line skates is prohibited upon the sidewalks and the traveled portion of streets in the C-1 and C-2 Districts, as designated on the official zoning map of the City.

78.02 PEDESTRIANS. Pedestrians upon the sidewalks shall have the right-of-way at all times over persons using skateboards, roller skates or in-line skates upon any sidewalk not prohibited in this chapter. Any person using or operating a skateboard, roller skates or in-line skates on any sidewalk shall turn off the sidewalk at all times when meeting or passing pedestrians.

78.03 PENALTY. The skateboard, roller skates or in-line skates of any person violating the provisions of this chapter may be impounded by the Police Chief for not less than five (5) days for a first offense, ten (10) days for a second offense and thirty (30) days for each additional offense thereafter. As used in this section, “impound” means that the Police Chief or any officer of the police department shall seize the skateboard, roller skates or in-line skates and hold the same in legal custody for the term required for a violation of this chapter.
[The next page is 415]
CHAPTER 80

ABANDONED VEHICLES

80.01  Definitions

For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:

A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) 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 twenty-four (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 twenty-four (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 ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-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. “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. 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. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties’ last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice 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. The notice shall also state that the 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 and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. 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. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-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. 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 ten-day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity 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 Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay three dollars ($3.00) if claimed within five (5) days of impounding, plus one dollar ($1.00) for each additional day within the reclaiming period plus towing charges, if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

(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 (2) 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 ninety (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])
[The next page is 431]
CHAPTER 90

WATER SERVICE SYSTEM

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 Connection to Public Water System and Use of Private Wells.

1. Definitions. For use in this section the following terms are defined:
A. “Contaminated area” means a point within an area that has groundwater contamination or that, in accordance with design models of the Iowa Department of Natural Resources, may become contaminated due to percolation of groundwater contamination in the vicinity of the well site.

B. “Human habitation or occupancy” means use of water in the plumbing system of a residence or business used or occupied by humans.

C. “Private well” means any groundwater well, except a monitoring well used as a part of a remediation system, used both for drinking water and for non-drinking water purposes, including a groundwater well which is not properly plugged in accordance with rules of the Iowa Department of Natural Resources.

2. Connections to the Public Water System. Except as otherwise provided herein, all residences and business establishments within the City using water for human habitation or occupancy shall connect to the public water system. Water is used for human habitation or occupancy if it is used in the plumbing system of a residence or a business occupied by humans.

3. Exceptions. A residence or business establishment within the City using water for human habitation or occupancy may obtain its water from a private well as follows:

A. Existing Wells. A well in existence on the effective date of the ordinance codified by this section (February 28, 2005) may continue to obtain water from a private well as follows:

(1) For irrigation of grass and landscape planting upon the property for so long as desired;

(2) For human habitation or occupancy until the date established at Section 90.03(3)(B)(4) herein.

B. New Wells. A well may be drilled only upon property that does not have access to the City water system within 200 feet of the property, and use of the well for human habitation or occupancy may continue until the date established at Section 90.03(3)(B)(4) herein.

(1) Permit. No person shall install or maintain a private well after the date of enactment of the ordinance codified by this section (February 28, 2005), or own or use a private well within the City after such date.

(2) Contaminated Area. Notwithstanding anything to the contrary which permits a private well to remain in existence within the City, no new private well shall be drilled nor shall repairs to an existing private well be made after the date of enactment of the ordinance codified by this section (February 28, 2005), if the well is located within a contaminated area.

(3) Variance. The City Council, upon recommendation of the Superintendent, may consider a variance or exception to this section on application to the City.
(4) Termination of Use of Existing Wells. The use of any private well not permitted to continue under this section shall cease and the well shall be plugged in accordance with rules of the Iowa Department of Natural Resources on July 1, 2007, or 90 days after the date the public water system is extended to within 200 feet of the affected property, whichever is later.

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 sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of 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 TAPPING FEES. The fee for tapping the main and laying the service pipe between the corporation stop and the curb valve shall be as follows:

1. For a ¾-inch connection:
   A. $400.00 inside City limits
   B. $1,500.00 outside City limits

2. For a 1-inch connection:
   A. $500.00 inside City limits
   B. $1,750.00 outside City limits

3. For each additional ¼ inch in excess of 1 inch:
   A. $150.00 inside City limits
   B. $300.00 outside City limits.

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code.

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

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

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

(Code of Iowa, Sec. 372.13[41])

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 (6) inches or less in diameter shall receive no larger than a ¾-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 eighteen (18) inches apart. No main shall be tapped nearer than two (2) 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 curb valve to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.
90.13 **FAILURE TO MAINTAIN.** When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.14 **CURB VALVE.** There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 **INTERIOR VALVE.** There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 **INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 **COMPLETION BY THE CITY.** Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the 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, and the plumber’s bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 **SHUTTING OFF WATER SUPPLY.** The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 **OPERATION OF CURB VALVE AND HYDRANTS.** It is unlawful for any person except the Superintendent to turn water on at the curb 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.

90.20 **WATER LINES NO LONGER IN USE.** The owner of every lot on which is installed a water service line which is in turn connected to the City water main shall, at the owner’s expense, cause the service line to be disconnected and removed to the property line and plugged in accordance with the City specifications if the building serviced is or has been previously demolished, removed, damaged beyond repair or abandoned, or if water service to the building serviced is permanently discontinued.
CHAPTER 91
WATER METERS

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 a plumber.

91.03 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. The full cost of any meter larger than two (2) inches 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 SEPARATE METER FOR OUTSIDE WATERING.
1. Installation. The installation of water meters and remote reading devices subject to the applicable provisions of this chapter for the purpose of measuring water used for irrigation, swimming pools, spas, ponds, yard and garden watering, or other uses where the water so used does not enter the sanitary sewer system is permitted and
no sewer service charge shall be made for water so used. The following regulations apply:

A. Any request for the installation of an irrigation meter shall be directed to the Superintendent.

B. The Superintendent shall review the request and make a determination that the separate line will not discharge into the sanitary sewer system of the City.

C. The outside watering meter shall be installed not more than two (2) feet from the prime meter and shall be installed parallel to the prime meter.

D. The outside watering meter setting must be made on the street side of the prime meter. The water lines must be separately valved and run directly to outside faucets.

E. Shut-off valves are required ahead of and after the irrigation meter and must be within one foot of the meter.

F. A backflow preventer (approved by the City) to protect against contamination of the water system must be installed after the irrigation meter.

G. The cost of the meter, shut-off valve, backflow preventer and installation shall be at the expense of the customer and shall be installed by a certified plumber and inspected by the Superintendent.

2. Service Restricted. In order to provide a fair and equitable program of outside water service, the following restrictions shall apply:

A. If a customer requests disconnection of an outside water service, a $25.00 disconnection fee shall be assessed. If a customer requests reconnection of an outside water service, a $50.00 reconnection fee shall be assessed.

B. During any period in which the City determines that it is necessary to conserve water, all outside water meter services shall be disconnected immediately. Disconnection will be completed by the City. Reconnection shall occur only when the water conservation period is over, as determined by the City. In the event of mandatory disconnection during water conservation periods, the fees as provided for in paragraph A shall be waived.

C. If at any time it is brought to the attention of the City that the customer is using the outside water meter to provide water for use in a building or such outside water enters the sanitary sewer system, the outside water meter shall be removed and the customer shall no longer be eligible for outside water service.

D. Any sign of meter tampering by the customer shall result in the immediate termination of outside water service.

3. Rates. Water service through outside water meters is subject to Chapter 92 of this Code of Ordinances. No sewer charge will be assessed to water usage through the outside meter.

91.10 TAMPERING WITH METERS. Any user or any person on behalf of a user who causes water provided by the City to be by-passed around and not through the City’s meters
and/or who alters the user’s water line, fixture, appliance or water meter so as to prevent the proper determination of water used shall be in violation of this chapter.

91.11 EXEMPTION.

1. Any user who has entered into a Sewer Tax Exemption Agreement or other agreement which exempts the user from the provisions of this chapter shall be exempt from the provisions of this chapter during the term of the agreement.

2. Any user who has obtained a building permit and where no water meter has yet been installed and whose building is not yet substantially completed in the opinion of the City shall be exempt from the provisions of this chapter.
[The next page is 443]
CHAPTER 92

WATER RATES

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

<table>
<thead>
<tr>
<th>METER SIZE</th>
<th>METER CHARGE</th>
<th>METER SIZE</th>
<th>METER CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch meter</td>
<td>$7.50</td>
<td>5/8 inch meter</td>
<td>$7.75</td>
</tr>
<tr>
<td>3/4 inch meter</td>
<td>$12.50</td>
<td>3/4 inch meter</td>
<td>$12.90</td>
</tr>
<tr>
<td>1 inch meter</td>
<td>$17.50</td>
<td>1 inch meter</td>
<td>$18.05</td>
</tr>
<tr>
<td>1½ inch meter</td>
<td>$25.50</td>
<td>1½ inch meter</td>
<td>$26.30</td>
</tr>
<tr>
<td>2 inch meter</td>
<td>$35.00</td>
<td>2 inch meter</td>
<td>$36.05</td>
</tr>
<tr>
<td>3 &amp; 4 inch meter</td>
<td>$45.00</td>
<td>3 &amp; 4 inch meter</td>
<td>$46.35</td>
</tr>
</tbody>
</table>

Plus $5.00 per 1,000 gallons of water Plus $5.15 per 1,000 gallons of water

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 following monthly rates:

1. $11.25 minimum meter charge, plus
2. $7.50 per 1,000 gallons of water.

No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)
1. Bills Issued. The Clerk’s office shall prepare and issue bills for combined service accounts on or before the 10th day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk within 20 days of the billing date of the same month.

3. Late Payment Penalty. Bills not paid by 5:00 p.m. on the due date shall be considered delinquent. A late payment penalty of 1.5% for the amount due on natural gas and 5% of the amount due on all other utilities shall be added to each delinquent bill.

4. Insufficient Funds Charge. A service charge in the amount of $25.00 shall be assessed to any customer whose check is not honored by the customer’s financial institution for any reason when presented. The service charge shall be in addition to the late payment penalty. If two or more checks are dishonored within a twelve-month period, the utility may require future payments to be by cash, cashier’s check or money order. Such cash, cashier’s check or money order payments will be maintained until the account has not been delinquent for twelve consecutive months.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk’s office shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance. If a 24-hour notice is posted at the property, the customer will be assessed a $15.00 disconnect fee.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Administrator’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 $25.00 during regular office hours or $50.00 after regular hours 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 premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)
92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord’s written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer a $100.00 deposit intended to guarantee the payment of bills for service. However, no deposit may be required if: (i) the applicant has previously established a good credit history with the City and whose twelve most recent bills from the City were timely paid; or (ii) written proof of an equivalent recent payment history from another water utility is received. Refunds will be given after 12 consecutive months of payments, with one forgiveness.

(Code of Iowa, Sec. 384.84)

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 fee of $25.00 during regular office hours or $50.00 after regular hours for 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.
[The next page is 461]
CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 Definitions. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20º) 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 (5) feet (1.5 meters) outside the inner face of the building wall.

3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

4. “Combined sewer” means a sewer receiving both surface run-off and sewage.

5. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal
of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.

14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.

18. “Sewer” means a pipe or conduit for carrying sewage.

19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

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.
CHAPTER 95 SANITARY SEWER SYSTEM

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.
   
   (Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner’s expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

   (Code of Iowa, Sec. 364.12[3f])
   
   (IAC, 567-69.1[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 & 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.
CHAPTER 96
BUILDING SEWERS AND CONNECTIONS

96.01 Permit. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner’s control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 Permit Fees. The person who makes the application shall pay a fee in the amount of $75.00 for residential and commercial customers, and $150.00 for industrial customers 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 plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewer chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the minimum sum of one thousand dollars ($1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of $1,000.00 may be filed with the City.

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

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.

2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
   A. Recommended grade at one-fourth (¼) inch per foot.
   B. Minimum grade of one-eighth (1/8) inch per foot.
   C. Minimum velocity of 2.00 feet per second with the sewer half full.
   D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the State Plumbing Code except that the
building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
C. Ductile iron water pipe – A.W.W.A. C-151.

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

11. Jointing. Fittings, type of joint, and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, grease sludge, sludge and sand interceptors shall be provided by filling stations, automobile wash racks, garages, schools, hospitals and other health care facilities, meat departments, restaurants and other facilities, when, in the opinion of the City Administrator or Public Works Director, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the State Plumbing Code, to be approved by the City Administrator or Public Works Director, and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the
owner’s expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made
at the “Y” branch, if such branch is available at a suitable location. If no properly located “Y”
branch is available, a saddle “Y” shall be installed at the location specified by the
Superintendent. The public sewer shall be tapped with a tapping machine and a saddle
appropriate to the type of public sewer shall be glued or attached with a gasket and stainless
steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a
manhole unless special written permission is received from the Superintendent and in
accordance with the Superintendent’s direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before
being covered shall be inspected and approved, in writing, by the Superintendent. As soon as
all pipe work from the public sewer to inside the building has been completed, and before any
backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect
and test the work as to workmanship and material; no sewer pipe laid under ground shall be
covered or trenches filled until after the sewer has been so inspected and approved. If the
Superintendent refuses to approve the work, the plumber or owner must proceed immediately
to correct the work.

96.09 PROPERTY OWNER’S RESPONSIBILITY. All costs and expenses incident to
the installation, connection and maintenance of the building sewer shall be borne by the
owner. The owner shall indemnify the City from any loss or damage that may directly or
indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer
lines whether located upon the private property of any owner or in the public right-of-way,
which construction or maintenance is in violation of any of the requirements of this chapter,
shall be corrected, at the owner’s expense, within thirty (30) days after date of official notice
from the Council of such violation. If not made within such time the Council shall, in addition
to the other penalties herein provided, have the right to finish and correct the work and assess
the cost thereof to the property owner. Such assessment shall be collected with and in the
same manner as general property taxes.

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

96.11 SEWER LINES NO LONGER IN USE. The owner of every lot on which is
installed a sewer service line which is in turn connected to the City sewer main shall, at the
owner’s expense, cause the service line to be disconnected and removed to the property line
and plugged in accordance with the City specifications if the building serviced is or has been
previously demolished, removed, damaged beyond repair or abandoned, or if sewer service to
the building serviced is permanently discontinued.

[The next page is 473]
CHAPTER 97

USE OF PUBLIC SEWERS

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.

3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) 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. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner’s expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 350 parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150º) F (65º 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 which may solidify or become viscous at temperatures between 32º F and 150º F (0º to 65º 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 (½) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies 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.
10. Unusual Wastes. Materials which exert or cause:
   A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
   B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
   C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
   D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES – POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing
facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner’s expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner’s expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods 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).
CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

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.

(IAC, 567-69.1[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.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

(Code of Iowa, Sec. 364.12[3f])
98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

98.09 MINIMUM LOT AREA. No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 20,000 square feet.
CHAPTER 99

SEWER USER CHARGE SYSTEM

99.01 USER CHARGE REQUIRED. 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 use in this chapter, the following terms are defined:

1. “Normal domestic wastewater” means wastewater that has a BOD$_5$ concentration of not more than 200 mg/l, a suspended solids concentration of not more than 200 mg/l and an ammonia nitrogen concentration of not more than 20 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 treatment 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 customer” means any customer whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

5. “Treatment works” means any devices and systems used 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; extensions, improvement, remodeling, additions and alterations thereof; 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 used for ultimate disposal of residues resulting from such treatment (including land used 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 storm water and sanitary sewer system.
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 SEWER UTILITY FUNDS ESTABLISHED. 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 OPERATION, MAINTENANCE AND REPLACEMENT FUND. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 99.06 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 quarterly from the operation, maintenance and replacement revenue in the amount of $11,515.00 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 SEWER USER CHARGES. Sewer user charges are established as follows:

1. Basis of Charge. 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.

2. Residential. For residential customers, monthly user charges will be based on the water usage for that month.

3. Industrial and Commercial. For industrial and commercial customers, user charges shall be based on water used during the current month. If a commercial or
industrial 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.

4. Minimum Charge. The minimum charge per month shall be $4.00 plus $4.50
per 1,000 gallons of water used.

5. Surcharge. (Reference is made to Appendix A of the ordinance codified in
this chapter, on file in the office of the Clerk.) For those customers who contribute
wastewater the strength of which is greater than normal domestic sewage, a surcharge
in addition to the normal user charge will be collected. The surcharge for operation
and maintenance including replacement is:

A. $0.25 per pound BOD
B. $0.11 per pound SS
C. $1.93 per pound Ammonia Nitrogen.

6. Added 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 intersection
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.

7. Applicability. The user charge rates established in this chapter apply to all
users of the City’s treatment works, regardless of their location.

99.07 PAYMENT OF BILLS. All sewer service charges are due and payable under the
same terms and conditions provided for payment of a combined service account as contained
in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in
accordance with the provisions contained in Section 92.05 if the combined service account
becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices
shall also apply in the event of a delinquent account.

99.08 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or
tenant thereof shall be jointly and severally liable for sewer service charges to the premises.
Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the
premises served and shall be certified by the Clerk to the County Treasurer for collection in
the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.09 REVIEW OF USER CHARGE SYSTEM. The City shall review the user charge
system at least every two (2) 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.
99.10 NOTIFICATION OF RATE CHANGE. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

[The next page is 485]
CHAPTER 100

STORM WATER UTILITY

100.01  PURPOSE. The purpose of this chapter is to establish a Storm Water Utility and to provide a means of funding the construction, operation and maintenance of storm water management facilities including, but not limited to, detention and retention basins, storm water sewers, inlets, ditches and drains, and cleaning of streets. The Council finds that the construction, operation and maintenance of the City’s storm and surface water drainage system should be funded through charging users of property that may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

100.02  DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. “Connection” means the physical act or process of tapping a public storm water sewer or drainage line, or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.

2. “Customer” means, in addition to any person receiving storm 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. “Storm and surface water system” means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of the storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

4. “User” means any person who uses property that maintains connection to, discharges to, or otherwise receives services from the City for storm water management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.

5. “Unit” means each household, each place of commerce, education, government, religion, or each industry, whether in a single building on a single lot or in a multiple-use building on a single lot or multiple lot complex. Each unit shall be charged individually, but where the complex is billed under one combined service
account, the recipient of that bill shall be deemed the user and receive the total combined storm water drainage system district charge for that complex.

100.03 STORM WATER SYSTEM DISTRICT ESTABLISHED. Pursuant to the authority of Section 384.84(5) of the Code of Iowa, the entire City is hereby declared a Storm Water System District for the purpose of establishing, imposing, adjusting and providing for the collection rates for the operation and maintenance of storm water management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water System District.

(Code of Iowa, Sec. 384.84[5])

100.04 RATES. Each customer shall pay for storm and surface water system service provided by the City. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each residential, commercial, and industrial customer within the City. The Council may adopt rules, charges, rates and fees for the use of the City’s storm and surface water system, and for services provided by the City relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City’s system, the costs of bond repayment, regulation, administration and services of the City. The rates for the foregoing functions shall be collected by imposing a monthly rate of $3.00 on every City residential unit, $7.00 on every commercial/governmental/religious unit, $15.00 on every school unit, $15.00 on all hospitals, nursing homes and assisted living facilities, and $10.00 on every industrial unit. Agricultural use and vacant lots are exempt from the requirements of this chapter.

100.05 PAYMENT OF BILLS. All Storm Water System district 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.

100.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the storm water management facilities. The City will follow its current policy and any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

[The next page is 501]
CHAPTER 105

SOLID WASTE CONTROL

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

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

1. “Collector” means any person authorized to gather solid waste from public and private places.

2. “Discard” means to place, cause to be placed, throw, deposit or drop.

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

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

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

   (IAC, 567-100.2)

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

   (IAC, 567-20.2[455B])

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

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

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

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

   (IAC, 567-100.2)

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.

(IAC, 567-20.2[455B])

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

(IAC, 567-100.2)

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

(IAC, 567-100.2)

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

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

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

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

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

(Code of Iowa, Ch. 657)

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

105.05 OPEN BURNING RESTRICTED. It is unlawful for any person, alone or in conjunction with others, to dispose of or participate in the disposal of any paper, cardboard, cartons, furniture, waste, garbage, tires or any other non-organic material by fire within the corporate limits of the City. The following restrictions also apply to burning:

1. Burning Prohibited. Burning of leaves, grass clippings, pine needles, garden waste, brush, sticks, branches, trees, shrubs and other similar organic debris is prohibited.

2. Exemptions. This section does not apply to the following:
A. Cooking. Outdoor charcoal or wood broiler grills, fireplaces and chimneys burning untreated wood or charcoal, used only for the preparation of food for social activities. It is unlawful for these installations to be utilized for the disposal of any other objects, material or matter by fire.

B. Recreational Fires. A controlled fire of untreated wood or coal for enjoyment of family, religious, educational or other similar organizations when application for exemption is made upon forms approved by the City Administrator and approved by the Council.

C. Storm Debris. Disposal of waste occurring by reason of severe storm or other community disaster declared to be an emergency by resolution of the Council. The type of waste, the manner in which it may be disposed of and the period of time for disposal shall be specified by resolution.

D. Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

E. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources and provided that the DNR receives notice in writing at least one week before such action commences.

3. Open Burning Permitted. Any open burning permitted under this section shall be further restricted and only allowed between October 1st and November 15th and April 15th and May 15th. Open burning will be allowed between the hours of 9:00 a.m. to 7:00 p.m. Monday through Saturday. There will be no open burning allowed on Sunday. Any open burning permitted under this section shall be further restricted where permitted to times when the wind as determined by the Sac City Airport is less than twenty miles per hour (20 mph) including any gust of wind. Any burning when the winds and gusts exceed 20 mph is in violation and is subject to penalties and other regulations contained within this Code of Ordinances.

4. Violation and Enforcement. A violation of this section shall be a misdemeanor and shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable and fined accordingly. For the purpose of determining the amount of the fine, each day that a violation of this section occurs or is committed by the same person during a two-year period shall constitute a separate offense. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to issue a civil infraction for any violation of this section and shall be entitled to any fines, injunctive relief and other remedies allowed by the City under the civil infraction provisions of the Code of Iowa. For purposes of enforcement by way of civil infraction proceedings, a violation of this section shall be declared a public nuisance enforceable through the provisions contained in Chapter 50 of this Code of Ordinances.

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 on the premises or placed in lawn and leaf bags with a capacity of 40 gallons or less with an attached yard waste tag and set out for collection and disposal by the City. The City provides removal of leaves, grass clippings, pine needles, garden waste and
other similar organic debris all year long. Residents are responsible for purchasing yard waste tags from the City. Residents may also take yard waste to the City landfill free of charge. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter on or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

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

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

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

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)
(IAC, 567-102.13[2] and 400-27.14[2])

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

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

   A. Residential. Residential waste containers, whether they are reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container.Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

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

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

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

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

5. Yard Waste. Yard waste collected by the City shall be placed and maintained in lawn and leaf bags of 40 gallons or less and shall be collected from residences twice a month on the first and third Mondays and must be placed where normal garbage pickup is made. Only bags that have attached the yard waste tags bought from the City will be picked up.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.
[The next page is 511]
CHAPTER 106
COLLECTION OF SOLID WASTE

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

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

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

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

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

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

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

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

   A. Residential Service.
(1) Base Rate. For each residential premises and for each dwelling unit of a multiple-family dwelling – $10.50 per month

(2) Tag System. For each tag – $.40. Each tag allows the pickup and disposal of a thirty-gallon or less trash bag or container. Containers larger than 30 gallons shall require one tag for each 30 gallons or part thereof.

(3) Recycling. For recycling, sorting and transportation of recyclable materials, for each residential premises and for each dwelling unit of a multiple-family dwelling – $3.50 per month.

B. Commercial, Industrial and Institutional Premises.

(1) Solid Waste Collection. Rate is based on the amount of time and weight at the current average minute rate for commercial customers (.6059) plus a tonnage charge ($37.40) with a minimum bill of $18.91 per month.

(2) Recycling. For recycling, sorting and transportation of recyclable materials, for each commercial, industrial and institutional organization – $4.25 per month.

C. Special Pickups. The fee for a special garbage pickup will be based on the amount of time and weight at the current average minute rate (.4708) and current landfill tonnage charge ($34) with a minimum of $12.00.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.08 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)
CHAPTER 110

GAS UTILITY

110.01  Purpose

The purpose of this chapter is to provide for the operation of the municipally owned gas system.

110.02  Policy Direction

The Mayor and Council shall establish appropriate rules and regulations governing the operation and maintenance of the gas system.

110.03  Superintendent

The City Administrator shall appoint, with the approval of the Council, a Superintendent who shall be responsible for execution of policies governing the system as established by the Council.

110.04  Service Rules and Regulations

The rules and regulations for gas service are contained in the “Municipal Gas Utility of the City of Sac City Tariff,” on file with the Utilities Division of the Iowa Department of Commerce. Also, an official copy of the rules and regulations as adopted is now on file in the office of the Clerk. The rules and regulations contained therein shall apply to all users of the municipal gas system.

110.05  Rates

The rates for gas service shall be as follows:

1. Residential, Commercial and Industrial Rate:
   Meter Charge..........................................................$ 8.50 (minimum)
   First 10,000 CF per month .....................................$ 1.40000 per 100 cubic feet
   Next 40,000 CF per month .................................$ 1.39500 per 100 cubic feet
   Balance per Month ...............................................$ 1.39250 per 100 cubic feet

2. Interruptible Rate:
   Meter Charge..........................................................$ 8.50 (minimum)
   Class I - 700,000 cubic feet to 7,500,000 cubic feet per year ........................................$ 1.38800 per 100 cubic feet
   Class II – 7,500,000 cubic feet to 15,000,000 cubic feet per year ........................................$ 1.38550 per 100 cubic feet
   Class III – Over 15,000,000 cubic feet per year...$ 1.37400 per 100 cubic feet

110.06  Automatic Rate Adjustment

Rates for service provided above shall be adjusted in the manner and method established for sliding scale or automatic adjustment of rates and charges as provided in the tariff on file with the Utilities Division of the Iowa Department of Commerce. Adjustments made hereunder shall be approved by resolution of the Council, which resolution shall be set out in the published proceedings of the Council.
CHAPTER 111
ELECTRIC FRANCHISE

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 nonexclusive franchise to acquire, construct, erect, maintain and operate in the City a system for the transmission and distribution of electric energy 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 the Council approval upon application by the Company. The franchise shall be effective for a 15-year period from and after the effective date of the ordinance codified in this chapter, provided however, that there may be a reevaluation prior to the end of year 7, with the opportunity for the City to request amendments. If the City does not request such reevaluation by means of a written notice to the Company during the last 60 days of year 7, the franchise will continue as approved for the remaining 8 years. If a request to amend the franchise is submitted and the parties are unable to agree to amend the franchise, the the franchise may be terminated by the City.

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 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, or City-owned natural gas, water, sewer and other utilities as may be in the future operated or acquired by the City and which have been or may hereafter be located by authority of the City. The Company shall not locate any new electrical distribution facilities within the City in the public right-of-way without prior approval 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 ground to maintain electric reliability, safety or 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. Prior to any pruning or removing trees in City parks by the Company or its contractors, the Company shall notify and, if possible, consult with the City Administrator to determine a plan that fulfills to

† EDITOR’S NOTE: Ordinance No. 2005-172, adopting an electric franchise for the City, was passed and adopted on May 9, 2005.
the maximum extent practicable the needs of the Company to maintain the reliability of its system and the needs of the City to maintain vegetation in its park areas.

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 consider but is not obligated to 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 consider but is not obligated to select the route that requires the other franchisees or users to relocate.

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 in compliance with the right-of-way restoration ordinances now or hereafter enacted by the City.

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, or allegedly 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 UNDERGROUND FACILITIES. Construction of distribution facilities to serve newly platted residential subdivisions shall be underground, unless Company encounters natural conditions or other similar barriers that cause underground construction to be impractical. Where practical and in compliance with Iowa Utilities Board-approved tariffs, new construction will be underground.

111.09 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.

111.10 ASSIGNMENT OF FRANCHISE. The franchise shall apply to and bind the City and Company, their successors and assigns; provided, any assignment by the Company shall be subject to the approval of the Council by resolution, which shall not be unreasonably withheld, except that no consent is required for any assignment or transfer by merger, consolidation or reorganization. The City shall have 60 days from the effective date of the assignment to adopt the resolution. If the City fails to adopt a resolution affirming the assignment during the 60-day period, the assignment shall be deemed approved. If the
resolution rejects the assignment, the City may request that the franchise be amended. If such a request is made and the parties cannot agree to amend the franchise, the City may terminate the agreement 180 days following written City notification to the Company rejecting the assignment and requesting amendments to the franchise. The Company shall provide notice to the City in the event of a merger, consolidation or reorganization.

111.11 **FRANCHISE FEE.** The City reserves the right to impose a franchise fee pursuant to the Code of Iowa. The franchise fee shall only be imposed following a public hearing and adoption of an ordinance authorizing said franchise fee. The City shall work with the Company to develop a methodology and timeline to implement the franchise fee.
CHAPTER 112

TELEPHONE FRANCHISE

112.01 FRANCHISE GRANTED. Frontier, a corporation (the “Grantee”), its lessees, successors and assigns are hereby granted the nonexclusive franchise, right and privilege for a period of twenty (20) years from and after the adoption of the ordinance codified in this chapter,† provided that after the first 10 years the Council shall review the service provided by the Grantee for adequacy. If it is determined that service has been adequate, the second 10 years shall automatically be granted by the Council. If service has not been adequate as determined by the Council, the Grantee’s franchise shall terminate immediately. The franchise will allow the Grantee to use the streets, alleys, bridges and other public places of the City for the purpose of erecting, maintaining and operating a telephone system, including all necessary appurtenances, and to use jointly or otherwise the property of other companies and permit other companies to use its property under such arrangements as such companies and the Grantee may agree upon.

112.02 LOCATION OF POLES. The location of poles by the Grantee under authority of this chapter shall be subject to the supervision of the Street Commissioner or such other official as the Council may designate. All poles shall be neat and symmetrical and be so located as to minimize interference with the safety or convenience of persons traveling the streets, alleys, bridges and other public places.

112.03 REPAIR OF SIDEWALK OR STREET PAVEMENT. The Grantee shall properly repair or replace any sidewalk or street surface which may be displaced or damaged by it in the erection and maintenance of its telephone system. Upon the failure of the Grantee to do so and after twenty (20) days’ notice in writing given by the Mayor to the Grantee, the City may repair or replace such portion of the sidewalk or street surface as may have been disturbed by the Grantee and collect the costs so incurred from the Grantee.

112.04 SURETY BONDS. Upon acceptance by the Grantee of a franchise contract under the conditions of this chapter and before the Grantee shall have any rights hereunder, the Grantee shall file with the clerk, for the benefit of the City, a corporate bond in the sum of $10,000, conditioned upon the Grantee’s compliance in all respects with the terms, provisions and conditions of this chapter.

112.05 UNDERGROUND FACILITIES. The Grantee hereby agrees that any new lines or lines replaced whenever possible will be underground and maintained in accordance with the National Electric Safety Code, as amended from time to time. The Grantee agrees to provide a map showing the location of all buried cable now and in the future in the Sac City exchange.

† EDITOR'S NOTE: Ordinance No. 1989-80, adopting a telephone franchise for the City, was passed and adopted on June 30, 1989.
112.06  FRANCHISE SUBJECT TO AUTHORITY OF CITY. The Grantee agrees for and on behalf of itself, its lessees, successors and assigns that all authority and rights granted in this chapter shall be subject to all rights, powers and authority now or hereafter possessed by the City to regulate, control and direct or otherwise by ordinance or resolution legislate concerning the exercise of the franchise herein granted and concerning the manner in which the Grantee shall use the streets, alleys, bridges and other public places of the City.
CHAPTER 113
CABLE TELEVISION FRANCHISE AND REGULATIONS

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

1. “Basic cable service” means the tier of service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.

2. “Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment or other communications equipment that is designed to provide cable service and other service to subscribers.

3. “Grantee” means Mediacom or the lawful successor, transferee or assignee thereof.

4. “Gross revenues” means the monthly cable service revenues received by the Grantee from subscribers of the cable system; provided, however, such phrase does not include: (i) revenues received from national advertising carried on the cable system; or (ii) any taxes on cable service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency and which are collected by the Grantee on behalf of such governmental unit or agency.

5. “Public right-of-way” means the surface of, and the space above and below any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive or circle, including (but not limited to) public utility easements or dedicated utility strips dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City in the service area which shall entitle the City and the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the cable system.

113.02 Grant. The City hereby grants to the Grantee a nonexclusive franchise to construct and operate a cable system in, along, among, upon, across, above, over, under or in any manner connected with public right-of-ways within the City and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across or along any public right-of-way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments and other related property or equipment as may be necessary or
appurtenant to the cable system. With respect to City parks, the Grantee shall not conduct aerial construction without express written consent of the City.

113.03 TERM. The franchise granted pursuant to the ordinance codified in this chapter shall be for an initial term of fifteen (15) years from its passage and final adoption and publication as required by law.

113.04 CONDITIONS OF STREET OCCUPANCY. All transmissions and distribution structures, poles, lines and equipment installed or erected by the Grantee pursuant to the terms hereof shall be so located that under normal use of those public right-of-ways not to cause interference with the proper use of public right-of-ways, and with the rights and reasonable convenience of property owners who own property which adjoins any of said public right-of-ways.

113.05 RESTORATION OF PUBLIC RIGHT-OF-WAYS. If during the course of Grantee’s construction, operation or maintenance of the cable system there occurs a disturbance of any public right-of-way by the Grantee, the Grantee shall, at its own expense, replace and restore such public right-of-way to a condition reasonably comparable to the condition of the public right-of-way existing immediately prior to such disturbance, and subject to approval of the City.

113.06 SAFETY REQUIREMENTS. Construction, installation and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable Federal Communications Commission or other Federal, State and local regulations. The cable system shall not unreasonably endanger or interfere with the safety of persons or property in the City.

113.07 SERVICE TO PUBLIC BUILDINGS. The Grantee shall provide without charge one outlet of cable service, excluding pay channels, to the City buildings, City library, recreational center, the old library building, and all public schools.

113.08 FRANCHISE FEE. The Grantee shall pay to the City a franchise fee of two thousand dollars ($2,000.00) per year, not to exceed five percent (5%) of gross revenues. The franchise fee is due and payable 90 days after the close of each calendar year.

113.09 RENEWAL OF FRANCHISE. The City and the Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Grantee’s franchise shall be governed by and comply with the provisions of the Cable Communications Policy Act of 1984, as amended.

113.10 TRANSFER OF FRANCHISE. The Grantee’s right, title or interest in the franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an entity controlling, controlled by or under common control with Grantee, without the prior consent of the City, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of the Grantee in the franchise or cable system in order to secure indebtedness.

† EDITOR’S NOTE: Ordinance No. 1993-109, adopting a telephone franchise for the City, was passed and adopted on June 28, 1993.
113.11 INSURANCE REQUIREMENTS. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, Comprehensive General Liability Insurance in the amount of $1,000,000 combined single limit for bodily injury and property damage. The Grantee shall provide a certificate of insurance designating the City as an additional insured. Such insurance shall be non-cancelable except upon 30 days’ prior written notice to the City.

113.12 NOTICE OF VIOLATION. In the event that the City believes that the Grantee has not complied with the terms of the franchise, it shall notify Grantee of the exact nature of the alleged noncompliance. Grantee shall have 30 days from receipt of the notice to respond to the City to cure such default or, in the event that, by the nature of default, such default cannot be cured within the 30-day period, to initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

113.13 ACTS OF GOD. The Grantee shall not be held in default or noncompliance with the provisions of the franchise or suffer any enforcement or penalty relating thereto where such noncompliance or alleged defaults are caused by strikes, acts of God, power outages or other events reasonably beyond its ability to control. In the event of a power outage caused by events beyond the Grantee’s ability to control, the Grantee will attempt to restore service within a reasonable time.

113.14 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the City or Grantee shall be in writing and shall be deemed to have been duly given to the required party five business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a post office or branch thereof regularly maintained by the U.S. Postal Service. The City and Grantee may designate such addresses from time to time by giving notice to the other.

113.15 SCHEDULE OF RATES AND CHARGES. At the request of the City, the Grantee shall file with the CTV Committee a full schedule of all its charges to be paid by subscribers.

113.16 EQUAL PROTECTION. In the event the City enters into a franchise, permit, license, authorization or other agreement of any kind with any other person other than the grantee, to enter into the City’s streets and public right-of-ways for the purpose of constructing or operating a cable system or providing cable service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another and to provide all parties equal protection under the law.
[The next page is 545]
CHAPTER 114

REGULATION OF CABLE TELEVISION RATES

114.01 AUTHORITY. The City has the legal authority to administer and shall enforce against any non-municipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission (FCC), concerning Cable Rate Regulation, 47 C.F.R. §§76.900 et. seq., as they currently read and hereafter may be amended, which are herewith incorporated by reference.

114.02 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted hereunder shall provide a reasonable opportunity for consideration of the views of any interested party, including but not limited to, the City or its designee, the Cable Operator, subscribers, and residents of the franchise area. In addition to all other provisions required by the laws of the State of Iowa and by the City, and in order to provide for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

1. The City shall publish notice as provided in Section 362.3 of the Code of Iowa and shall mail, by certified mail, to the Cable Operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.

2. The public notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the Rules and Regulations of the FCC; and that the decision of the City is subject to review by the FCC.

3. The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increases are reasonable. The City may delegate the responsibility to conduct the proceeding to any duly qualified and eligible individual or entity. If the City or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may announce the effective date of the proposed rates for an additional period of time as permitted by the FCC Rules and Regulations, and issue any other necessary or appropriate order and give public notice accordingly.

4. In the course of the rate regulation proceeding, the City may request additional information from the Cable Operator that is reasonably necessary to determine the reasonableness of the basic service tier rates and equipment charges. Any such additional information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person’s knowledge, information and belief formed after reasonable inquiry.
5. The City may request proprietary information, provided that the City shall consider a timely request from the Cable Operator that said proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, said proprietary information may be used only for the purpose of determining the reasonableness of the rates and charges or the appropriate rate level based on a cost-of-service showing submitted by the Cable Operator.

6. The City may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the State of Iowa and by the City to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents, and deposition.

7. Upon termination of the rate regulation proceeding, the City shall adopt and release a written decision as to whether or not the rate or proposed rate increase is reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription, and refunds.

8. The City may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.

9. Consistent with FCC Rules and Regulations, the City’s decision may be reviewed only by the FCC.

10. The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person’s knowledge, information and belief formed after reasonable inquiry.

114.03 CERTIFICATION. The City shall file with the FCC the required certification form (FCC Form 328) on September 1, 1993, or as soon thereafter as appropriate. Thirty days later, or as soon thereafter as appropriate, the City shall notify the Cable Operator that the City has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges.

114.04 NOTICE OF RATE CHANGE. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, and over which the City is not empowered to exercise rate regulation, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

114.05 DELEGATION OF POWER. The City may delegate its powers to enforce this chapter to municipal employees or officers (the “cable official”). The cable official will have the authority to:

1. Administer oaths and affirmations;
2. Issue subpoenas;
3. Examine witnesses;
4. Rule upon questions of evidence;
5. Take or cause depositions to be taken;
6. Conduct proceedings in accordance with this chapter;
7. Exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
8. Hold conferences for the settlement or simplification of the issues by consent of the parties; and
9. Take actions and make decisions or recommend decisions in conformity with this chapter.
[The next page is 551]
CHAPTER 115

CABLE TELEVISION
CUSTOMER SERVICE STANDARDS

115.01  ENFORCEMENT OF CUSTOMER SERVICE STANDARDS. The City has the legal authority to adopt and enforce customer service standards for the cable television system in the City as permitted by the Cable Television Consumer Protection and Competition Act of 1992. Upon review of the customer service standards adopted by the FCC on March 11, 1993, by MM Docket No. 92-263 of the FCC, and deeming it in the best interests of the City, the Council hereby adopts by reference the above mentioned customer service standards for cable television service.

115.02  NOTIFICATION. The Clerk shall notify the Cable Operator by registered mail with return receipt that the City has adopted said customer service standards for cable television service, to become effective upon written notification to cable operator.

115.03  RULES AND PROCEDURES. The Council shall establish rules and procedures regarding the process to remedy possible violations of the customer service standards by the Cable Operator. The Council shall provide for notice and opportunity for hearing for both the customers and the Cable Operator in such process.

115.04  PENALTY. If after notice and opportunity for hearing, the City determines that the Cable Operator is not in complete compliance with all the provisions of the customer service standards, the Cable Operator shall reduce the rate for the basic tier of cable service by twenty percent (20%) until such time that the City has been satisfied that the Cable Operator is in compliance with all the provisions of the customer service standards. In addition, the Cable Operator shall pay to the City the sum of $100.00 for each day that the Cable Operator fails to be in compliance with all the provisions of the standards after the date that the Council has passed a resolution stipulating the sections where the Cable Operator is in noncompliance.
[The next page is 575]
CHAPTER 116

CEMETERY

116.01  DEFINITION.  The term “cemetery” means the Oakland Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the Code of Iowa and which shall be operated under the provisions of Chapter 523I of the Code of Iowa and this chapter.

(Code of Iowa, Sec. 523I.501)

116.02  TRUSTEESHIP.  Pursuant to Section 523I.502 of the Code of Iowa, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.502)

116.03  CEMETERY MAINTENANCE.  The Public Works Department shall be in charge of the care and maintenance of the cemetery and shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

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

116.04  RECORDS.  It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.
   A. The name and last known address of each owner or previous owner of interment rights.
   B. The date of each purchase or transfer of interment rights.
   C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.

2. Interments.
   A. The date the remains are interred.
   B. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.
   C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

116.05  SALE OF INTERMENT RIGHTS.  The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of
the Code of Iowa. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

(Code of Iowa, Sec. 523I.310)

116.06 PERPETUAL CARE. The Council, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Council, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the Code of Iowa.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

116.07 CEMETERY LOTS WITHOUT PERPETUAL CARE. Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the City of the perpetual care charges at the rates specified in the rules and regulations.

116.08 ANNUAL CARE. An annual care charge as specified in the rules and regulations shall be made by the City on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The City reserves the right to refuse to furnish maintenance service, or to permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lot has not been paid in advance.

116.09 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery’s obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the Code of Iowa, or a resident of the State who served in the armed forces of the United States, completed a minimum aggregate of ninety days of active Federal service and was discharged under honorable conditions, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery.

(Code of Iowa, Sec. 523I.304)

116.10 HOURS. The hours for Oakland Cemetery will be from 5:30 a.m. to ½ hour after sunset. The cemetery shall be considered closed from ½ hour after sunset until 5:30 a.m. No person shall drive into or otherwise enter Oakland Cemetery when the cemetery is closed.

[The next page is 601]
CHAPTER 120
LIQUOR LICENSES AND WINE AND BEER PERMITS

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 & 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 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, 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 or permit for any premises which 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 the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

(Code of Iowa, Sec. 123.32[2])

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person’s or club’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 liquor, wine or beer.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense...
alcoholic liquor, beer or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class “B” beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year’s Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year’s Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer 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 eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine 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 or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(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 which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which 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 which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2l])
120.06 AMUSEMENT DEVICES.

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

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

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

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

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.
CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions. For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.

5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.

6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 Permit Required.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business.
The permit shall, 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. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.  

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked or expired, the retailer shall not sell any cigarettes or tobacco 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 (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.  

(Code of Iowa, Sec. 453A.13 & 453A.47A)

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

(Code of Iowa, Sec. 453A.13 & 453A.47A)

<table>
<thead>
<tr>
<th>FOR PERMITS GRANTED DURING:</th>
<th>FEE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>July, August or September</td>
<td>$75.00</td>
</tr>
<tr>
<td>October, November or December</td>
<td>$56.25</td>
</tr>
<tr>
<td>January, February or March</td>
<td>$37.50</td>
</tr>
<tr>
<td>April, May or June</td>
<td>$18.75</td>
</tr>
</tbody>
</table>

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.  

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars ($300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) or the retailer’s permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer’s permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer’s permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four (4) years, the retailer’s permit shall be revoked.

The Clerk shall give ten (10) days’ written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)
CHAPTER 122
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose
122.11 Revocation of License
122.02 Definitions
122.12 Notice
122.03 License Required
122.13 Hearing
122.04 Application for License
122.14 Record and Determination
122.05 License Fees
122.15 Appeal
122.06 Bond Requirements
122.16 Effect of Revocation
122.07 License Issued
122.17 Rebates
122.08 Display of License
122.18 License Exemptions
122.09 License Not Transferable
122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction

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

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.

3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 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, physical description and a recent photograph. 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. An application fee of twenty-five dollars ($25.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.
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 one hundred dollars ($100.00) per year.

2. Peddlers or Transient Merchants.
   A. For one day ........................................ $ 50.00
   B. For one week ..................................... $ 100.00
   C. For up to six (6) months ......................... $ 200.00
   D. For one year or major part thereof ........... $ 300.00

122.06 BOND REQUIREMENTS.

1. 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.

2. Before any license is issued pursuant to this chapter, the applicant shall file with the Clerk a bond, cashier’s check or U.S. currency payable to the City in the sum of $1,000.00, executed by the applicant, as principal, and two sureties upon which process may be made in the State. Said bond, cashier’s check or currency shall be approved by the City Attorney, conditioned that the said applicant shall comply fully with the regulations set forth in this chapter, and with the statutes of the State regulating and concerning the sale of good, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinance or statute, together with all judgments and costs that may be recovered against the applicant by any person for damage growing out of any misrepresentation or deception practiced on any persons transacting business with such applicant, whether said misrepresentation or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or calculated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the City to the use of the aggrieved person. The bond, cashier’s check or currency will be held for a period of one year by the City, commencing on the date the applicant’s application expires. At the end of one year with no judgments against the said bond, cashier’s check or currency, the sum of $1,000.00 will be returned to the applicant upon written request of the applicant.

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 6:00 p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under 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.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee’s local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such 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.

122.13 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.

122.14 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.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. 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.

122.16 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.

122.17 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 five dollars ($5.00) of the original fee shall be retained by the City to cover administrative costs.
122.18 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 Sac Community School District conducting projects sponsored by organizations recognized by the school.

5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.

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

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A 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 in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, 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 122.15 of this chapter.
CHAPTER 123

HOUSE MOVERS

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 three hundred (300) square feet are exempt from the provisions of this chapter.

123.03  APPLICATION.  Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04  BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars ($5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05  INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – $50,000 per person; $100,000 per accident.
2. Property Damage – $50,000 per accident.

123.06  PERMIT FEE. A permit fee of fifty dollars ($50.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.
123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder’s bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 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.

[The next page is 621]
CHAPTER 124
ALARMS

124.01 Definitions. The following terms are defined for use in this chapter:

1. “Alarm agent” means any person employed by an alarm business whose duties include the altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to an emergency alarm system, or who causes any of these activities to take place.

2. “Alarm business” means any business operated by a person for profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, or responding to an emergency alarm system or causing any of these activities to take place.

3. “Alarm coordinator” means the individual designated by the Police Chief to administer the provisions of this chapter.

4. “Annunciator” means the instrumentation of an alarm console at the receiving terminal of a signal line which, through both visual and audible signals, shows when an alarm device at a particular location has been activated.

5. “Automatic dialing device” refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

6. “Central station monitored system” means a system in which the operation of electrical protection circuits and devices is signaled automatically to, recorded in and supervised from a central station having trained operators in attendance at all times.

7. “Direct connect system” means an alarm system which has the capability of transmitting alarm signals, via leased telephone lines, to an alarm annunciator at an agency maintained by the City.

8. “Emergency alarm system” means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention of the Police Department.

9. “Equipment supervising device” refers to any device utilizing an alarm system to signal the existence of a situation or condition not directly related to the detection of an intrusion, or any hazard to which a tax-supported emergency service would not ordinarily be expected to respond.

10. “False alarm” means the activation of an alarm system caused by mechanical or electronic failure, improper installation, equipment malfunction or the negligence of the user or operator, except the following shall not be considered false alarms:
A. Alarms caused by the malfunction or failure of the monitoring equipment located at a tax-supported dispatch facility.

B. Alarms caused by damage to, or by the testing or repair, by the telephone company of telephone equipment or lines.

C. Alarms caused by an extraneous accident or an act of God such as earthquakes, flood or violent windstorm.

D. Alarms intentionally caused by the resident, owner, or employee acting under the sincere belief that a need exists to call for emergency service.

E. Alarms followed by an immediate call or signal to the dispatching center canceling the alarm; such call having been made prior to the arrival of the emergency service.

11. “Local alarm systems” refers to a signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

12. “Medical alert” means a device attached to the alarm system for the express purpose of summoning emergency medical help.

13. “Primary trunk line” means a telephone line leading directly into a communications center that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory.

14. “Proprietary alarm system” means an alarm system sounding and/or recording alarm and supervisory signals at a control center under the supervision of the proprietor of the protected premises with the intent of tax-supported emergency services.

15. “Secondary trunk line” means a telephone line leading into the Sac City Police Department that is identified by a specific listing in the telephone directory for handling administrative and other calls on a person-to-person basis.

16. “Special trunk line” means a telephone line leading into the dispatching center having the primary purpose of handling emergency services or messages originating from automatic dialing devices.

124.02 ALARM USER PERMITS.

1. Every alarm user shall obtain from the Clerk a non-transferable alarm user permit for each alarm system, excluding proprietary alarm systems, that such person operates within the City. There shall be a $10.00 permit fee for the first calendar year for which a permit is obtained for an alarm system, except permits issued after June 1 of a renewal fee for an alarm user permit shall be $5.00. All alarm user permits will expire on December 31 of each year.

2. Alarm systems in service at the time of the effective date of the ordinance codified in this chapter are exempt from the payment of the initial permit fee for alarm user permits but will be subject to renewal fees.

3. The alarm user applying for an alarm user permit shall state on a permit application form, the user’s name, the address of the residence or business or businesses upon which the alarm system has been or will be installed, the user’s telephone number, the alarm business or businesses selling, installing, monitoring,
inspecting, responding to, and/or maintaining the alarm system and the name and telephone number of at least one other person who can be reached at any time who is authorized to respond to an alarm signal and who can open the premises in which the system is installed.

4. The information contained in an alarm user permit application and other information received by the City from an alarm user or authorized agent shall be maintained in confidence by the City to the degree permitted by applicable State and Federal law. The information is restricted to inspection only by the Police Chief, the alarm coordinator, or employees specifically assigned the responsibilities of handling and processing alarm user permits in the course of their official duties.

124.03 EXEMPTIONS. The City of Sac City and all alarm users who in cooperation with the Sac City Police Department control an alarm system owned by the Sac City Police Department shall not be subject to the terms and conditions of this chapter. Other government agencies are subject to this chapter with the exception of permit fees and fines.

124.04 AUTOMATIC DIALING SYSTEMS. No unauthorized automatic dialing devices shall be interconnected to any trunk lines with the Sac City Police Department. All such devices interconnected to the Sac City Police Department shall be disconnected by the owner or lessee of such device.

124.05 LOCAL ALARM SYSTEMS. All emergency alarm systems equipped with any exterior sound-producing device shall be equipped with a timing device which limits the operation of an exterior sound-producing device to fifteen (15) minutes.

124.06 EQUIPMENT SUPERVISION DEVICES. No person shall connect an alarm supervision or managing device to an alarm system which will cause the response to be a tax-supported emergency service.

124.07 OPERATIONAL REQUIREMENTS.

1. All systems installed after the effective date of this chapter, excluding proprietary systems, must be so installed, that if the main source of power fails, the system will not cause a false alarm, due to power failure, within four (4) hours.

2. Previously installed alarm systems must be so modified that if the main source of power fails, the system will not cause a false alarm, due to power failure, within four (4) hours.

3. All systems installed after the effective date of this ordinance must have a means to test the detection circuits prior to arming.

124.08 SUSPENSION OF ALARM USER PERMITS. The following limits are established for each alarm system:

1. Upon receipt of the third false alarm within a calendar month, a warning notice shall be issued by the alarm coordinator to the alarm user. Upon any additional false alarms, a causation report must be filed with the alarm coordinator by the alarm user within ten (10) days of the alarm.
2. Upon receipt of the fourth false alarm within a calendar month, the alarm user shall be subject to the following service fees to be paid to the city clerk within ten (10) days after notice that it is due:

- 4th false alarm ....................... $ 25.00
- 5th false alarm ....................... $ 25.00
- 6th false alarm ....................... $ 25.00
- 7th false alarm ....................... $ 25.00
- 8th false alarm ....................... $ 25.00
- 9th false alarm ....................... $ 25.00

3. Upon receipt of the tenth false alarm within a calendar month, a notice of suspension shall be issued by the alarm coordinator to the alarm user. The notice shall be sent by regular mail and shall be effective ten (10) days after postmarked date of the notice. Such suspension shall be effective until certification by the Police Chief that the problems or fault with the alarm systems resulting in the occurrence of false alarms have been corrected.

4. The failure of the alarm user to pay any of the services or permit fees within the time specified in this chapter will result in alarm permit suspension until such payments are made.

5. For accounting purposes, all false alarms in a 24-hour period (from noon to noon) after a maximum of three, will be counted as additional false alarms.

[The next page is 631]
CHAPTER 125
SOUND TRUCKS

125.01 PURPOSE. The purpose of this chapter is to minimize interference and annoyance to citizens by regulating the use of sound amplifying equipment.

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

1. “Sound amplifying equipment” means any machine or device for the amplification of the human voice, music or any other sound. “Sound amplifying equipment” as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devises on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

2. “Sound truck” means any motor vehicle or horse-drawn vehicle having mounted thereon or attached thereto any sound amplifying equipment.

125.03 COMMERCIAL USE. The use of a sound truck for commercial advertising purposes shall be subject to the following:

1. License Required. No person shall operate or cause to be operated any sound truck for commercial advertising purposes with sound amplifying equipment in operation unless a license has been obtained from the Clerk. The fee for said license is $20.00.

2. Application. Persons applying for a license shall file with the Clerk an application in writing, giving in said application the information required in the registration statement under subsection 125.04(1) of this chapter.

3. Issuance of License. The Clerk shall issue a license upon payment of the required license fee unless the application required reveals that applicant would violate regulations prescribed in subsection 125.04(1) of this chapter or the provisions of some other ordinance.

4. Possession and Display of License. A licensee shall keep such license in his or her possession in the sound truck during the time the sound truck’s sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any police officer upon request.

5. Regulations For Use. No person shall operate or cause to be operated any sound truck for commercial sound advertising purposes in violation of the regulations set forth in Section 125.05 of this chapter.
125.04 NON-COMMERCIAL USE. The use of a sound truck with its sound amplifying equipment in use shall be subject to the following:

1. Registration Required. No person shall use or cause to be used a sound truck with its sound amplifying equipment in operation for non-commercial purposes before filing a registration statement with the Clerk in writing. This registration statement shall be filed in duplicate and shall state the following.

   A. Name and home address of the applicant.
   B. Address of place of business of applicant.
   C. License number of the sound truck to be used by applicant.
   D. Name and address of person having direct charge of the sound truck.
   E. Name and address of person who owns the sound truck.
   F. Names and addresses of all persons who will use or operate the sound truck.
   G. The purpose for which the sound truck will be used.
   H. A general statement as to the section or sections of the City in which the sound truck will be used.
   I. The proposed hours of operation of the sound truck.
   J. The number of days of proposed operation of the sound truck.
   K. A general description of the sound amplifying equipment which is to be used.
   L. The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck, specifically the following:

      (1) The wattage to be used.
      (2) The volume in decibels of the sound which will be produced.
      (3) The approximate maximum distance far which sound will be thrown from the sound truck.

2. Registration Statement Amendment. All persons using or causing to be used sound trucks for non-commercial purposes shall amend any registration statement filed within 48 hours after any change in the information therein furnished.

3. Registration and Identification. The Clerk shall return to each applicant a certified copy of the registration statement. Said certified copy shall be in the possession of any person operating the sound truck at all times while the sound truck’s sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any police officer upon request.

125.05 REGULATIONS FOR USE. Sound trucks with sound amplifying equipment in operation shall be subject to the following regulations:

1. Permitted Sounds. The only sounds permitted are music or human speech.

2. Hours Limited. Operations are permitted for four (4) hours each day, except on Sundays and legal holidays, when no operation shall be authorized. The permitted
four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.

3. Speed. Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

4. Restricted Areas. Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.

5. Profanity. The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

6. Volume. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring or disturbing or a nuisance to persons within the area of audibility.

7. Power. No sound amplifying equipment shall be operated with an excess of 15 watts or power in the last stage of amplification.
CHAPTER 135
STREET USE AND MAINTENANCE

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.
135.08 **BURNING PROHIBITED.** No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 **EXCAVATIONS.** No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. **Permit Required.** No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
   
   A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
   
   B. A statement of the purpose, for whom and by whom the excavation is to be made;
   
   C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
   
   D. Date of commencement of the work and estimated completion date.

2. **Public Convenience.** Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. **Barricades, Fencing and Lighting.** Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. **Bond Required.** The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars ($1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars ($1,000.00) may be filed with the City.

5. **Insurance Required.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
   
   A. Bodily Injury - $50,000.00 per person; $100,000.00 per accident.
   
   B. Property Damage - $50,000.00 per accident.

6. **Restoration of Public Property.** Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

7. **Inspection.** All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

11. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner’s expense, install any culvert deemed necessary under any driveway or any other access to the owner’s property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for
the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

135.14 DRIVEWAY APPROACHES. All driveway approaches lying within the street right-of-way shall be constructed by Portland cement concrete and shall be of such design as may be required by the City, from edge paved portion of street back to property line of property owner parallel with and adjoining City street.
CHAPTER 136
SIDEWALK REGULATIONS

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.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within 24 hours after the snow event, the abutting property owner may be liable for damages caused by the failure of said owner to use reasonable care in the removal of the snow, ice or accumulations. Further, the City may remove the ice, snow and accumulations and assess the costs in the
136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK LOAN FUND. Beginning fiscal year 2008/2009, the City shall maintain a fund of $1,000.00, as long as deemed appropriate by the Council, to make first-come, first-served, interest-free loans to low and moderate income home owners (per Federal government standards) who desire to take advantage of the program. This will be for the repair of existing sidewalks or the construction of sidewalks in established residential areas where sidewalks do not now exist. Loan money is not for construction of sidewalks for new homes, rental units or businesses.

136.07 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)

136.08 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee of fifteen dollars ($15.00).

136.09 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 (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.

B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.

C. Driveway areas shall be not less than six (6) inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) 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 shall be the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half (½) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-quarter (¼) inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.

11. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.

(Code of Iowa, Sec. 216C.9)

136.10 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.

136.11 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.
136.12 **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.

136.13 **AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.14 **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.

136.15 **OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. **Stairs and Railings.** Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. **Openings.** Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. **Protect Openings.** Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.16 **FIRES OR FUELS ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.17 **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)*

136.18 **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])*

136.19 **MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.20 **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.
136.21 SKATEBOARDS. It is unlawful for a person to ride, coast or otherwise use any device known as or similar to a skateboard on any sidewalk in any area zoned C-1 Central Commercial or C-2 Suburban Commercial.

136.22 CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS. In any new development or in any approved lot inside the City limits whereupon a structure is to be built for human habitation or occupation, sidewalks will be constructed in conformance with the regulations of this chapter, and will be constructed for pedestrian traffic except where the property owner has had these regulations waived through action by the Council. It is unlawful for anyone to remove and not replace a sidewalk without approval of the Council.
CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

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.

(Code of Iowa, Sec. 364.7[3])
**EDITOR’S NOTE**

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>October 4, 1911</td>
<td>213</td>
<td>July 3, 1939</td>
</tr>
<tr>
<td>66</td>
<td>December 4, 1911</td>
<td>215</td>
<td>August 10, 1939</td>
</tr>
<tr>
<td>72</td>
<td>May 5, 1913</td>
<td>220</td>
<td>April 21, 1941</td>
</tr>
<tr>
<td>74</td>
<td>July 10, 1913</td>
<td>221</td>
<td>June 2, 1941</td>
</tr>
<tr>
<td>77</td>
<td>August 4, 1913</td>
<td>224</td>
<td>October 27, 1941</td>
</tr>
<tr>
<td>79</td>
<td>September 15, 1913</td>
<td>225</td>
<td>December 8, 1941</td>
</tr>
<tr>
<td>81</td>
<td>December 4, 1913</td>
<td>234</td>
<td>1944</td>
</tr>
<tr>
<td>83</td>
<td>April 20, 1914</td>
<td>236</td>
<td>March 5, 1945</td>
</tr>
<tr>
<td>84</td>
<td>May 11, 1914</td>
<td>238</td>
<td>August 5, 1946</td>
</tr>
<tr>
<td>87</td>
<td>August 3, 1914</td>
<td>239</td>
<td>December 18, 1946</td>
</tr>
<tr>
<td>88</td>
<td>September 10, 1914</td>
<td>240</td>
<td>Undated</td>
</tr>
<tr>
<td>90</td>
<td>December 14, 1919</td>
<td>245</td>
<td>February 2, 1948</td>
</tr>
<tr>
<td>92</td>
<td>January 11, 1915</td>
<td>260A</td>
<td>August 6, 1951</td>
</tr>
<tr>
<td>94</td>
<td>Undated</td>
<td>261</td>
<td>August 6, 1951</td>
</tr>
<tr>
<td>98</td>
<td>June 7, 1915</td>
<td>262</td>
<td>August 6, 1951</td>
</tr>
<tr>
<td>103</td>
<td>August 9, 1915</td>
<td>281</td>
<td>June 14, 1954</td>
</tr>
<tr>
<td>105</td>
<td>November 12, 1915</td>
<td>286</td>
<td>Undated</td>
</tr>
<tr>
<td>108</td>
<td>March 5, 1917</td>
<td>10-1300A</td>
<td>June 8, 1959</td>
</tr>
<tr>
<td>114</td>
<td>May 20, 1918</td>
<td>10-1400</td>
<td>December 10, 1962</td>
</tr>
<tr>
<td>120</td>
<td>February 3, 1919</td>
<td>10-1301</td>
<td>October 28, 1963</td>
</tr>
<tr>
<td>130</td>
<td>July 10, 1919</td>
<td>10-14</td>
<td>July 25, 1966</td>
</tr>
<tr>
<td>136</td>
<td>May 7, 1920</td>
<td>10-16</td>
<td>July 23, 1973</td>
</tr>
<tr>
<td>136</td>
<td>January, 1921</td>
<td>10-17</td>
<td>September 27, 1976</td>
</tr>
<tr>
<td>137</td>
<td>February 7, 1921</td>
<td>18</td>
<td>June 8, 1981</td>
</tr>
<tr>
<td>142</td>
<td>September 4, 1922</td>
<td>1989-78</td>
<td>June 12, 1989</td>
</tr>
<tr>
<td>149</td>
<td>December 3, 1923</td>
<td>1989-81</td>
<td>July 10, 1989</td>
</tr>
<tr>
<td>150</td>
<td>December 3, 1923</td>
<td>1990-93</td>
<td>July 23, 1990</td>
</tr>
<tr>
<td>151</td>
<td>December 3, 1923</td>
<td>1991-98</td>
<td>April 22, 1991</td>
</tr>
<tr>
<td>154</td>
<td>July 8, 1924</td>
<td>1992-104</td>
<td>July 27, 1992</td>
</tr>
<tr>
<td>159</td>
<td>Undated</td>
<td>1993-112</td>
<td>July 12, 1993</td>
</tr>
<tr>
<td>162</td>
<td>December 27, 1926</td>
<td>1993-114</td>
<td>October 25, 1993</td>
</tr>
<tr>
<td>165</td>
<td>June 6, 1927</td>
<td>1995-130</td>
<td>August 14, 1995</td>
</tr>
<tr>
<td>166</td>
<td>July 11, 1927</td>
<td>1996-131</td>
<td>August 26, 1996</td>
</tr>
<tr>
<td>186</td>
<td>February 6, 1933</td>
<td>2000-150</td>
<td>June 26, 2000</td>
</tr>
<tr>
<td>189</td>
<td>September 21, 1933</td>
<td>2002-162</td>
<td>October 28, 2002</td>
</tr>
<tr>
<td>190</td>
<td>April 30, 1934</td>
<td>2005-173</td>
<td>May 9, 2005</td>
</tr>
</tbody>
</table>

[The next page is 665]
CHAPTER 138

STREET GRADES

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR’S NOTE
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>R.O. No. 52(10-7)</td>
<td>July 13, 1931</td>
<td>R.O. No. 53</td>
<td>July 13, 1931</td>
</tr>
<tr>
<td>R.O. No. 10-7</td>
<td>Undated</td>
<td>R.O. No. 10-8</td>
<td>Undated</td>
</tr>
<tr>
<td>R.O. No. 54(10-9)</td>
<td>Undated</td>
<td>10-7A</td>
<td>March 26, 1962</td>
</tr>
<tr>
<td>10-7A</td>
<td>October 12, 1962</td>
<td>10-7B</td>
<td>November 9, 1964</td>
</tr>
<tr>
<td>8B-1</td>
<td>April 22, 1974</td>
<td>8B-2</td>
<td>October 25, 1976</td>
</tr>
</tbody>
</table>
CHAPTER 139

NAMING OF STREETS

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. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

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 ordinance, 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 Sac City, 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 amendment 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. No amendment to this chapter which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.
The following ordinances not codified herein, and specifically saved from repeal, have been adopted naming streets and remain in full force and effect.

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
<th>STREET NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-105</td>
<td>June 8, 1992</td>
<td>Greenlee Street</td>
</tr>
<tr>
<td>1997-134</td>
<td>November 10, 1997</td>
<td>O’Connor Drive</td>
</tr>
<tr>
<td>2004-170</td>
<td>December 27, 2004</td>
<td>Schaller Drive</td>
</tr>
<tr>
<td>2007-194</td>
<td>June 25, 2007</td>
<td>Chautauqua Drive</td>
</tr>
</tbody>
</table>

[The next page is 701]
CHAPTER 145
DANGEROUS BUILDINGS

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

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

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

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

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

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

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

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement

CODE OF ORDINANCES, SAC CITY, IOWA
- 701 -
officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours (or longer if written application is approved by the enforcement officer), 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 thirty (30) days from date of notice, unless an extension is granted by the Council because repairs are underway; but in no event shall there be more than one 30-day extension.

(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 SAC CITY, IOWA.” Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

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

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

†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.

(Code of Iowa, Sec. 364.12[3h])
CHAPTER 146
MANUFACTURED AND MOBILE HOMES

146.01 Definitions
146.03 Foundation Requirements
146.02 Conversion to Real Property

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 ten 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 (3) 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 their own premises and used exclusively to house their 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 which 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 & Sec. 435.35)

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 which 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 which 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 & 414.28)
CHAPTER 147
PUBLIC WATER WELLS

147.01 Definitions. For use in this chapter, the following terms are defined:

1. “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 (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.

2. “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 (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.

147.02 Shallow Well Protection. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth after each structure or facility from a shallow public well within the City.

1. Well house floor drains – 5 feet;
2. Water treatment plant wastes – 50 feet;
3. Sanitary and industrial discharges – 400 feet;
4. Floor drains from pump house to surface:
   A. None within 5 feet;
   B. 5 to 10 feet – water main materials enclosed in concrete permitted;
   C. 10 to 25 feet – must be water main material;
   D. 25 to 75 feet – must be watertight sewer pipe;
5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
   A. None permitted within 25 feet;
   B. 25 to 75 feet – must be water main material;
   C. 75 to 200 feet – must be watertight sewer pipe;
6. Force mains:
   A. None permitted within 75 feet;
   B. 75 to 400 feet – must be water main materials;
7. Land application of solid waste – 200 feet;
8. Irrigation of wastewater – 200 feet;
9. Concrete vaults and septic tanks – 200 feet;
10. Mechanical wastewater treatment plants – 400 feet;
11. Cesspools and earth pit privies – 400 feet;
12. Soil absorption fields – 400 feet;
13. Lagoons – 1,000 feet;
14. Chemicals:
   A. Application to ground surface – 200 feet;
   B. Above ground storage – 200 feet;
   C. On or underground storage – 400 feet;
15. Animal pasturage – 50 feet;
16. Animal enclosure – 200 feet;
17. Animal wastes:
   A. Land application of solids – 200 feet;
   B. Land application of liquid or slurry – 200 feet;
   C. Storage tank – 200 feet;
   D. Solids stockpile – 400 feet;
   E. Storage basin or lagoon – 1,000 feet;
18. Earthen silage storage trench or pit – 200 feet;
19. Basements, pits, sumps – 10 feet;
20. Flowing streams or other surface water bodies – 50 feet;
21. Cisterns – 100 feet;
22. Cemeteries – 200 feet;
23. Private wells – 400 feet;
24. Solid waste disposal sites – 1,000 feet.

147.03 DEEP WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth from a deep public well within the City.

1. Well house floor drains – 5 feet;
2. Water treatment plant wastes – 50 feet;
3. Sanitary and industrial discharges – 400 feet;
4. Floor drains from pump house to surface:
   A. None within 5 feet;
   B. 5 to 10 feet – water main materials enclosed in concrete permitted;
   C. 10 to 25 feet – must be water main material;
   D. 25 to 75 feet – must be watertight sewer pipe;
5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
   A. None permitted within 25 feet;
B.  25 to 75 feet – must be water main material;
C.  75 to 200 feet – must be watertight sewer pipe;
6. Force mains:
   A. None permitted within 75 feet;
   B.  75 to 400 feet – must be water main materials;
7. Land application of solid waste – 100 feet;
8. Irrigation of wastewater – 100 feet;
9. Concrete vaults and septic tanks – 100 feet;
10. Mechanical wastewater treatment plants – 200 feet;
11. Cesspools and earth pit privies – 200 feet;
12. Soil absorption fields – 200 feet;
13. Lagoons – 400 feet;
14. Chemicals:
   A. Application to ground surface – 100 feet;
   B. Above ground storage – 100 feet;
   C. On or underground storage – 200 feet;
15. Animal pasturage – 50 feet;
16. Animal enclosure – 100 feet;
17. Animal wastes:
   A. Land application of solids – 100 feet;
   B. Land application of liquid or slurry – 100 feet;
   C. Storage tank – 100 feet;
   D. Solids stockpile – 200 feet;
   E. Storage basin or lagoon – 400 feet;
18. Earthen silage storage trench or pit – 100 feet;
19. Basements, pits, sumps – 10 feet;
20. Flowing streams or other surface water bodies – 50 feet;
21. Cisterns – 50 feet;
22. Cemeteries – 500 feet;
23. Private wells – 200 feet;
24. Solid waste disposal sites – 1,000 feet.

147.04 NONCONFORMING USES. The use of structures or facilities existing as of January 10, 1994, may be continued even though such use may not conform to the regulations of this chapter, i.e., such structures or facilities may be located within the distances set forth. However, such structures or facilities not in conformance with the terms of this chapter may not be enlarged, extended, reconstructed or substituted subsequent to such date.
CHAPTER 148

DEMOlITION PERMIT

148.01 PERMIT REQUIRED. A demolition permit is required for anyone who desires to demolish any building or structure. The permit will be obtained at the City offices and will contain the address of the property where the demolition will occur, type of building, demolition contractor, and a list of utilities and when notified. The permit must be applied for at least forty-eight (48) hours before demolition is to occur.

148.02 NOTIFICATION. It is the responsibility of the owner to notify all utilities and said utilities shall sign off on the demolition permit, stating they have been notified of the demolition.

148.03 DURATION OF PERMIT. The demolition permit shall be effective for thirty (30) days. If demolition has not started within 30 days after the date of the demolition permit, the demolition permit shall become null and void.

148.04 TIME LIMIT. Once demolition has started, the property owner shall have sixty (60) days to complete the demolition. After 60 days the Council may order the demolition and levy the costs incurred as a special assessment against the land on which the building or structure is located, as set out in Sections 145.07 and 145.08 of this Code of Ordinances.

148.05 CITY SERVICES.

1. Water. The owner of every lot on which is installed a water service line which is in turn connected to the City water main shall, at the owner’s expense, cause the service line to be disconnected and removed to the property line and plugged in accordance with City specifications.

2. Sewer. The owner of every lot on which is installed a sewer service line which is in turn connected to the City sewer main shall, at the owner’s expense, cause the service line to be disconnected and removed to the property line and plugged in accordance with City specifications.

3. Gas. The City Gas Department will remove the gas service at no cost to the owner.

148.06 EXCEPTIONS. The removal of City services will be exempt from the provisions of Section 148.05 if the applicant guarantees in writing that reconstruction will commence no less than six (6) months from the demolition date. If reconstruction does not begin within six months of demolition, the contractor/owner shall be liable for the removal of the water and sewer, and will be collected by the City if not removed by the contractor/owner through Section 145.08 of this Code of Ordinances.
148.07 **FINISHED GRADE.** The area of demolition shall be brought to a grade of the like of the area surrounding the site of demolition.

148.08 **INSPECTION.** The City Administrator shall inspect the removal of the water and sewer services to determine if they were removed in accordance with the City specifications.

[The next page is 725]
CHAPTER 149
PROPERTY MAINTENANCE CODE

149.01 PURPOSE. The purpose of this chapter is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises, to fix certain responsibilities and duties upon owners and operators, and distinct and separate responsibilities and duties upon occupants.

149.02 APPLICABILITY. Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this chapter, whether or not such building has been constructed, altered or repaired before or after the enactment of this chapter.

149.03 MAINTENANCE OF EXTERIOR OF PREMISES. The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It is the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

1. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris.
2. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
3. Loose and overhanging objects, and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.
4. Holes, excavations, breaks, projections, obstructions, icy conditions, unleared snow and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.
5. Adequate run-off drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of storm water.

6. Sources of infestation.

7. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.

8. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to perform capably at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases.

9. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railing properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair and free from defects.

10. The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property.

149.04 GENERAL MAINTENANCE. The exterior of every structure or accessory structure (including fences) shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences.

149.05 STRUCTURAL AND GENERAL MAINTENANCE. The outside building walls shall not have any holes, loose boards, or any broken, cracked or damaged finish which admits rain, cold air, dampness, rodents, insects or vermin. Every dwelling shall be so maintained as to be weather-tight and watertight. Basements, cellar and crawl spaces shall be free of moisture resulting from seepage and dampness. Basement and cellar floors will be paved with stone or concrete not less than four (4) inches thick and maintained at all times in a condition so as to be smooth, clean, free from cracks, breaks and other hazards. All parts of the premises shall be maintained so as to prevent infestation. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance and free from health, safety and fire hazards. All boards and wood, including floor boards, sub-floors, joists, bridging and all other boards in any interior or exterior floor, wall, roof or other part of the structure, shall be maintained to be free of cracks, termite damage or rot. Any damaged members shall be replaced.
CHAPTER 150
BUILDING NUMBERING

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 two and one-half (2½) 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 thirty (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.
CHAPTER 151

TREES

151.01  DEFINITION.  For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

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

1.  Alignment.  All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb.  In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2.  Spacing.  Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree.  Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways.  If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3.  Prohibited Trees.  No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

151.03  DUTY TO TRIM TREES.  The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least sixteen (16) feet above the surface of the street and eight (8) feet above the sidewalks.  If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days.  If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

151.04  TRIMMING TREES TO BE SUPERVISED.  Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05  DISEASE CONTROL.  Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06  INSPECTION AND REMOVAL.  The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be 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 fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

[The next page is 751]
CHAPTER 155
STORAGE OF VEHICLES

155.01 Definition

As used in this chapter, “vehicle” or “motor vehicle” is defined as by the Code of Iowa, Chapter 321.1.

155.02 Storage of Vehicles

It is unlawful to store or maintain more than four motor vehicles on any one lot (or owned contiguous lots) within the City limits for more than thirty (30) days, except in properly licensed commercial car dealer lots or in agricultural areas where the vehicles are used for agricultural purposes.

155.03 Exemptions

The following are exempt from the provisions of this chapter:

1. Vehicles entirely enclosed with a building structure. The said structure must comply with all building code regulations and be of a permanent nature.

2. Multi-family housing units or duplexes currently used and occupied as multi-family housing units and duplexes.
[The next page is 791]
CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. Restrict Use. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

2. Vulnerable Uses Protected. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

3. Unsuitable Land Purchases. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

4. Flood Insurance. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Base flood” means the flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood.)

2. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”

3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”

5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on
which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.

6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. “Factory-built home” means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

11. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.

13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

14. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. “Historic structure” means any structure that is:
   A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
   B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
   C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
   D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
   A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.08(4)(A); and
   B. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
   C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
   D. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

21. “100-Year Flood” means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.
22. “Recreational vehicle” means a vehicle which is:
   A. Built on a single chassis;
   B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
   C. Designed to be self-propelled or permanently towable by a light duty truck; and
   D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. “Special flood hazard area” means the land within a community subject to the “100-year flood.” This land is identified as Zone A, AE, A1-A30, AO, and AH on the City’s Flood Insurance Rate Map.

24. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

26. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

27. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
   A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”
B. Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after the effective date of the Flood Insurance Rate Map shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.

29. “Violation” means the failure of a structure or other development to be fully compliant with this chapter.

160.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all lands and uses which have significant flood hazards. The Flood Boundary and Floodway Map and the Flood Insurance Rate Map (FIRM), dated March 18, 1986, which were prepared as part of the Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering flood plain management regulations.

160.04 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

160.05 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

160.06 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 Council and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

160.07 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 areas of significant flood hazard will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

160.08 GENERAL FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant will be responsible for providing the
Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the areas of significant flood hazard shall:
   A. Be consistent with the need to minimize flood damage.
   B. Use construction methods and practices that will minimize flood damage.
   C. Use construction materials and utility equipment that are resistant to flood damage.
   D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When floodproofing is utilized, a professional engineer registered in the State shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Administrator.

4. All new and substantially improved structures:
   A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
      (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      (2) The bottom of all openings shall be no higher than one foot above grade.
(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.


A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities other than on-site systems shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent
movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the area of significant flood hazard.

11. Accessory Structures.
A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

   (1) The structure shall not be used for human habitation.
   (2) The structure shall be designed to have low flood damage potential.
   (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
   (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
   (5) The structure’s service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one (1) foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.
A. Recreational vehicles are exempt from the requirements of Section 160.08(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

   (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and
   (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by
quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 160.08 (5) of this chapter regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.09 SPECIAL FLOODWAY STANDARDS. In addition to the general flood plain standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the flood insurance study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. 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.

2. All uses within the floodway shall:
   A. Be consistent with the need to minimize flood damage.
   B. Use construction methods and practices that will minimize flood damage.
   C. Use construction materials and utility equipment that are resistant to flood damage.

3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable general flood plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

6. Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.10 SPECIAL SHALLOW FLOODING AREAS STANDARDS. In addition to the general flood plain standards, uses within shallow flooding areas must meet the following applicable standards.

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map (FIRM), the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 feet if no number is specified) above the highest natural grade adjacent to the structure.

2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

160.11 ADMINISTRATION. The City Administrator shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.

2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures.

4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed.

5. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

160.12 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.
160.13 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.

2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.

3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.


5. Floor Elevation. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.

6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.14 ACTION ON APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Council.

160.15 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits, issued on the basis of approved plans and applications, authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.16 VARIANCES. The Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. Cause. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
2. **Prohibited.** Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year 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.

3. **Required To Afford Relief.** Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. **Notice To Applicant.** In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

5. **Approval.** All variances granted shall have the concurrence or approval of the Department of Natural Resources.

160.17 **FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED.** In passing upon applications for variances, the Zoning Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept on to other land or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

5. The importance of the services provided by the proposed facility to the City.

6. The requirements of the facility for a flood plain location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

13. Such other factors which are relevant to the purpose of this chapter.
160.18 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 160.17, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter.
5. Floodproofing measures.

160.19 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
   A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
   B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.20 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval from the Department of Natural Resources.
CHAPTER 165
ZONING REGULATIONS

EDITOR’S NOTE

Ordinance No. 2006-179 entitled “Ordinance Adopting the Revised Sac City, Iowa, Zoning Ordinance” which adopted the 1972 Zoning Ordinance as revised in 2006 was adopted by the Council May 22, 2006. The Zoning Ordinance and amendments thereto are a part of this Code of Ordinances contained in a separate volume and are specifically saved from repeal and are in full force and effect. The following ordinances have been adopted amending the Zoning Ordinance.

<table>
<thead>
<tr>
<th>ORDINANCE</th>
<th>ADOPTED</th>
<th>ORDINANCE</th>
<th>ADOPTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>3K-A1</td>
<td>April 30, 1979</td>
<td>3K-B1</td>
<td>April 30, 1979</td>
</tr>
<tr>
<td>3K-C1</td>
<td>June 11, 1979</td>
<td>1982-27</td>
<td>October 25, 1982</td>
</tr>
<tr>
<td>2007-196</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
[The next page is 835]
CHAPTER 166

AIRPORT ZONING REGULATIONS

166.01 Definitions

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

1. “Airport” means the Sac City Municipal Airport.
2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be 1,250 feet.
3. “Airport hazard” means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations Sections 77.21, 77.23 and 77.25 and which obstructs the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “Airport primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. “Airspace height” means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. “Control zone” means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “Instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. “Minimum descent altitude” means the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. “Minimum en route altitude” means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
10. “Minimum obstruction clearance altitude” means the specified altitude in effect between radio fixes on VOR airways, off-airways routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

11. “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

166.02 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. Horizontal Zone. The land lying under a horizontal plane 150 feet above the established elevations, the perimeter of which is constructed by:

   A. Visual Runway and Non-Precision Instrument Utility Runways. Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runways 14 and 32 and connecting the adjacent arcs by lines tangent to those arcs.

   B. Instrument Runway/ Non-Precision, Larger than Utility. Swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 18 and 36 and connecting the adjacent arcs by lines tangent to those arcs.

(Note: The radius of the arc specified for each end of a runway will have the same arithmetical value. The value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Municipal Airport Height Zoning Map.

2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet to one for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

(Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)
A. Visual Other Than Utility Runway and Non-precision Instrument Runway. The inner edge of the approach surface is:
   (1) 500 feet wide for runways 18 and 36, runways 14 and 32.

B. Visual Other Than Utility Runways. The outer edge of the approach zone is:
   (1) 1,500 feet for runways 14 and 18.
   (2) 2,000 feet for runway 31.
   (3) 3,500 feet for runway 36.

C. The approach zone extends for a horizontal distance of:
   (1) 5,000 feet at a slope of 20 to 1 for runways 14 and 32.
   (2) 10,000 feet at a slope of 34 to 1 for runway 36.

No structure shall exceed the approach surface to any runway, as depicted on the Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces. No structures shall exceed the transitional surface, as depicted on the Municipal Airport Height Zoning Map.

5. Increase in Elevation of Structures. No structure shall be erected in the County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any Federal airway in the County.

166.03 USE RESTRICTIONS. Notwithstanding any other provisions of 166.02, no use may be made of land or water within the City or County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. Lighting. All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Municipal Airport or in the vicinity thereof.

2. Visual Hazards. No operation from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Municipal Airport.

3. Electronic Interference. No operation from any use in the City or County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

166.04 LIGHTING. Notwithstanding the provisions of 166.03, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City or County at its own expense to
install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

166.05 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this chapter, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Sac City Municipal Airport Manager or Aeronautics Director for an opinion as to the aeronautical effects of such a variance. If the Sac City Municipal Airport Manager or Aeronautics Director does not respond to the Board of Adjustment within 15 days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

166.06 BOARD OF ADJUSTMENT ESTABLISHED. There is hereby created a Board of Adjustment to have and exercise the following powers:

1. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Commission in the enforcement of this chapter.

2. Special Exemptions. To hear and decide special exemptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass.

3. Variances. To hear and decide specific variances.

166.07 BOARD OF ADJUSTMENT. The Board of Adjustment shall consist of five (5) members appointed by the Council and each shall serve for a term of five years and until a successor is duly appointed and qualified. Appointments shall be made so that the terms are staggered. Members are removable for cause by the appointing authority upon written charges, after a public hearing.

166.08 BOARD OF ADJUSTMENT PROCEDURES. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the Clerk, and on due cause shown.

166.09 POWERS OF BOARD OF ADJUSTMENT. The Board of Adjustment shall have the powers established in the Code of Iowa, Section 414.12.

166.10 VOTE ON VARIATIONS OR ORDERS. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.
166.11  JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any
decision of the Board of Adjustment, may appeal to the court of record as provided in the
Code of Iowa, Section 414.15.

166.12  ADMINISTRATIVE AGENCY. It is the duty of the Sac City Building Inspector
to administer the regulations prescribed herein. Applications for permits and variances shall
be made to the Building Inspector upon a form furnished by the Building Inspector.
Applications required by this chapter to be submitted to the Airport Zoning Commission shall
be promptly considered and granted or denied. Application for action by the Board of
Adjustment shall be forthwith transmitted by the Building Inspector.

166.13  CONFLICTING REGULATIONS. Where there exists a conflict between any of
the regulations or limitations prescribed in this chapter and any other regulations applicable to
the same area, whether the conflict is with respect to height of structures, the use of land, or
any other matter, the more stringent limitation or requirement shall govern and prevail.
CHAPTER 170

SUBDIVISION REGULATIONS

GENERAL PROVISIONS
170.01 SHORT TITLE. This chapter shall be known and may be cited as "The City of Sac City, Iowa, Subdivision Control Ordinance."

170.02 PURPOSE. The purpose of this chapter is to provide minimum standards for the design, development and improvement of all new subdivisions and re-subdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Sac City, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

170.03 APPLICATION. Every owner who divides any original parcel of land, or part thereof, entered of record in the office of the Sac County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (September 24, 2007) into three (3) or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Code of Iowa, Sec. 354.9)

170.04 RECORDING OF PLAT. No subdivision plat, re-subdivision plat or street dedication within the City of Sac City, Iowa, as provided in Section 354.9, Code of Iowa, shall be filed for record with the Sac County Recorder, or recorded by the Sac County Recorder,
until a final plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this chapter. Upon approval of the final plat by the City Council, it shall be the duty of the subdivider to immediately file such plat with the Sac County Auditor and Sac County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Administrator within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

170.05 FEES ESTABLISHED. The City Council shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the City Administrator, unless and until such plat is accompanied by the fee, as established by resolution of the City Council, and as required by this chapter.

170.06 PENALTIES. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this chapter, until the plat thereof has been approved by the City Council, and recorded as required by law, shall forfeit and pay one hundred dollars ($100.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this chapter.

170.07 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this chapter, unless and until a final plat of such subdivision has been approved and recorded in accordance with this chapter, and until the improvements required by this chapter have been accepted by the City.
DEFINITIONS

170.08 TERMS DEFINED. For the purposes of this chapter, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition Plat" shall mean the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
   (Code of Iowa, Sec. 354.2(1))

2. "Aliquot Part" shall mean 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.
   (Code of Iowa, Sec. 354.2(2))

3. "Alley" shall mean public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. "Auditor's Plat" shall mean a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.
   (Code of Iowa, Sec. 354.2(3))

5. "Block" shall mean an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. "Building Lines" shall mean a line on a plat between which line and public right-of-way upon which no building or structures may be erected.

7. "City Council" shall mean the City Council of the City of Sac City, Iowa.
   (Code of Iowa, Sec. 354.2(8))

8. "City Engineer" shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.

9. "Comprehensive Plan" shall mean the general plan for the development of the community that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the City Council. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

10. "Conveyance" shall mean an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.
    (Code of Iowa, Sec. 354.2(5))

11. "Cul-de-Sac" shall mean a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

12. "Division" shall mean dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
    (Code of Iowa, Sec. 354.2(6))
13. "Easement" shall mean an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

14. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

15. "Floodway" shall mean the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

16. "Forty-Acre Aliquot Part" shall mean one-quarter of one-quarter of a section.  
   (Code of Iowa, Sec. 354.2(7))

17. "Government Lot" shall mean a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.  
   (Code of Iowa, Sec. 354.2(9))

18. "Improvements" shall mean changes to land necessary to prepare it for building sites, including but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainage ways and other public works and appurtenances.

19. "Lot" shall mean a tract of land represented and identified by number or letter designation on an official plat.  
   (Code of Iowa, Sec. 354.2(10))

20. "Lot, Corner". The term "corner lot" shall mean a lot situated at the intersection of two (2) streets.

21. "Lot, Double Frontage". The term "double frontage lot" shall mean any lot that is not a corner lot that abuts two (2) streets.

22. "Metes and Bounds Description" shall mean a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.  
   (Code of Iowa, Sec. 354.2(11))

23. "Official Plat" shall mean either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.  
   (Code of Iowa, Sec. 354.2(12))

24. "Original Parcel" shall mean forty (40) acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before September 24, 2007.

25. "Owner" shall mean the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

26. "Parcel" shall mean a part of a tract of land.  
   (Code of Iowa, Sec. 354.2(13))

27. "Performance Bond" shall mean a surety bond or cash deposit made out to the City of Sac City, Iowa, in an amount equal to the full cost of the improvements which
are required by this chapter, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.

28. "Permanent Real Estate Index Number" shall mean a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

(Code of Iowa, Sec. 354.2(14))

29. "Planning Commission" shall mean the appointed commission designed by the City Council for the purpose of this chapter, and is also the Zoning Commission, in which case the Commission is known as the Sac City Planning and Zoning Commission.

30. "Plat" shall mean a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented that said subdivider submits for approval and intends, in final form, to record.

31. "Plat, Final" shall mean a plat that is intended to become an official plan on approval that is filed with the City and meets the requirements set forth in this chapter and Chapter 354 of the Code of Iowa.

32. "Plat, Preliminary" shall mean a plat submitted for the purpose gaining approval of the general layout of a subdivision under Section 170.24 of this chapter.

33. "Proprietor" shall mean a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

(Code of Iowa, Sec. 354.2(16))

34. "Re-subdivision" shall mean any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.

35. "Street" shall mean public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

36. "Street, Arterial" shall mean a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

37. "Street, Collector". The term “Collector Street” shall mean a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

38. "Street, Local". The term “Local Street” shall mean a street primarily designed to provide access to abutting property.

39. "Subdivider" shall mean the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

40. "Subdivision" shall mean the accumulative effect of dividing an original lot, tract, or parcel of land, as of September 24, 2007, into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions and land taken by condemnation. The term includes a re-subdivision or replatting. When appropriate to the context, the word
may relate to the process of subdividing or the land subdivided. Any person not in compliance with the provisions of the subdivision definition at the time of its effective date shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

(Code of Iowa, Sec. 354.2(17) & 355.1(10))

41. "Subdivision Plat" shall mean the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.

(Code of Iowa, Sec. 354.2(18))

42. "Surveyor" shall mean a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

(Code of Iowa, Sec. 354.2(19))

43. "Tract" shall mean an aliquot part of a section, a lot within an official plat or a government lot.

(Code of Iowa, Sec. 354.2(20))

44. "Utilities" shall mean the systems for the distribution or collection of water, gas, electricity, wastewater and storm water.
CHAPTER 170  SUBDIVISION REGULATIONS

IMPROVEMENTS

170.09 IMPROVEMENTS REQUIRED. The subdivider shall, at subdivider's expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

170.10 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this chapter. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

170.11 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 364.1)

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council after receiving the report and recommendations of the City Engineer.

2. Roadways. All roadways shall be surfaced with Portland cement concrete or with asphaltic concrete over a crushed stone base as the City Council may require.

3. 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 City Council after receiving the report and recommendations of the City Engineer. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG).

4. Sidewalks. Sidewalks shall be required by the City Council as they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the City Council after receiving the report and recommendations of the City Engineer.

5. Water lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Water Department standards, procedures and supervision.

   A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system as required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the City Council and the State Department of Natural Resources and the construction subject to the supervision of the Superintendent of public utilities.
   B. Where sanitary sewers are not available, other facilities, as approved by the City Council and the State Department of Health must be provided for the adequate disposal of sanitary wastes.
   C. An adequate system shall be installed by the subdivider for the disposal of storm waters, including any necessary storm sewer lines, intakes,
holding ponds, etc. The system and all parts of it shall be constructed subject to the approval of the City Council and to the supervision of the Superintendent of public utilities.

170.12 EASEMENTS.

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across, lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at said subdivider's expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the City.

170.13 COMPLETION OF IMPROVEMENTS. Before the City Council shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of the resolution of acceptance, the Superintendent of public works shall report that the improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

170.14 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the City Council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but 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.
MINIMUM STANDARDS FOR THE
DESIGN OF SUBDIVISIONS

170.15 MINIMUM STANDARDS. The following standards shall be considered the minimum standards necessary to protect the public health, safety and general welfare of the City of Sac City.

1. Land Suitability. Land shall not be subdivided if it is found to be unsuitable for the intended development due to flooding, poor drainage conditions, adverse soils or geological conditions, unsuitable topography or any other condition that could be deemed harmful to the public health or general welfare of the residents of the City unless such unsuitable conditions are corrected to the satisfaction of the City. If land is found to be unsuitable to subdivide for these or any other reasons, the Council shall provide the intended subdivider with said reasons and provide them the opportunity to provide additional information on the situation. Following the submission of any answer to the question of unsuitability or any additional information, the Council may then either reaffirm or rescind its decision on the unsuitability of said land.

2. Relation to Existing Streets.
   A. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
   B. The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the City Council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

3. Acreage Subdivisions.
   A. Where the submitted plat covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.
   B. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.
   C. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

4. Local Streets.
   A. Local streets shall be so planned as to discourage through traffic.
   B. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of
such streets shall be a minimum of sixty (60) feet. The property line at the
intersection of the turn-around and the straight portion of the street shall be
rounded at a radius of not less than twenty (20) feet.

5. Frontage Streets.

A. Where a subdivision abuts or contains an existing or proposed arterial
street, the City Council may require marginal access streets, reverse frontage
with screen planting contained in a non-access reservation along the rear
property line, deep lots with rear service alleys, or such other treatment as
may be necessary for adequate protection of residential properties and to
afford separation of through and local traffic.

B. Where a subdivision borders on or contains a railroad right-of-way or
limited access highway right-of-way, the City Council may require a street
approximately parallel to and on each side of such right-of-way, at a distance
suitable for the appropriate use of the intervening land, as for park purposes in
residential districts. Such distances shall also be determined with due regard
for the requirements of approach grades and future grade separations.

6. Half-streets. Half-streets shall be prohibited except where essential to the
reasonable development of the subdivision in conformity with the other requirements
of these regulations, and where the City Council finds it will be practicable to require
the dedication of the other half when the adjoining property is subdivided. Wherever
a half-street is adjacent to a tract to be subdivided, the other half of the street shall be
platted within such tract.

7. Street Geometrics and Design.

A. Street design shall be according to the following minimum standards:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Right of Way</th>
<th>Pavement Width</th>
<th>Minimum Radius of Horizontal/Vertical Curves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>80’</td>
<td>49’</td>
<td>500’/200’</td>
</tr>
<tr>
<td>Arterial, with turning lane</td>
<td>90’</td>
<td>56’</td>
<td>500’/200’</td>
</tr>
<tr>
<td>Collector</td>
<td>60’</td>
<td>36’</td>
<td>400’/150’</td>
</tr>
<tr>
<td>Collector, with turning lane</td>
<td>70’</td>
<td>41’</td>
<td>400’/150’</td>
</tr>
<tr>
<td>Minor Street (parking limitations)</td>
<td>50’</td>
<td>27’</td>
<td>100’/100’</td>
</tr>
<tr>
<td></td>
<td>50’</td>
<td>31’</td>
<td>100’/100’</td>
</tr>
</tbody>
</table>

B. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

C. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

D. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the City Council shall determine for special cases.
8. Intersections.
   A. Insofar as is practical, acute angles between streets at their
      intersection are to be avoided.
   B. Streets shall be laid out so as to intersect as nearly as possible at right
      angles and no street shall intersect any other street at less than sixty (60)
      degrees.
   C. Property lines at street intersections shall be rounded with a radius of
ten (10) feet, or of a greater radius where the City Council may deem it
necessary. The City Council may permit comparable cutoffs or chords in
place of rounded corners.

9. Street Names. Streets that are in alignment with others already existing and
   named shall bear the name of the existing streets. The proposed names of new streets
   shall not duplicate or sound similar to existing street names. Street names shall be
   subject to the approval of the City Council.

10. Street Grades.
    A. Street grades, wherever feasible, shall not exceed five (5) percent,
       with due allowance for reasonable vertical curves.
    B. No street grade shall be less than one-half (1/2) of one (1) percent.

11. Alleys.
    A. Alleys shall be provided in commercial and industrial districts, except
       that the City Council may waive this requirement where other definite and
       assured provision is made for service access, such as off-street loading,
       unloading and parking consistent with and adequate for the uses proposed.
    B. The width of an alley shall be twenty (20) feet.
    C. Alley intersections and sharp changes in alignment shall be avoided,
       but where necessary, corners shall be cut off sufficiently to permit safe
       vehicular movements.
    D. Dead-end alleys shall be avoided where possible, but if unavoidable,
       shall be provided with adequate turn-around facilities at the dead-end, as
       determined by the City Council.

    A. No block may be more than one thousand three hundred twenty
       (1,320) feet or less than five hundred (500) feet in length between the center
       lines of intersecting streets, except where, in the opinion of the City Council,
       extraordinary conditions unquestionably justify a departure from these limits.
    B. In blocks over seven hundred (700) feet in length, the City Council
       may require at or near the middle of the block a public way or easement of not
       less than ten (10) feet in width for use by pedestrians and/or as an easement
       for public utilities.
13. Lots.
   A. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
   B. Minimum lot dimensions and sizes.
      (1) Residential lots, where not served by public sewer, shall not be less than eighty (80) feet wide nor less than ten thousand (10,000) square feet in area.
      (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
      (3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.
   C. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.
   D. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet across, which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
   E. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

14. Building Lines. Building lines shall be shown on all lots within the platted area. The City Council may require building lines in accordance with the needs of each subdivision.

15. Easements.
   A. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
   B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.

16. Plat Markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the City Council. The markers shall be of such material, size and length as may be approved by the City Council.
CHAPTER 170  SUBDIVISION REGULATIONS

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

170.16 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the City Council, the owner and subdivider shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

170.17 PREAPPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the City Administrator. The conference should be attended by the City Administrator, City Engineer, and such other City or utility representatives as is deemed desirable, and by the owner and owner's engineer and/or planner, as deemed desirable. The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures and any special problems relating to the proposed subdivision.

170.18 SKETCH PLAN REQUIRED. For the preapplication conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

170.19 PRESENTATION TO PLANNING COMMISSION AND CITY COUNCIL. The subdivider may present the sketch plan to the Planning and Zoning Commission and/or City Council for review, prior to incurring significant costs preparing the preliminary or final plat.

170.20 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. Any subdivision that contains not more than four (4) lots fronting on an existing street, does not require construction of any public improvements, and does not adversely affect the remainder of the parcel shall be classified as a minor plat.

2. Major Subdivision. Any subdivision that, in the opinion of the City Council, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

170.21 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

(Code of Iowa, Sec. 354.6)

170.22 PLAT TO CONFORM TO COMPREHENSIVE PLAN. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

(Code of Iowa, Sec. 354.8)
170.23 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall prepare and file with the City Administrator twenty (20) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date;
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners;
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights;
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular;
5. Building setback or front yard lines;
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes;
7. Present and proposed easements, showing locations, widths, purposes and limitation;
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each;
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County;
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat;
11. Existing and proposed zoning of the proposed subdivision and adjoining property;
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat; and
13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the City Council waives this requirement.

170.24 REFERRAL OF PRELIMINARY PLAT. The City Administrator shall forthwith refer two (2) copies of the preliminary plat to the City Engineer, seven (7) copies to the Planning and Zoning Commission, seven (7) copies to the Mayor, City Council and City Administrator, and five (5) copies to Utility Representatives.

170.25 ACTIONS BY CITY STAFF, THE CITY ENGINEER AND PLANNING AND ZONING COMMISSION.

1. City staff and the City Engineer shall carefully examine all preliminary plats as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Sac City, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City Engineer's
findings in duplicate to the City Council together with one (1) copy of the plat received.

(Code of Iowa, Sec. 354.8)

2. The Planning and Zoning Commission shall, as soon as possible but not more than thirty (30) days thereafter, pass upon the preliminary plat as originally submitted or modified. If the Commission does not act within thirty (30) days, the preliminary plan shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time period of up to an additional thirty (30) days. It shall then set forth its recommendations in writing to the City Council of approval, modification, or disapproval.

170.26 ACTION BY THE CITY COUNCIL. The City Council shall, upon receiving the reports of City Staff, the City Engineer and Planning and Zoning Commission, as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the City Council does not act within thirty (30) 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 an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the City Council or disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.

2. If approved, the City Council shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.

3. The action of the City Council shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the City Council.

4. The "Conditional Approval" by the City Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

170.27 AUTHORIZATION TO INSTALL IMPROVEMENTS. The conditional approval of the Preliminary Plat shall constitute an authorization by the Council for the installation of improvements as shown on the preliminary plat; provided, no such improvements shall be constructed or installed until and unless the plans, profiles, cross sections and specifications for the construction of such improvements have been submitted to and approved in writing by the City Engineer.

1. Requirements of Public Improvement Construction Documents. The public improvement construction documents shall be prepared by a registered professional engineer in sufficient detail to permit bidding the work. The plans shall be prepared on standard sized sheets to a scale of not less than one inch equals twenty (20) feet for street paving improvements and one inch equals fifty (50) feet for sewer and water main projects not associated with paving improvements.

2. Contents of Public Improvement Construction Plans. The following information shall be shown on the public improvement construction plans in addition to any other information deemed necessary by the City Engineer.
A. Title Sheet.
B. Estimate of quantities and notes including bench mark data and references.
C. Details.
D. Plans and profiles including right-of-way and/or easement locations and curve data.
E. Cross Sections.

3. “As Built” Drawings. At the completion of construction of any public improvements or portions of improvements, and prior to acceptance of the improvements by the City, the City shall be provided with two copies of “As Built” drawings of the completed improvements, one being on drafting film capable of reproduction. Additionally, the City shall be provided with photographs of “As Built” work for underground items such as water valves, hydrants, manholes, and other similar appurtenances that have been taken prior to backfilling those areas.

170.28 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

170.29 REFERRAL FINAL PLAT. The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the City Council prepare and file twenty (20) copies of the final plat and other required documents with the City Administrator as hereafter set forth, and upon the subdivider's failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the City Council. Upon receipt of the final plat and other required documents, the City Administrator shall transmit six (6) copies to the Mayor and Council and seven (7) copies of the final plat to the Planning and Zoning Commission for its recommendations and approval. Within thirty (30) days, the Commission shall forward its recommendation to the Council, who shall, within sixty (60) days, either approve or disapprove the final plat. In the event that said final plat is disapproved by the Council, such disapproval shall point out wherein said proposed plat is objectionable. In the event that said final plat is found to be acceptable and in accordance with these regulations, the Council shall accept the same. Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the City Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. At its discretion, the City Council may refer the final plat to the City Engineer pursuant to the procedure established in Section 170.18.

170.30 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of Chapter 355 of the Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing material. It shall show:

(Code of Iowa, Sec. 354.8 & 355.8)

1. The title under which the subdivision is to be recorded;
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys, and storm water infrastructure. These should be
exact and complete to include all distances, radii, arc, chords, points of tangency and central angles;

3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan;

4. The identification of surrounding property, including lot numbers, names of property owners (if available), and other identifying marks;

5. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks;

6. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse; and

7. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

170.31 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

(Code of Iowa, Sec. 354.11)

1. A correct description of the subdivision land.

(Code of Iowa, Sec. 354.6(2))

2. 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.

3. 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.

4. 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.

5. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

6. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the Clerk's office.
7. A certificate of dedication of streets and other public property.

8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolution and certificate for approval by the City Council and for signatures of the Mayor and the City Administrator.

10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the City Administrator, or similar official, that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Administrator, or that the City Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
CHAPTER 170  SUBDIVISION REGULATIONS

OTHER PROVISIONS

170.32  VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the City Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the City Council.

170.33  CHAIN SUBDIVIDING. No more than two (2) building permits for each separate tract existing at the effective date of this chapter shall be issued unless the tract has been platted in accordance with this chapter; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by the Zoning Ordinance or additions or improvements to a main or accessory building already legally located upon said tract.
## CODE OF ORDINANCES
### CITY OF SAC CITY, IOWA

### TABLE OF CONTENTS

### GENERAL CODE PROVISIONS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CODE OF ORDINANCES</td>
</tr>
<tr>
<td>2</td>
<td>CHARTER</td>
</tr>
<tr>
<td>3</td>
<td>MUNICIPAL INFRACTIONS</td>
</tr>
<tr>
<td>5</td>
<td>OPERATING PROCEDURES</td>
</tr>
<tr>
<td>6</td>
<td>CITY ELECTIONS</td>
</tr>
<tr>
<td>7</td>
<td>FISCAL MANAGEMENT</td>
</tr>
<tr>
<td>8</td>
<td>INDUSTRIAL PROPERTY TAX EXEMPTIONS</td>
</tr>
<tr>
<td>9</td>
<td>URBAN REVITALIZATION</td>
</tr>
</tbody>
</table>

### ADMINISTRATION, BOARDS AND COMMISSIONS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>MAYOR</td>
</tr>
<tr>
<td>16</td>
<td>MAYOR PRO TEM</td>
</tr>
<tr>
<td>17</td>
<td>COUNCIL</td>
</tr>
<tr>
<td>18</td>
<td>CITY CLERK</td>
</tr>
<tr>
<td>19</td>
<td>CITY TREASURER</td>
</tr>
<tr>
<td>20</td>
<td>CITY ATTORNEY</td>
</tr>
<tr>
<td>21</td>
<td>CITY ADMINISTRATOR</td>
</tr>
<tr>
<td>22</td>
<td>LIBRARY BOARD OF TRUSTEES</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

## ADMINISTRATION, BOARDS AND COMMISSIONS (continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Planning and Zoning Commission</td>
<td>99</td>
</tr>
<tr>
<td>24</td>
<td>Park Board</td>
<td>105</td>
</tr>
<tr>
<td>25</td>
<td>Arts Council</td>
<td>109</td>
</tr>
<tr>
<td>26</td>
<td>Historic Preservation Commission</td>
<td>111</td>
</tr>
<tr>
<td>27</td>
<td>Airport Commission</td>
<td>115</td>
</tr>
</tbody>
</table>

## POLICE, FIRE AND EMERGENCIES

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Police Department</td>
<td>145</td>
</tr>
<tr>
<td>36</td>
<td>Fire Department</td>
<td>147</td>
</tr>
<tr>
<td>37</td>
<td>Hazardous Substance Spills</td>
<td>151</td>
</tr>
</tbody>
</table>

## PUBLIC OFFENSES

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Public Peace</td>
<td>185</td>
</tr>
<tr>
<td>41</td>
<td>Public Health and Safety</td>
<td>189</td>
</tr>
<tr>
<td>42</td>
<td>Public and Private Property</td>
<td>193</td>
</tr>
<tr>
<td>43</td>
<td>Drug Paraphernalia</td>
<td>201</td>
</tr>
<tr>
<td>45</td>
<td>Alcohol Consumption and Intoxication</td>
<td>225</td>
</tr>
<tr>
<td>46</td>
<td>Minors</td>
<td>227</td>
</tr>
<tr>
<td>47</td>
<td>Park Regulations</td>
<td>231</td>
</tr>
</tbody>
</table>

## NUISANCES AND ANIMAL CONTROL

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>Nuisance Abatement Procedure</td>
<td>245</td>
</tr>
<tr>
<td>51</td>
<td>Junk and Junk Vehicles</td>
<td>255</td>
</tr>
<tr>
<td>55</td>
<td>Animal Protection and Control</td>
<td>275</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

TRAFFIC AND VEHICLES

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE .......................................................... 301
CHAPTER 61 - TRAFFIC CONTROL DEVICES .................................................................... 305
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS ............................................................ 307
CHAPTER 63 - SPEED REGULATIONS ............................................................................... 321
CHAPTER 64 - TURNING REGULATIONS ......................................................................... 325
CHAPTER 65 - STOP OR YIELD REQUIRED .................................................................... 327
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS ...................................................... 345
CHAPTER 67 - PEDESTRIANS ......................................................................................... 355
CHAPTER 68 - ONE-WAY TRAFFIC .................................................................................. 357
CHAPTER 69 - PARKING REGULATIONS ......................................................................... 359
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES ..................................... 381
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES .................................... 391
CHAPTER 76 - BICYCLE REGULATIONS ......................................................................... 401
CHAPTER 78 - SKATES AND SKATEBOARDS .................................................................. 407
CHAPTER 80 - ABANDONED VEHICLES ........................................................................ 415

WATER

CHAPTER 90 - WATER SERVICE SYSTEM ..................................................................... 431
CHAPTER 91 - WATER METERS .................................................................................... 437
CHAPTER 92 - WATER RATES ...................................................................................... 443
# TABLE OF CONTENTS

## SANITARY SEWER

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>95</td>
<td>SANITARY SEWER SYSTEM</td>
<td>461</td>
</tr>
<tr>
<td>96</td>
<td>BUILDING SEWERS AND CONNECTIONS</td>
<td>465</td>
</tr>
<tr>
<td>97</td>
<td>USE OF PUBLIC SEWERS</td>
<td>473</td>
</tr>
<tr>
<td>98</td>
<td>ON-SITE WASTEWATER SYSTEM</td>
<td>477</td>
</tr>
<tr>
<td>99</td>
<td>SEWER USER CHARGE SYSTEM</td>
<td>479</td>
</tr>
<tr>
<td>100</td>
<td>STORM WATER UTILITY</td>
<td>485</td>
</tr>
</tbody>
</table>

## GARBAGE AND SOLID WASTE

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>SOLID WASTE CONTROL</td>
<td>501</td>
</tr>
<tr>
<td>106</td>
<td>COLLECTION OF SOLID WASTE</td>
<td>511</td>
</tr>
</tbody>
</table>

## FRANCHISES AND OTHER SERVICES

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>110</td>
<td>GAS UTILITY</td>
<td>525</td>
</tr>
<tr>
<td>111</td>
<td>ELECTRIC FRANCHISE</td>
<td>527</td>
</tr>
<tr>
<td>112</td>
<td>TELEPHONE FRANCHISE</td>
<td>531</td>
</tr>
<tr>
<td>113</td>
<td>CABLE TELEVISION FRANCHISE AND REGULATIONS</td>
<td>533</td>
</tr>
<tr>
<td>114</td>
<td>REGULATION OF CABLE TELEVISION RATES</td>
<td>545</td>
</tr>
<tr>
<td>115</td>
<td>CABLE TELEVISION CUSTOMER SERVICE STANDARDS</td>
<td>551</td>
</tr>
<tr>
<td>116</td>
<td>CEMETERY</td>
<td>575</td>
</tr>
</tbody>
</table>

## REGULATION OF BUSINESS AND VOCATIONS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>120</td>
<td>LIQUOR LICENSES AND WINE AND BEER PERMITS</td>
<td>601</td>
</tr>
<tr>
<td>121</td>
<td>CIGARETTE AND TOBACCO PERMITS</td>
<td>605</td>
</tr>
<tr>
<td>122</td>
<td>PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS</td>
<td>609</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

REGULATION OF BUSINESS AND VOCATIONS (continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>123</td>
<td>House Movers</td>
<td>613</td>
</tr>
<tr>
<td>124</td>
<td>Alarms</td>
<td>621</td>
</tr>
<tr>
<td>125</td>
<td>Sound Trucks</td>
<td>631</td>
</tr>
</tbody>
</table>

STREETS AND SIDEWALKS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>135</td>
<td>Street Use and Maintenance</td>
<td>651</td>
</tr>
<tr>
<td>136</td>
<td>Sidewalk Regulations</td>
<td>655</td>
</tr>
<tr>
<td>137</td>
<td>Vacation and Disposal of Streets</td>
<td>661</td>
</tr>
<tr>
<td>138</td>
<td>Street Grades</td>
<td>665</td>
</tr>
<tr>
<td>139</td>
<td>Naming of Streets</td>
<td>667</td>
</tr>
</tbody>
</table>

BUILDING AND PROPERTY REGULATIONS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>145</td>
<td>Dangerous Buildings</td>
<td>701</td>
</tr>
<tr>
<td>146</td>
<td>Manufactured and Mobile Homes</td>
<td>705</td>
</tr>
<tr>
<td>147</td>
<td>Public Water Wells</td>
<td>715</td>
</tr>
<tr>
<td>148</td>
<td>Demolition Permit</td>
<td>719</td>
</tr>
<tr>
<td>149</td>
<td>Property Maintenance Code</td>
<td>725</td>
</tr>
<tr>
<td>150</td>
<td>Building Numbering</td>
<td>735</td>
</tr>
<tr>
<td>151</td>
<td>Trees</td>
<td>737</td>
</tr>
<tr>
<td>155</td>
<td>Storage of Vehicles</td>
<td>751</td>
</tr>
<tr>
<td>160</td>
<td>Flood Plain Regulations</td>
<td>791</td>
</tr>
</tbody>
</table>

ZONING AND SUBDIVISION

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>165</td>
<td>Zoning Regulations</td>
<td>825</td>
</tr>
<tr>
<td>166</td>
<td>Airport Zoning Regulations</td>
<td>835</td>
</tr>
<tr>
<td>170</td>
<td>Subdivision Regulations</td>
<td>861</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

## INDEX

### APPENDIX:

**USE AND MAINTENANCE OF THE CODE OF ORDINANCES**

SUGGESTED FORMS:

- **DANGEROUS BUILDINGS - FIRST NOTICE**
- **DANGEROUS BUILDINGS - NOTICE OF HEARING**
- **DANGEROUS BUILDINGS - RESOLUTION AND ORDER**
- **NOTICE TO ABATE NUISANCE**
- **NOTICE OF REQUIRED SEWER CONNECTION**
- **NOTICE OF HEARING ON REQUIRED SEWER CONNECTION**
- **RESOLUTION AND ORDER**