

CITY OF GRAFTON, IOWA
MUNICIPAL CODE OF ORDINANCES

1994

FINAL COPY

CODIFIED BY:

**NORTH IOWA AREA
COUNCIL OF GOVERNMENTS
121 THIRD STREET NW
MASON CITY, IA 50401**

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THE UNITED STATES OF AMERICA
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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the
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ATTEST:

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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1-1-1 DEFINITIONS. The following words and phrases whenever used in the ordinances of the city, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "City" means the City of Grafton, Iowa, or the area within the territorial limits of the city, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision;

2. "Clerk" means clerk-treasurer.

3. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;

4. "Council" means the city council of the city. All its members or all council persons mean the total number of council persons provided by the city charter under the general laws of the state;

5. "County" means the County of Worth, Iowa;

6. "Fiscal Year" means July 1 to June 30.

7. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the ordinances of the city; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

8. "May" confers a power;

9. "Month" means a calendar month;

10. "Must" states a requirement;

11. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";

12. "Or" may be read "and" and "and" may be read "or" if the sense requires it;

13. "Ordinance" means a law of the city; however, an administrative action, order or directive, may be in the form of a resolution;

14. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;

15. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

16. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

17. "Preceding" and "following" mean next before and next after, respectively;

18. "Property" includes real and personal property;

19. "Real property" includes lands, tenements and hereditaments;

20. "Shall" imposes a duty;

21. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;

22. "State" means the State of Iowa;

23. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

24. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

25. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city;

26. "Written" includes printed, typewritten, mimeographed or multigraphed;

27. "Year" means a calendar year;

28. All words and phrases shall be construed and understood

according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

29. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the ordinances of the city;

1. Gender. Any gender includes the other gender;

2. Singular and Plural. The singular number includes the plural and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-4 CONSTRUCTION. The provisions of this code and all proceeds under it are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT. All ordinances of the city council passed thereafter shall be in the form of an addition or amendment to the Grafton Municipal Code of 1994, constituting this municipal code, and shall include proper references to chapter and section to maintain the orderly codification of the ordinances.

1-1-6 SEVERABILITY. If any section, provision or part of the city code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the city code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

1-2-1 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any ordinance, or whenever there is reasonable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1 General Penalty

1-3-1 GENERAL PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Grafton is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Grafton shall be punished by a fine of not more than one hundred dollars, or by imprisonment not to exceed thirty days.

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

1-4-1 Purpose and Intent	1-4-4 Subpoenas
1-4-2 General	1-4-5 Conduct of Hearing
1-4-3 Form of Notice of Hearing	1-4-6 Method and Form of Decision

1-4-1 PURPOSE AND INTENT.

1. It is the purpose of this article to establish an orderly, efficient and expeditious process for evidentiary hearings before the city council.

2. The provisions of this article shall apply to a proceeding required by constitution, statute or ordinance to be determined by the city council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the city council.

2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.

3. Continuances. The city council may grant continuances for good cause shown.

4. Oaths, certification. The city council or any member thereof has the power to administer oaths and affirmations.

5. Reasonable dispatch. The city council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

"You are hereby notified that an evidentiary hearing will be held before the Grafton City Council at _____ on the _____ day of _____, 19____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance

of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the city clerk."

1-4-4 SUBPOENAS.

Filing of Affidavit. The city council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the city council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness' possession or under the witness' control. A subpoena need not be issued when the affidavit is defective in any particular.

1-4-5 CONDUCT OF HEARING.

1. **Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. **Oral evidence.** Oral evidence shall be taken only on oath or affirmation.

3. **Hearsay evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. **Admissibility of evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

5. **Exclusion of evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

6. **Rights of parties.** Each party shall have these rights, among others:

(a) To call and examine witnesses on any matter relevant to the issues of the hearing;

(b) To introduce documentary and physical evidence;

(c) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(d) To impeach any witness regardless of which party first

called the witness to testify;

(e) To rebut the evidence against the party; and

(f) To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official Notice.

(a) What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this or of official records of the city or its departments and ordinances of the city.

(b) Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

(c) Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the city council.

8. Inspection of the premises. The city council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:

(a) Notice of such inspection shall be given to the parties before the inspection is made;

(b) The parties are given an opportunity to be present during the inspection; and

(c) The city council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the city council.

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings before the city council where a contested case is heard before the city council, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision. The city council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the city council.

2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by

certified mail, postage prepaid, return receipt requested.

3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

- | | |
|--------------------------|---------------------------------------|
| 2-1-1 Charter | 2-1-4 Number and Term of City Council |
| 2-1-2 Form of Government | 2-1-5 Term of Mayor |
| 2-1-3 Powers and Duties | 2-1-6 Copies on File |

2-1-1 CHARTER. This chapter may be cited as the Charter of the City of Grafton, Iowa.

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Grafton, Iowa, is the Mayor-Council form of government.

2-1-3 POWERS AND DUTIES. The city 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 of Grafton, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The city council consists of five city council members elected at large, elected for terms of two years.

2-1-5 TERM OF MAYOR. The mayor is elected for a term of two years.

2-1-6 COPIES ON FILE. The city clerk shall keep an official copy of the charter on file with the official records of the city clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the city clerk's office for public inspection.

TITLE II POLICY AND ADMINISTRATION
CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF
MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-5	Bonds Required
2-2-2	Appointments of Officers	2-2-6	Surety
2-2-3	Terms of Appointive Officers	2-2-7	Blanket Position Bond
2-2-4	Vacancies in Offices	2-2-8	Bonds Filed
		2-2-9	Record

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: clerk/treasurer and city superintendent.

2-2-2 APPOINTMENT OF OFFICERS. The mayor shall appoint the following officials:

1. Committees as needed
2. Mayor Pro-Tem
3. Library Trustees

All other officers shall be appointed or selected by the city council unless otherwise provided by law or ordinance.

2-2-3 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or ordinance shall be one (1) year.

2-2-4 VACANCIES IN OFFICES. A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the city council, unless filled by election in accordance with state law.

2-2-5 BONDS REQUIRED. Each municipal officer required by law or ordinance to be bonded shall, before entering upon the duties of the office, execute to the city a good and sufficient bond, to be approved by the city council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the city in the official's charge unless the city council shall have provided for a blanket position surety bond.

2-2-6 SURETY. Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-2-7 BLANKET POSITION BOND. The city council shall provide for a blanket position bond to cover all officers and employees of the city, but the city council may provide by resolution for a surety

bond for any other officer or employee that the city council deems necessary. The city shall pay the premium on any official bond.

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the clerk.

2-2-9 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1 General Duties	2-3-5 Powers and Duties of the Clerk
2-3-2 Books and Records	2-3-6 Powers and Duties of the City Attorney
2-3-3 Transfer of Records and Property to Successor	2-3-7 Powers and Duties of the City Superintendent
2-3-4 Powers and Duties of the Mayor	

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the city council unless contrary to state law or city charter.

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request.

2-3-3 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-4 POWERS AND DUTIES OF THE MAYOR. The duties of the mayor shall be as follows:

1. The mayor shall supervise all departments of the city and give direction to department heads concerning the functions of the departments. The mayor shall 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.

2. The mayor shall act as presiding officer at all regular and special city council meetings. The mayor pro tem shall serve in this capacity in the mayor's absence.

3. The mayor may sign, veto, or take no action on an ordinance, amendment or resolution passed by the city council. If the mayor vetoes a measure, the mayor must explain in writing the reason for such veto to the city council. The city council may repass a measure over the mayor's veto by a two-thirds majority of the city council members, if said action is taken within thirty days of the veto.

4. The mayor shall 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 or ordinance.

5. The mayor shall, whenever authorized by the city council, sign all contracts on behalf of the city.

6. The mayor shall call special meetings of the city council when the mayor deems such meetings necessary to the interests of the city.

7. The mayor shall make such oral or written reports to the city council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for city council action.

8. Immediately after taking office the mayor shall designate one member of the city council as mayor pro tempore. The mayor pro tempore shall be vice-president of the city council. Except for the limitations otherwise provided herein, the mayor pro tempore shall perform the duties of the mayor in cases of absence or inability of the mayor to perform the duties of the office. In the exercise of the duties of the office the mayor pro tempore shall not have power to employ or discharge from employment officers or employees that the mayor has the power to appoint, employ or discharge. The mayor pro tempore shall have the right to vote as a member of the city council.

9. The mayor shall, upon order of the city council, secure for the city such specialized and professional services not already available to the city. In executing the order of the city council the mayor shall conduct said duties in accordance with the city ordinance and the laws of the State of Iowa.

10. The mayor shall sign all licenses and permits which have been granted by the city council, except those designated by law or ordinance to be issued by another municipal officer.

11. Upon authorization of the city council, the mayor shall revoke permits or licenses granted by the city council when their terms, the ordinances of the city, or the laws of the State of Iowa are violated by holders of said permits or licenses.

12. The mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing.

2-3-5 POWERS AND DUTIES OF THE CLERK. The duties of the clerk shall be as follows:

1. The clerk shall attend all regular and special city council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each city fund. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

2. The clerk shall record each measure taken by the city

council, stating where applicable whether the mayor signed, vetoed, or took no action on the measure and what action the city council made upon the mayor's veto.

3. The clerk shall cause to be published all ordinances and amendments enacted by the city. The clerk shall authenticate all such measures except motions with said clerk's signature, certifying the time and place of publication when required.

4. The clerk shall maintain copies of all effective city ordinances and codes for public use.

5. The clerk shall publish notice of public hearings, elections and other official actions as required by state and city law.

6. The clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the city.

7. The clerk shall be the chief accounting officer of the city.

8. The clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the city. Each account shall be kept in the manner required by law.

9. Following city council adoption for the budget, the clerk shall certify the necessary tax levy for the following year to the county auditor and the county board of supervisors.

10. The clerk shall report to the city council at the first meeting of each month the status of each municipal account as of the end of the previous month.

11. The clerk shall balance all funds at the end of each month.

12. The clerk shall prepare the annual public report, publish it, and send a certified copy to the state auditor and other state officers as required by law.

13. The clerk shall maintain all city records as required by law.

14. The clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance.

15. The clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The clerk shall 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 the clerk's duty. The clerk shall furnish a copy to any citizen when requested upon payment of the fee set by city council resolution. The clerk shall, under the direction of the mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by ordinance are required to be attested by the affixing of the seal.

17. The clerk shall attend all meetings of committees, boards and commissions of the city. The clerk shall record and preserve a correct record of the proceedings of such meetings.

18. The clerk shall keep and file all communications and petitions directed to the city council or to the city generally. The clerk shall endorse thereon the action of the city council taken upon matters considered in such communications and petitions.

19. The clerk shall issue all licenses and permits approved by the city council, and keep a record of licenses and permits issued which shall show a 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.

20. The clerk shall inform all persons appointed by the mayor or city council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.

21. The clerk shall preserve a complete record of every city election, regular or special and perform duties required by law or ordinance of the city clerk in regard to elections.

22. The clerk shall draw all warrants/checks for the city upon the vote of the city council.

23. The clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

24. The clerk shall keep a warrant/check record in a form approved by the city council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

25. The clerk shall bill and collect all charges, rents or fees due the city for utility and other services, and give a receipt therefor.

26. Annually, the clerk shall prepare and submit to the city council an itemized budget of revenues and expenditures.

27. The clerk shall keep the record of each fund separate.

28. The clerk shall keep an accurate record for all money or securities received by the clerk on behalf of the municipality and

specify date, from whom, and for what purposes received.

29. The clerk shall prepare a receipt in duplicate for all funds received. The clerk shall give the original to the party delivering the funds, and retain the duplicate.

30. The clerk shall keep a separate account of all money received by the clerk for special assessments.

31. The clerk shall, immediately upon receipt of monies to be held in the clerk's custody and belonging to the city, deposit the same in banks selected by the city council in amounts not exceeding monetary limits authorized by the city council.

2-3-6 POWERS AND DUTIES OF THE CITY ATTORNEY. The city attorney will be hired on a case by case basis as the need arises and shall be approved by the council for each case.

2-3-7 POWERS AND DUTIES OF THE CITY SUPERINTENDENT. The duties of the superintendent of public works shall be as follows:

1. The superintendent shall supervise the installation of all storm sewers in the city in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

2. The superintendent shall maintain and repair the sidewalks, alleys, bridges and streets and keep them in a reasonably safe condition for travelers. The superintendent shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, and is charged with the duty of correcting unsafe defects in them.

3. The superintendent shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the city and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the city safe.

4. The superintendent shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The superintendent shall make monthly oral and written reports of the activities of the department to the mayor on or before the first day of each month.

5. The superintendent shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

TITLE II POLICY AND ADMINISTRATION
CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member
2-4-2 Mayor

2-4-3 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each city council member shall be \$15 (fifteen dollars) for each meeting of the city council but in no event shall any city council member be paid more than \$300 (three hundred dollars) in any one year.

2-4-2 MAYOR. The mayor shall receive an annual salary of \$1,500 (fifteen hundred dollars) to be paid in equal monthly installments.

2-4-3 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of city council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1 Budget Adoption	2-5-9 Expenditures
2-5-2 Budget Amendment	2-5-10 Immediate Payment
2-5-3 Budget Protest	Authorized
2-5-4 Accounts and Programs	2-5-11 Investment of Funds
2-5-5 Annual Report	2-5-12 Petty Cash Fund
2-5-6 Council Transfers	2-5-13 Accounting
2-5-7 Administrative Transfers	2-5-14 Budget Accounts
2-5-8 Budget Officer	2-5-15 Contingency Accounts

2-5-1 BUDGET ADOPTION. Annually, the city shall prepare and adopt a budget, and shall certify taxes as follows:

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the state city finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:

(a) Expenditures for each program.

(b) Income from sources other than property taxation.

(c) Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the state city finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

2. Not less than twenty days before the date that the budget must be certified to the county auditor, the clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the mayor and clerk and at the city library, if any, or at three places designated by ordinance for posting notices.

3. The city council shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the county auditor.

4. At the hearing, any resident or taxpayer of the city may

present to the city council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

5. After the hearing, the city council shall adopt a budget for at least the following fiscal year, and the clerk shall certify the necessary tax levy for the following 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, unless an additional tax levy is approved at a city election. Two copies of the complete budget as adopted shall be transmitted to the county auditor.

2-5-2 BUDGET AMENDMENT. The city budget as finally adopted for the following fiscal year becomes effective July first and constitutes the city appropriation for each program and purpose specified therein until amended. The city budget for the current fiscal year may be amended for any of the following purposes:

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by state law, to any other city fund, unless specifically prohibited by state law.

4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in section 2-5-3 of this chapter, except that the committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

2-5-3 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the city, but not less than ten persons.

2-5-4 ACCOUNTS AND PROGRAMS. The city shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the state city finance committee.

The city shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any city purpose, by any city officer, employee, or other person, and which show the receipt, use, and disposition of all city property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

2-5-5 ANNUAL REPORT. Not later than October first of each year the city shall publish 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 this report shall be furnished to the auditor of state.

2-5-6 COUNCIL TRANSFERS. When the city clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the city clerk shall inform the city council or if the city council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the city council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the mayor, as provided by law for resolutions, the city clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the city council. Thereupon the clerk, and where applicable, the city treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the city, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

2-5-7 ADMINISTRATIVE TRANSFERS. The city clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior city council approval.

The city clerk shall have the power to make transfers between activities, or between sub-programs without prior city council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out city council directives or to maintain a necessary service and provide the required appropriation balance.

2-5-8 BUDGET OFFICER. The city clerk shall be the city budget officer and is responsible for preparing the budget data in cooperation with the city council or mayor. The city clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to city council control and the limitations set out in this ordinance.

2-5-9 EXPENDITURES. No expenditure shall be authorized by any city officer or employee except as herein provided.

2-5-10 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 payments so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

2-5-11 INVESTMENT OF FUNDS. The clerk shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives and the requirements of Chapter 12B, Code of Iowa.

2-5-12 PETTY CASH FUND. The clerk shall be custodian of a petty cash fund not to exceed one hundred (\$100) dollars for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the clerk shall obtain some form of receipt or bill acknowledged as paid by the vendor or his agent. At such time as the petty cash fund is approaching depletion the clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

2-5-13 ACCOUNTING. The clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses.

2-5-14 BUDGET ACCOUNTS. The clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the city council. Each individual account shall be maintained within its proper fund as required by city council order or state law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

2-5-15 CONTINGENCY ACCOUNTS. Whenever the city council shall have budgeted for a contingency account the clerk shall set up in the accounting records but the clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by city council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

All administrative transfers shall be reported in writing at the next regular meeting of the city council after being made and the fact set out in the minutes for the information of the mayor and city council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

2-6-1 Purpose

2-6-3 Removing Notice Unlawful

2-6-2 Listing; Length of
Notice

2-6-1 PURPOSE. The City of Grafton, Iowa has no newspaper published within the corporate limits of the City, and publications of notice of elections, ordinances and amendments may be made by posting in three public places which have been permanently designated by ordinance.

2-6-2 LISTING; LENGTH OF NOTICE. The three public places where public notice of ordinances and other matters permitted to be posted are to be displayed are:

1. U.S. Post Office
2. Bruesewitz Chevrolet
3. Farmers State Bank

The city clerk is hereby directed to promptly post notices of elections, ordinances, and amendments, and to leave them so posted for not less than ten days after the first date of posting, and the city clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

2-6-3 REMOVING NOTICE UNLAWFUL. Removal of a public notice by persons other than the city clerk shall be a misdemeanor. Any unlawful removal of a public notice or posting shall not effect the validity of the ordinance or action taken.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1 Violations of Chapter	3-1-6 Animals
3-1-2 Public Peace	3-1-7 Streets
3-1-3 Public Morals	3-1-8 Public Safety and Health
3-1-4 Parades Regulated	3-1-9 Public Property
3-1-5 Minors	

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

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

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

6. Without authority, obstruct any street, sidewalk, highway or other public way.

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in the presence of or in view of another, if the person knows or reasonably should know that such behavior would be offensive to a reasonable person.

2. Consumption in public places - intoxication. No person shall use or consume any alcoholic liquors upon the public streets or highways, or in any public place, except premises covered by a liquor control license, or be intoxicated or simulate intoxication in a public place.

3-1-4 PARADES REGULATED. No person shall conduct or cause parade on any street except as provided herein:

1. Parade defined. Parade shall mean 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 generally to the public as a parade.

2. Permit required. No parade shall be conducted without first obtaining a written permit from the mayor. 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 shall have 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 Peace Officer and Firemen. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties by the members of the fire department, or any peace officer.

3-1-5 MINORS.

1. Supplying liquor to minors. No person shall sell, give or otherwise supply alcoholic liquor, wine, or beer to any person under twenty-one (21) years of age, or knowingly permit any person under that age to consume alcoholic liquors, wine, or beer, except in the case of alcoholic liquor, wine, or beer, given or dispensed to a person under twenty-one (21) years of age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to such person by a physician or dentist for medicinal purposes.

3-1-6 ANIMALS.

1. Cruelty to animals. No person shall torture, torment, mutilate, cruelly beat, or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter, protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise; or commit any other

act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether the acts or omissions herein contemplated are committed either maliciously, willfully or negligently.

2. Bullfights and other contests. No person shall keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, or engage in, aid, abet, encourage or assist in any bull, bear, dog or cock fight, or a fight between any other creatures.

3. Animals running at large. No person shall allow cattle, horses, swine, sheep or other similar animals or fowl to run at large within the limits of the municipal corporation. At large means an animal found off the premises of the owner or upon the public streets, alleys, public grounds or parks within the city. A dog or cat shall not be deemed at large:

(a) If it is attached to a leash of sufficient strength of not more than ten (10) feet in length and such leash is held by a competent person; or

(b) It is accompanied by or at the side of the owner or a competent person and obedient to commands of the owner or competent person.

4. Nuisance. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

(a) Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

(b) Causes unsanitary, dangerous or offensive conditions.

(c) Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

3-1-7 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy or carry away from any highway, street, alley, avenue or bridge 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 highway, street, alley, avenue or bridge without the consent of the person in control thereof.

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the mayor.

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly.

4. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-8 PUBLIC SAFETY AND HEALTH.

1. Expecterating. No person shall expectorate on the ground or on the floor of any structure within the city limits.

2. Putting glass, etc., on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife.

4. False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.

5. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

6. Discharging firearms and fireworks.

(a) No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.

(b) The city council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

(c) The city council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

(d) In the interest of public health and safety and at such times as approved by the chief of police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

(e) Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

7. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

8. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

9. Resisting execution of process. No person shall knowingly or willfully resist or oppose any officer of this state or any person authorized by law in serving or attempting to execute any legal written, rule, order or process whatsoever, or knowingly and

willfully resist any such officer in the discharge of such officer's duties without such written, rule, order or process.

10. Refusing to assist an officer. No person shall, when lawfully required by any sheriff, deputy sheriff, constable or other officer, willfully neglect or refuse to assist such officer in execution of the duties of such officer's office in any criminal case, or in any case of escape or rescue.

11. Resisting arrest. No person shall attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest.

12. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

13. Throwing and shooting. No person shall throw stones or missiles of any kind or shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.

14. Interference with city officers. No person shall interfere with or hinder any policeman, fireman, officer or city official in the discharge of such officer's duty.

15. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the city council.

16. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by city officials for such purposes.

17. Sale of food. No person shall sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or sell or offer for sale the flesh of any animal that was diseased.

3-1-9 PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the mayor.

2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

3. Destroying park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or

cutting.

4. Injury to public library books or property. No person shall willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. Defacing or destroying proclamations or notices. No person shall intentionally 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 of this State, or any proclamation, advertisement or notification, set up at any place within the city by authority of law or by order of any court, during the time for which the same is to remain set up.

6. Injury to gravestones or property in cemetery. No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

7. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

8. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof.

9. Injury to roads, railways, and other utilities. No person shall maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

10. Tapping telegraph or telephone wires. No person shall wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person, company or association engaged in the transmission of messages on telephone or telegraph lines.

11. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1 Definitions	3-2-7 Request for Hearing and Appeal
3-2-2 Nuisances Prohibited	3-2-8 Abatement in Emergency
3-2-3 Other Conditions Regulated	3-2-9 Abatement by Municipality
3-2-4 Notice to Abate Nuisance or Condition	3-2-10 Collection of Cost of Abatement
3-2-5 Contents of Notice to Abate	3-2-11 Installment Payment of Cost of Abatement
3-2-6 Method of Service	

3-2-1 DEFINITIONS. For use in this ordinance, the following terms are defined:

1. The term "nuisance" means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(a) The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious fumes, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

(b) The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

(c) The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

(d) The 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.

(e) The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

(f) Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hashish or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(g) 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, especially near intersecting streets.

(h) Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the city.

(j) The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, within the fire limits of this city, unless it be in a building of fire resistant construction.

(k) The emission of dense smoke, noxious fumes, or fly ash.

(l) Dense growth of all weeds, grasses, vines, brush, or other vegetation in the city so as to constitute a health, safety, or fire hazard.

(m) Trees infected with Dutch elm disease.

(n) Effluent from septic tank or drain field running or ponding on the ground in the open.

(o) Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.

(p) Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

2. The removal, repair, or dismantling of dangerous buildings or structures.

3. The numbering of buildings.

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3, the mayor or officer shall cause to be served upon the property owner as shown by the records of the county auditor a written notice to abate the nuisance within a reasonable time after notice.

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

1. A description of what constitutes the nuisance or other condition.

2. The location of the nuisance or condition.

3. A statement of the act or acts necessary to abate the nuisance or condition.

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

5. 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.

3-2-6 METHOD OF SERVICE. The notice may be served by certified mail or personal service to the property owner as shown by the records of the county auditor.

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the city council at a time and place fixed by the council. The findings of the council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be

ordered abated within a time reasonable under the circumstances.

3-2-8 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of sections 3-2-4 and 3-2-5 and hearing as provided in section 3-2-7.

3-2-9 ABATEMENT BY MUNICIPALITY. 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 city clerk, who shall pay such expenses on behalf of the municipality.

3-2-10 COLLECTION OF COST OF ABATEMENT. The clerk shall mail a statement of the total expense incurred 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 city clerk shall certify the costs to the county auditor and they shall then be collected with, and in the same manner, as general property taxes.

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the city may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the county treasurer.

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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3-3-1 SHORT TITLE. This chapter may be known and cited as the "Traffic Code".

3-3-2 DEFINITIONS. Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this ordinance.

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

3. "Stop", when required means complete cessation of movement.

4. "Stop or stopping", when prohibited, means 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 police officer or traffic-control sign or signal.

5. "Business districts" means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

6. "Residential districts" means all areas of the city not included in business districts.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-3 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the Worth County Sheriff's Department.

3-3-4 POWER TO DIRECT TRAFFIC. A peace officer, and 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.

3-3-5 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse 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 provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the

Code are adopted by reference:

1. 321.32, 321.174, 321.189, 321.193, and 321.218 through 321.224 -- display of registration and license to drive.

2. 321.229 through 321.234 -- obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations.

3. 321.256 through 321.260 -- traffic signs, signals and markings, including right or left turns on red.

4. 321.261 through 321.266 and 321.268 -- accidents and accident reporting.

5. 321.275 -- operation of motorcycles.

6. 321.277, 321.278 and 321.285 through 321.288, 321.290, 321.294, and 321.295 -- reckless driving, drag racing, speed, control of vehicle and minimum speed.

7. 321.297 through 321.310 -- driving on right, meeting, overtaking, following or towing.

8. 321.311 through 321.318 --turning and starting, signals on turning and stopping.

9. 321.319 through 321.324 -- right of way and entering through highways.

10. 321.325 through 321.334 and 321.340 -- pedestrian rights and duties and safety zones.

11. 321.341 through 321.344 -- railroad crossings.

12. 321.353 through 321.360 -- stop at sidewalks, stopping, standing and parking.

13. 321.362 through 321.371 -- unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting glass, etc. on streets.

14. 321.384 through 321.409, 321.415, 321.418 through 321.423 -- lighting equipment required and time of use. (Under the provisions of Section 321.395, motor vehicles parked where permitted by this ordinance need not have parking lamps lighted if the vehicle is within one hundred sixty (160) feet of a city street light ahead and to the rear of the vehicle and the permitted speed on said street is twenty-five (25) miles per hour or less.)

15. 321.430 through 321.446, 321.449 and 321.450 -- brakes, horns, sirens, mufflers, wipers, mirrors, tires, windows, safety belts, and special markings for transporting explosives.

16. 321.452 through 321.463, 321.465 and 321.466 -- size, weight and load.

TRAFFIC CONTROL DEVICES

3-3-6 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The mayor shall, at the council's discretion, cause to be placed and maintained traffic-control devices when and as required under this chapter or other ordinances of this city to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

The mayor shall keep a record of all traffic-control devices.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

SPECIAL STOPS REQUIRED

3-3-7 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways:

1. Fourth avenue, north and south.
2. First street, east and west.

3-3-8 STOPS REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

1. Traveling east on all streets at Fourth Avenue.
2. Traveling west on all streets at Fourth Avenue.
3. Traveling north or south on Fourth Avenue at Third Street.
4. Traveling south on First and Sixth Avenue at First Street.
5. Traveling on Third Avenue at Third Street.
6. Traveling west on First Street at the railroad crossing.

METHOD OF PARKING

3-3-9 DIAGONAL PARKING. Angle or diagonal parking shall be permitted only in the following locations:

1. On Third Street from Third to Fourth Avenue.

3-3-10 STANDING OR PARKING CLOSE 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 inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-11 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. 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.
8. 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 signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the city in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic,

except when necessary in obedience to traffic regulations or traffic signs, or signals of a peace officer.

13. At any place where official signs or curb markings prohibit stopping, standing or parking.

14. Within ten (10) feet of the crosswalk at all intersections within the city.

15. In an alley under any fire escape at any time.

3-3-12 AUTHORITY TO IMPOUND VEHICLES. A peace officer is authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the following circumstances:

1. When a vehicle is upon a roadway and 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.

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3. When any vehicle is left parked upon a street for a continuous period of seventy two (72) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.

4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the mayor.

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

STOPPING, STANDING OR PARKING

3-3-13 ALLEY PARKING. 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 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.

3-3-14 PARKING SIGNS REQUIRED. Whenever by this or any other

chapter of this city code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the peace officer to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

3-3-15 PROHIBITED PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or city-owned off-street parking area during any snow emergency proclaimed by the mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the city is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the mayor shall proclaim a snow emergency and the shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

3-3-16 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

MISCELLANEOUS DRIVING RULES

3-3-17 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-18 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this city unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-19 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.

3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.

4. Storage or as junk or dead storage for more than forty-eight hours.

BICYCLE REGULATIONS

3-3-20 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. 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 drivers of vehicles by the laws of this state regarding rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-21 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-22 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

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.

3-3-23 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-24 EMERGING FROM ALLEY OR DRIVEWAY. The operators 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 the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-25 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.

3-3-26 PARKING. Bicycles shall be parked upon the roadway of a

street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-27 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

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

3-3-28 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SNOWMOBILES

3-3-29 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

2. "Operate" means to control the operation of a snowmobile.

3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-30 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.

2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.

3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of

other persons.

4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.

6. Within the right-of-way of any public street or alley within the city unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.

7. No person shall operate a snowmobile in the city from eleven o'clock (11:00) p.m. to ten o'clock (10:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-31 EQUIPMENT REQUIRED. All snowmobiles operated within the city shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.

2. Adequate brakes in good condition and at least one headlight and one taillight.

3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-32 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-33 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other city property within the city when the public safety and welfare so requires.

3-3-34 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the city authorized to direct or regulate traffic.

PENALTIES AND PROCEDURE ON ARREST

3-3-35 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any ordinance of this city or state law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this chapter at the city clerk's office as provided therein.

3-3-36 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking ordinance or state law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-37 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the city clerk's office within seven days of the violation, for the following parking violations:

1. Overtime parking	\$ 5.00
2. Prohibited parking	\$ 5.00
3. No parking zone	\$ 5.00
4. Blocking alley	\$ 5.00
5. Illegal parking	\$ 5.00
6. Street cleaning	\$ 5.00
7. Snow removal ban	\$ 5.00
8. Handicap parking	\$50.00

3-3-38 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking ordinances of this city or of state law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the seven days, the city shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 RAILROAD REGULATION

3-4-1 Definitions	3-4-4 Street Crossing
3-4-2 Warning Signals	Obstructions
3-4-3 Street Crossing Signs	3-4-5 Maintenance of Crossings
and Devices	3-4-6 Flying Switches

3-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. The term "railroad train" shall mean any steam, electric or other motor driven engine and the cars, if any, coupled to the engine operated on rails, but does not include interurbans and street cars.

2. The term "operator" shall mean any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train.

3-4-2 WARNING SIGNALS. Operators shall sound a bell at least 1,000 feet before a street crossing is reached and shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least 1,000 feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the city limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 3-4-5 of this chapter.

3-4-3 STREET CROSSING SIGNS AND DEVICES. Operators shall erect and maintain nonmechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the city limits, except where some mechanical sign, signal, device, or gate or flagman is required by resolution of the council. Such non-mechanical signs shall be of a height and size, and utilize such lettering as to give adequate warning of such crossing. Whenever the city council shall deem it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate should be erected and maintained, flagman stationed at any street or other public crossing, the city council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain such sign, signal, device, or gate or to station a flagman at such crossing at the expense of such company or companies. Any required flagman shall be stationed at such crossing during the periods of time of each day that the city council shall designate. The resolution shall specify the street or other public crossing at which the sign, signal, device or gate shall be erected or flagman stationed. After the resolution has been adopted, a copy shall be served the railroad company or companies with a notice of the time limit for compliance. In complying, Chapter 327G of the Code of Iowa shall prevail.

3-4-4 STREET CROSSING OBSTRUCTIONS. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances:

1. When necessary to comply with signals affecting the safety of the movement of trains.

2. When necessary to avoid striking an object or person on the track.

3. When the train is disabled.

4. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.

An employee is not guilty of a violation if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

3-4-5 MAINTENANCE OF CROSSINGS. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

3-4-6 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car's or cars' approach.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE PROTECTION

5-1-1 Contracted

5-1-1 CONTRACTED. The City of Grafton shall contract with the Grafton Fire Agency to provide fire protection to the city.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 LAW ENFORCEMENT

3-6-1 Enforcement Provisions

3-6-1 ENFORCEMENT PROVISIONS. The city council shall provide for law enforcement protection by utilizing the various peace officers available. These various enforcement options shall include (but not be limited to) local citizens, night watchmen, city peace officers, officers of the Worth County Sheriff's Department, and officers of the Iowa State Patrol. The council shall employ whatever means to ensure enforcement by resolution.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 CURFEW FOR MINORS

3-7-1 Preamble	3-7-4 Offenses
3-7-2 Findings and Purpose	3-7-5 Defenses
3-7-3 Definitions	3-7-6 Enforcement
	3-7-7 Penalty, Municipal Infraction

3-7-1 PREAMBLE. The City of Grafton recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

3-7-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the city of Grafton; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The city of Grafton has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-7-3 DEFINITIONS.

In this chapter:

1. Curfew Hours means 12:01 a.m. until 5:00 a.m.
2. Emergency means an unforeseen combination of circumstances or resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment means any privately-owned place of business

operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:

(a) a person who, under court order, is the guardian of the person of a minor; or

(b) a public or private agency with whom a minor has been placed by a court.

5. Minor means any person under 17 years of age.

6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. Parent means a person who is:

(a) a biological parent, adoptive parent, or step-parent of another person; or

(b) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. Remains means to:

(a) linger or stay; or

(b) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-7-4 OFFENSES.

(1) A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-7-5 DEFENSES.

(1) It is a defense to prosecution under this chapter that the minor was:

- (a) accompanied by the minor's parent or guardian;
- (b) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (c) in a motor vehicle involved in interstate travel;
- (d) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (e) involved in an emergency;
- (f) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the peace officer about the minor's presence;
- (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Grafton, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Grafton, a civic organization, or another similar entity that takes responsibility for the minor;
- (h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (i) married or had been married.

(2) It is a defense to prosecution under Subsection 3-7-4(3) that the owner, operator, or employee of an establishment promptly notified the peace officer that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-7-6 ENFORCEMENT.

(1) Before taking any enforcement action under this section, a peace officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 3-7-5 is present.

(2) A minor who is in violation of this ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the peace officers of the city of Grafton.

3-7-7 PENALTY, MUNICIPAL INFRACTION. The violation of this chapter shall be a municipal infraction with penalties not to exceed those contained in the City code.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-8-1 Definitions	3-8-6 Consumer Protection Law
3-8-2 Exemptions	3-8-7 Bond Required
3-8-3 Permits	3-8-8 Obstruction of Pedestrian or Vehicular Traffic
3-8-4 Requirements	
3-8-5 Hours of Solicitation	

3-8-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting 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. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-8-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-8-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable ordinances, and must also obtain from the city clerk a permit in accordance with the provisions of sections 3-8-4 and 3-8-5. This permit shall extend no longer than sixty days. A fee of \$20.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

3-8-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 of this chapter must file with the city clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-8-5 HOURS OF SOLICITATION. No person may conduct those activities described in 3-8-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-8-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-8-7 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this ordinance shall post with the clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the city for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's

peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-8-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in 3-8-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 CIGARETTE LICENSE

3-9-1 Definitions	3-9-6 Refunds
3-9-2 Permit Required	3-9-7 Revocation
3-9-3 Issuance	3-9-8 Permits not Transferable
3-9-4 Expiration	3-9-9 Display
3-9-5 Fees	

3-9-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "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 shall not be construed to include cigars.

2. The term "retailer" means and includes every person in this state who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales.

3. The term "place of business" means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

3-9-2 PERMIT REQUIRED. No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Grafton, Iowa, without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

3-9-3 ISSUANCE. The city council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the city clerk a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-9-5.

3-9-4 EXPIRATION. Permits expire on June 30 of each year.

3-9-5 FEES. The fee for permits issued or renewed in July, August, or September is \$75.00. The fee for permits issued in October, November, or December is \$56.25; in January, February or March, \$37.50; and in April, May or June, \$18.75.

3-9-6 REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$56.25; in October, November, or December, for \$37.50; or in January, February, or March, for \$18.75.

3-9-7 REVOCATION. The city council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or chapter 453A, Code of Iowa. If grounds exist that would be sufficient for refusal to issue such a permit, it shall not be issued. The city clerk shall give ten days written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which the person may appear and be heard. The hearing shall be held at the regular meeting place of the city council.

Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown to the city council.

3-9-8 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the city council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3-9-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.

TITLE III COMMUNITY PROTECTION

CHAPTER 10 BEER AND LIQUOR LICENSES

3-10-1	Purpose	3-10-4	Transfers
3-10-2	Required Obedience to Provisions of this Chapter and State Law	3-10-5	Open Alcoholic Beverage Containers
3-10-3	Action by Council	3-10-6	Persons Under the Age of Eighteen
		3-10-7	Persons Age Eighteen, Nineteen and Twenty

3-10-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

3-10-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.30 Liquor Control Licenses - Classes
5. 123.31 Application Contents
6. 123.33 Records
7. 123.34 Expiration - License or Permit
8. 123.35 Simplified Renewal Procedure
9. 123.36 Liquor Fees - Sunday Sales
10. 123.38 Nature of Permit or License - Surrender - Transfer
11. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
12. 123.40 Effect of Revocation
13. 123.44 Gifts of Liquors Prohibited
14. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Exoneration

15. 123.49 Miscellaneous Prohibitions
16. 123.50 Criminal and Civil Penalties
17. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
18. 123.52 Prohibited Sale
19. 123.90 Penalties Generally
20. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
21. 123.122 through 123.145 Beer Provisions (Division II)
22. 123.150 Sunday Sales Before New Year's Day
23. 123.171 through 123.182 Wine Provisions (Division V)

3-10-3 ACTION BY COUNCIL. The city council shall approve or disapprove the application. Action taken by the city council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa alcoholic beverages division for further action as provided by law.

3-10-4 TRANSFERS. The city council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

3-10-5 OPEN ALCOHOLIC BEVERAGE CONTAINERS. Code of Iowa, section 123.28, second paragraph, is adopted by reference.

3-10-6 PERSONS UNDER THE AGE OF EIGHTEEN. No person shall sell, give or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe such person to be under the age of eighteen (18), and no person or persons under the age of eighteen (18) shall individually or jointly have alcoholic liquor, wine, or beer in such person's possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under the age of eighteen (18) 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 such person by either a physician or dentist for medicinal purposes and except to the extent that a person under the age of eighteen (18) may handle alcoholic beverages and beer during the regular course of such person's employment by a liquor control licensee, wine, or beer permittee under state law.

3-10-7 PERSONS AGE EIGHTEEN, NINETEEN AND TWENTY. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age eighteen, nineteen or twenty. A person age eighteen, nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age eighteen, nineteen or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge, presence, and consent of the person's parent or guardian, and a person age eighteen, nineteen or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 JUNK VEHICLES

3-11-1 Purpose	3-11-9 Authority to Enforce
3-11-2 Definitions	3-11-10 Notice to Abate
3-11-3 Removal of Abandoned Vehicles	3-11-11 Duty of Owner to Remove or Repair
3-11-4 Notification of Owners and Lienholders	3-11-12 Hearing Procedures-Junk Vehicle
3-11-5 Impoundment Fees and Bonds	3-11-13 Abatement by Municipality
3-11-6 Hearing Procedures	3-11-14 Collection of Cost of Abatement
3-11-7 Auction or Disposal of Abandoned Vehicles	3-11-15 Exceptions
3-11-8 Junk Vehicles Declared a Nuisance	3-11-16 Interference with Enforcement

3-11-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this city by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

3-11-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:

(a) A vehicle that has been left unattended on public property for more than forty-eight hours and lacks current registration plates or two or more wheels or other parts which render the vehicle totally inoperable; or

(b) A vehicle that has remained illegally on public property for more than seventy-two hours; or

(c) A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or

(d) A vehicle that has been legally impounded by order of the city and has not been reclaimed for a period of ten days; or

(e) Any vehicle parked on the street determined by the city to create a hazard to other vehicular traffic.

2. "Private property" means any real property within the city which is not public property as defined in this section.

3. "Public property" means any public right-of-way open for the purposes of vehicular travel.

4. A "junk vehicle" means any unlicensed vehicle stored within the corporate limits of the City of Grafton, Iowa, and which has any one of the following characteristics:

(a) Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.

(b) Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.

(c) Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

(d) Any vehicle which contains gasoline or any other flammable fuel.

(e) Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

(f) Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

5. "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 shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-11-3 REMOVAL OF ABANDONED VEHICLES.

1. The mayor or peace officer may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-11-2 (1). The city may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the city council.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the city shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

4. Nothing in this chapter shall govern the procedures of any

peace officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-11-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of state law, the city shall notify, within three days, by certified mail with five-days return receipt, 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 their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

(a) Describe the year, make, model, and serial number of the vehicle.

(b) Describe the personal property found in the vehicle.

(c) Describe the location of the facility where the vehicle is being held.

(d) Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within twenty-one days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

(e) State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the peace officer or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of section 3-11-6.

(f) State that a request for a hearing must be in writing and received by the city prior to the expiration of the twenty-one day reclaiming period.

(g) State that in the event a hearing is requested immediate

release of the vehicle may be obtained by posting a cash bond as required by section 3-11-5.

2. The owner or any person receiving notice may, by written request received by the city prior to the expiration of the twenty-one day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

(a) the identity of the last registered owner cannot be determined, or

(b) the registration contains no address for the owner, or

(c) it is impossible to determine with reasonable certainty the identity and address of all lienholders.

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the twenty-one day reclaiming period.

3-11-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the peace officer evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

(a) an impoundment fee

(b) towing charges

(c) preservation charges

(d) storage charges

(e) notice charges

2. The amount of the charges specified in a-e shall be set by

the city council. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under section 3-11-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

(a) the fees required by Sec. 3-11-5(1)

(b) the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-11-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. Request for a hearing after an impoundment shall be made in writing and received by the city prior to the expiration of the twenty-one day reclaiming period. No person shall be entitled to more than one hearing on each impoundment. The objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the city council. Upon request of the objector, the hearing may be set for a later time and date.

2. At the hearing, the city council shall consider the objection, make a decision as to the legality of the impoundment and immediately notify the objector in writing of the decision. The decision shall state either of the following:

(a) That impoundment is authorized by law, an explanation for the basis of that decision, and an itemization of the charges assessed pursuant to 3-11-5(1). Any bond posted under 3-11-5(3) shall be applied to the satisfaction of the charges itemized by the hearing officer.

(b) That impoundment is not authorized by law, and if the vehicle has been impounded, that the vehicle will be released to the objector upon compliance with 3-11-5(1) and that all costs of removal, preservation, storage, and notification accruing through the fourth day after the hearing officer's decision are waived and will be paid by the city. All costs accruing thereafter shall be paid prior to recovery of the vehicle. Any bond posted under 3-11-5(3) shall be refunded, less any amounts for outstanding or unsettled traffic violations.

3. Failure of the objector to appear at the scheduled hearing shall constitute a waiver of the right to hearing and the bond shall be forfeited.

4. The only issue to be considered at the hearing shall be the validity of the determination that the vehicle is an abandoned

vehicle. The hearing will not be determinative of or adjudicate any outstanding or unsettled traffic violation notice or warrant.

3-11-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The mayor or law enforcement officer shall follow the procedures in state law for the auction or disposal of abandoned vehicles.

3-11-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Grafton, Iowa, 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 vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-11-9 AUTHORITY TO ENFORCE. Any peace officer, upon obtaining a search warrant, may enter upon private property for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

3-11-10 NOTICE TO ABATE.

1. Whenever the peace officer shall find a junk vehicle placed or stored on public or private property within the city in violation of 3-11-8, the peace officer shall notify, by certified mail with five-days return receipt, the following persons:

- (a) the last known registered owner of the vehicle
- (b) all lienholders of record
- (c) the owner of the property
- (d) the occupant of the property

2. The notice to abate shall:

- (a) describe, to the extent possible, the year, make, model, and color of the vehicle
- (b) describe the location of the vehicle
- (c) state that the vehicle constitutes a nuisance under the provisions of this chapter
- (d) state that the owner of the property shall remove or repair the said junk vehicle within twenty-one days
- (e) state that any person ordered to abate a nuisance or condition may request, in writing, within the twenty-one day limit, a hearing to determine whether a nuisance or prohibited condition

exists

(f) state that if the nuisance or condition is not abated as directed or if no request for a hearing is made within twenty-one days, the city will abate the nuisance and assess the costs against the property owner.

3. Notice shall be deemed given when mailed. If the notice is returned undelivered by the U.S. Post Office, action to abate the nuisance shall be continued to date not less than twenty-one days from the date of such return.

3-11-11 DUTY OF OWNER TO REMOVE OR REPAIR.

1. The owner of the property upon which a junk vehicle is stored in violation of the provisions of 3-10-8 shall within twenty-one days after receipt of the notice to abate from the peace officer remove the motor vehicle or machinery to a lawful place of storage without the city limits, or repair the defects that cause such motor vehicle or machinery to violate the provisions of this chapter, including licensing in the case of a motor vehicle not currently licensed.

2. If a hearing is requested under 3-11-12, the duty of the owner to remove or repair the junk vehicle shall be suspended pending the decision.

3-11-12 HEARING PROCEDURES--JUNK VEHICLE.

1. Any person ordered to abate a nuisance or condition may request a hearing before the city council, or an official of the city designated by the city council, to determine whether a nuisance or prohibited condition exists.

2. A request for a hearing shall be made in writing and filed with the city clerk within the twenty-one day limit, or

(a) the right to a hearing shall be considered waived and

(b) it will be conclusively presumed that the nuisance or prohibited condition exists and it must be abated as ordered.

3. The city council shall, within fifteen days after the filing of the request for a hearing, fix the time and place of the hearing, which shall be within thirty days of the filing of the request.

4. At the conclusion of the hearing, the city council, or its designee, shall render a written decision as to whether a nuisance exists. If a nuisance is found to exist, it shall be ordered abated within a reasonable time.

5. The decision shall be final.

3-11-13 ABATEMENT BY MUNICIPALITY. 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 city clerk who shall pay such expenses on behalf of the municipality.

3-11-14 COLLECTION OF COST OF ABATEMENT. The clerk shall mail a statement of the total expense incurred 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 auditor and the costs shall then be collected with, and in the same manner, as general property taxes.

3-11-15 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the zoning ordinance or restricted residence district of this city, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this city.

3-11-16 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 12 DANGEROUS BUILDING

3-12-1	Enforcement Officer	3-12-5	Conduct of Hearing
3-12-2	General Definition of Unsafe	3-12-6	Posting of Signs
3-12-3	Unsafe Building	3-12-7	Right to Demolish
3-12-4	Notice to Owner	3-12-8	Costs

3-12-1 ENFORCEMENT OFFICER. The mayor shall be responsible for the enforcement of this chapter.

3-12-2 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, as specified in this chapter or any other chapter, 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.

3-12-3 UNSAFE BUILDING. "Unsafe building" shall mean any structure or mobile home any or all of the following criteria:

1. **Collapse of Member.** Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

2. **Wind Resistance.** Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

3. **Material Deterioration.** Whenever any portion thereof has racked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. **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.

5. 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.

6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals, or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposed, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, 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.

10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. 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.

3-12-4 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not re-occupied until the required repairs and improvements are complete, inspected and approved by the enforcement officer.

1. Notice Served. Such notice shall be served by sending by Registered Certified Mail to owner of record, according to Section 364.12(h) of the Code of Iowa, if he shall be found within the city limits. If he is not found within the city limits such service may be made upon said 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 he receives such note.

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

3-12-5 CONDUCT OF HEARING. If requested, the council shall conduct a hearing in accordance with the following:

1. Nature. 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.

3-12-6 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 GRAFTON, 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 demolishing the building.

3-12-7 RIGHT TO DEMOLISH. In case the owner shall fail, neglect,

or refuse to comply with the notice of repair, rehabilitate, or to demolish and remove said 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.

3-12-8 COSTS. Costs incurred under 3-12-7 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 Auditor for collection in the manner provided for other taxes.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1 Definitions	4-1-4 At Large Prohibited
4-1-2 License	4-1-5 Actions of Dogs Constituting a Nuisance
4-1-3 Immunization	4-1-6 Impounding

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean both male and female animals of the canine species whether altered or not.

2. The term "at large" shall mean any licensed or unlicensed dog found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.

3. The term "owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.

4-1-2 LICENSE. Every owner of a dog over the age of six (6) months shall procure a dog license pursuant to Chapter 351, Code of Iowa.

Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-1-3 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog license. It shall be a violation of this ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

4-1-4 AT LARGE PROHIBITED. No owner of any dog shall permit such dog to run at large, whether the dog be licensed or unlicensed.

4-1-5 ACTIONS OF DOGS CONSTITUTING A NUISANCE. It shall be unlawful for any person to permit a dog under such person's control or within such person's custody to commit a nuisance. A dog shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

4-1-6 IMPOUNDING.

1. Any unlicensed or unvaccinated dog found at large or any licensed dog found at large in violation of Section 4-1-3 and 4-1-5 of this chapter shall be seized and impounded, or, at the discretion of the mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees of \$5.00 plus cost of food and care in a reasonable amount, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of in a humane manner as directed by the city council.

3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the city council.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1 Public Library	5-1-6 Power to Contract with Others for the Use of the Library
5-1-2 Library Trustees	5-1-7 Non-Resident Use of the Library
5-1-3 Qualifications of Trustees	5-1-8 Library Accounts
5-1-4 Organization of the Board	5-1-9 Annual Report
5-1-5 Powers and Duties	

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the city, to be known as the Grafton Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Grafton Public Library, hereinafter referred to as the board, consists of five members. Four board members shall be appointed by the mayor and one board member shall be appointed by the mayor and approved by the Worth County Board of Supervisors.

5-1-3 QUALIFICATIONS OF TRUSTEES. Four of the members of the board shall be bona fide citizens and residents of the city and all shall be over the age of eighteen (18). One member of the board shall be a bona fide citizen and resident of Worth County and shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the city or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by the city council (or mayor), and the new trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary,

and such other officers as it deems necessary.

2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

3. To direct and control all the affairs of the library.

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

6. 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. To authorize the use of the library by non-residents of the city and to fix charges therefor.

8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with 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. To have exclusive control of the expenditure of all funds allocated for library purposes by the city council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

10. 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. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the city. The board shall enforce performance by taking action against the city council.

13. To have authority to make agreements with the local county historical associations, 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.

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other city, school corporation, private or semi-private 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.

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of electors who voted for governor in the territory of the 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 who is seeking to terminate the contract.

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the city, or upon payment of a special non-resident library fee.

2. By establishing depositories of library books or other materials to be loaned to non-residents.

3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

4. By establishing branch libraries for lending books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the city council from the general fund 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 warrant writing officer is the city clerk.

5-1-9 ANNUAL REPORT. The board shall make a report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the city council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

- 6-1-1 Definitions
- 6-1-2 Location of Mobile
 Homes
- 6-1-3 Emergency and Temporary
 Parking

6-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. "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 shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

2. "Mobile home park" shall mean any site, lot, field or tract of land under common ownership upon which two or more occupied mobile homes, manufactured homes, modular homes or a combination of the homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park.

3. "Manufactured home" is a factory-built structure built under authority of 42 U.S.C. Section 5403, is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled.

4. "Modular home" means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation; is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner.

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by state law. This section shall not apply to mobile homes parked or placed

within duly licensed mobile home parks, or upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

6-1-3 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this city.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1	Definitions	6-2-5	Use of the Public Sewers
6-2-2	Use of Public Sewers Required	6-2-6	Protection from Damage
6-2-3	Private Sewage Disposal	6-2-7	Powers and Authority to Inspectors
6-2-4	Building Sewers and Connections	6-2-8	Penalties

6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Properly Shredded Garbage" shall mean the waste from the

preparation, cooking, dispensing of food that has been shredded 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 (1/2) inch (1.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

17. "Sludge" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Grafton or the superintendent's authorized deputy, agent, or representative.

20. "Suspended Solids" shall mean 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.

21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of any house, building, or property 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 of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

6-2-3 PRIVATE SEWAGE DISPOSAL

1. Where a public sanitary or combined sewer is not available under the provision of 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25.00 dollars shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be

allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 1,500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-3(4), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$25.00 dollars shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Grafton and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances of the City of Grafton pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Grafton and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of two (2) years 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.

3. All cost and expense incident to the installation and connection 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.

4. A separate and independent building sewer shall be provided for every 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."

(a) Each connection to the public sewer shall be made to the

fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tree shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

(b) All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1). Pipe and Fittings - ASTM C-700 "Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2). Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings".

Extra Heavy Cast Iron Soil Pipe

(1). Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."

(2). Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

(1). Pipe - A.S.T.M. D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"
6" - 0.180"
8" - 0.240"
10" - 0.300"

(2). Joints - A.S.T.M. D-1869, A.S.T.M. D-1312, "Flexible Elastomeric Seals."

(c) No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

(d) Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth ($1/8$) inch per foot. A grade of one-fourth ($1/4$) inch per foot shall be used wherever practical.

(e) All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.

(f) Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-2-5 USE OF THE PUBLIC SEWERS

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

(a) Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

(b) Non-Payment of bills.

(c) Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater 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.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) 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) mg/l as CN in the wastes as discharged to the public sewer.

(c) 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.

(d) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of 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.

(e) Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. 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.

4. 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 prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).

(b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) 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.

(f) 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 with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

(g) 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.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(1) 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).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.

(j) 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.

5. 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 6-2-5(4), 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:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers.

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

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.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. 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.

8. 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.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

6-2-6 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

6-2-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or the Superintendent's 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.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 6-2-5(8).

3. 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.

6-2-8 PENALTIES.

1. Any person found to be violating any provision of this ordinance except 6-2-6 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 Any person violating any of the provisions of this ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 3 UTILITIES - SEWER RATES

- | | |
|-------------------------------|---------------------------------|
| 6-3-1 Sewer District Created | 6-3-6 Special Rates |
| 6-3-2 Sewer System Defined | 6-3-7 Determination and Payment |
| 6-3-3 Who Shall Pay Rent | of Rent from Premises with |
| 6-3-4 Service Outside the | Private Water Systems |
| City | |
| 6-3-5 Rate of Rent and Manner | |
| of Payment | |

6-3-1 SEWER DISTRICT CREATED. One sewer district is hereby created which includes all of the City of Grafton, Iowa.

6-3-2 SEWER SYSTEM DEFINED. For use within this chapter a "sewer system" is composed of main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels, and sewer connections in public streets for private property.

6-3-3 WHO SHALL PAY RENT. Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the city sewer system shall pay sewer rent to the city at the rate and in the manner provided in Section 6-3-5.

6-3-4 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.

6-3-5 RATE OF RENT AND MANNER OF PAYMENT. The rate of sewer rent within the sewer district created in 6-3-1 shall be \$13.50/month for each residence, \$27.00/month for the housing complexes, and \$68.00/month for the school. The rate outside of the sewer district shall be \$13.50/month for each residence.

The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the city clerk, beginning with the next payment after the enactment of this ordinance or, if connection has not been made, after the connection to the sewer system is made.

6-3-6 SPECIAL RATES. Where, in the judgment of the superintendent and council, special conditions exist to the extent that the application of the sewer rental provided in Section 6-3-5 would be inequitable or unfair to either the city or the contributor, a special rate shall be proposed by the superintendent and submitted

to the council for approval by resolution.

6-3-7 DETERMINATION AND PAYMENT OF RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have private water system shall pay rent in proportion to the water used and determined by the city council either by an estimate agreed to by the user or by metering the water system.

The rates shall be the same as provided in Section 6-3-5 applied as if a city water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-3-5.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - WATER SYSTEM

- | | |
|---------------------------------------|------------------------------------|
| 6-4-1 Enforcement | 6-4-10 Inspection and Approval |
| 6-4-2 Adoption of State Plumbing Code | 6-4-11 Completion by the City |
| 6-4-3 Approval by City Required | 6-4-12 Shutting off Water Supply |
| 6-4-4 Mandatory Connections | 6-4-13 Customer Guarantee Deposits |
| 6-4-5 Permit | 6-4-14 Water Rates |
| 6-4-6 Fee for Permit | 6-4-15 Rates Outside the City |
| 6-4-7 Water Supply Control | 6-4-16 Delinquent Fees |
| 6-4-8 Making the Connection | 6-4-17 Water Billing, Penalty |
| 6-4-9 Excavations | 6-4-18 Discontinuing Service, Fees |
| | 6-4-19 Meter Accuracy and Test |

6-4-1 ENFORCEMENT. The superintendent of public utilities shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this city in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The city council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the superintendent may make temporary rules for the protection of the system until due consideration by the city council may be had.

6-4-2 ADOPTION OF STATE PLUMBING CODE. The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this ordinance are on file in the office of the city clerk for public inspection.

6-4-3 APPROVAL BY CITY REQUIRED. All installation of water service pipes and connections to the municipal water system shall be made by a plumber approved by this city. The superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this ordinance. 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 city council meeting at which the plumber will be granted a hearing. At this city council meeting the superintendent shall make a written report to the city

council stating the superintendent's reasons for the suspension, and the city council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

6-4-4 MANDATORY CONNECTIONS. All residences and business establishments within the city limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-4-5 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the superintendent. The application for the permit shall be filed with the superintendent on blanks furnished by the superintendent. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the superintendent. The superintendent shall issue the permit, bearing the superintendent's signature and stating the time of issuance, if the proposed work meets all the requirements of this ordinance and if all fees required under this ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The superintendent may at any time revoke the permit for any violation of this ordinance and require that the work be stopped. The owner or plumber may appeal such action in the manner provided in Section 6-4-3 of this ordinance.

6-4-6 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay \$25 to the city clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work. (See footnote at end of chapter.)

6-4-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

6-4-8 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the superintendent or the superintendent's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

6-4-9 EXCAVATIONS. Excavations to do work under this ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the city council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the superintendent.

6-4-10 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal 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 owner must proceed immediately to correct the work so that it will meet with the superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the superintendent or the superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

6-4-11 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the superintendent shall have the right to finish or correct the work, and the city council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

6-4-12 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer

because of any substantial violation of this chapter. 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.

6-4-13 CUSTOMER GUARANTEE DEPOSITS. Customer deposits of \$60.00 shall be required of all customers for all city utility services.

6-4-14 WATER RATES. Water shall be furnished at the following quarterly rates per building within the city limits:

The first	2,000 gal.....	\$7.50 per 2,000 gal.
The next	9,000 gal.....	\$1.25 per 1,000 gal.
All over	11,000 gal.....	\$0.75 per 1,000 gal.

"Building" as used in this ordinance shall mean only those buildings that have water connections and shall exclude outbuildings. The minimum charge shall be \$7.50 per building per billing month.

6-4-15 RATES OUTSIDE THE CITY. Water service shall be provided any consumer located outside the corporate limits of the city which the city has agreed to serve at the rates provided in 6-4-14. No such consumer, however, will be served unless he shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

6-4-16 DELINQUENT FEES. If any account is not paid within fifteen days from the end of any given period, the account shall be delinquent. If any such charge is not paid the same shall constitute a lien upon the premises served by said municipal water collection system, which said lien shall be collected in the same manner as taxes. Prior to certification to the county treasurer for collection the clerk shall give at least 10 days notice to the customer of the intent to certify a lien for collection. For residential rental property where a charge for water service is separately metered and paid directly by the tenant, the rental property is exempt from a lien for those delinquent charges incurred after the landlord gives written notice to the city that the tenant is liable for the charges and a deposit not exceeding the usual cost of ninety days of water service is paid to the utility. Upon receipt, the city shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for charges, address of the property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice and deposit. When the tenant moves from the rental property, the city shall return the deposit if the water service charges are paid in full and lien exemption shall be lifted from the rental property. The lien exemption for rental property does not apply to charges for repairs to a water service if the repair charges become delinquent.

6-4-17 WATER BILLING, PENALTY. Water bills shall be due on the last day of the month following the period for which service is billed. Payment shall be made to the city clerk. Bills shall become delinquent after the tenth of the following month in which due and bills paid after said day shall have added a penalty of ten (10) percent the amount of the bill for water service. When the tenth falls on Saturday or Sunday the clerk shall accept payment on the next office day without penalty.

6-4-18 DISCONTINUING SERVICE, FEES. The superintendent or the superintendent's authorized assistant, shall shut off the supply of water to any customer for non-payment of the amount billed in good faith, after the procedures herein provided have been fulfilled. On or after the delinquent date specified in section 6-4-16, the clerk shall send a disconnect notice by ordinary mail informing the customer of the nature of the delinquency and affording the customer the opportunity for a hearing before the superintendent prior to discontinuance of service. The clerk shall make a good-faith attempt to contact the customer by telephone or in person one day before disconnection of service. The notice required in this section shall be mailed at least ten (10) days prior to discontinuance. A reconnection fee of \$15 shall be charged where service has been discontinued because of delinquency in payment. No turn-on fee or service fee shall be charged for the usual or customary trips in the regular changes in occupancies of property, whether the meter is removed or not.

6-4-19 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The superintendent or the superintendent's assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such member overruns to the extent of five (5) percent or more, the cost of the tests shall be paid by the city and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than six (6) months. If the meter is found to be accurate or slow less than two (2) percent fast, the patron shall pay the reasonable costs of the tests.

Compulsory Check. Every meter shall be removed from service at least once each ten years and thoroughly tested for accuracy. Any meter found inaccurate beyond a tolerance of two (2) percent shall not be returned to service until properly adjusted.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - REFUSE COLLECTION

6-5-1 Definitions	6-5-7 Refuse Other Than Garbage
6-5-2 Duty to Provide Cans	6-5-8 Collection of Fees
6-5-3 Administration	6-5-9 Sanitary Landfill
6-5-4 Storage	6-5-10 Schedule of Fees
6-5-5 Collections	6-5-11 Fees Due
6-5-6 Necessity of Permits	6-5-12 Delinquent Fees

6-5-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.

2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.

4. "Can". Means a container for the storage of garbage or rubbish which is:

(a) Provided with a handle and tight fitting cover.

(b) Substantially made of galvanized iron or other non-rusting material.

(c) Water-tight.

(d) Of a size that may be conveniently handled by the collector.

6-5-2 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. They shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

6-5-3 ADMINISTRATION. Administration of this chapter shall be by the superintendent or such employee designated by the superintendent.

6-5-4 STORAGE. All garbage must be drained and that accumulated from dwellings must be wrapped in paper and placed in a can. All rubbish shall be placed in a can except as otherwise provided.

6-5-5 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the city council may require.

All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

6-5-6 NECESSITY OF PERMITS. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the superintendent of refuse and issued by the clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the city and a permit issued by the clerk.

6-5-7 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-5-8 COLLECTION OF FEES. The office of the clerk is hereby authorized and directed to render bills and collect fees or service charges for garbage and refuse collection in accordance with the fees established by ordinance, and the procedure for collecting same as established by ordinance.

6-5-9 SANITARY LANDFILL. The city council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

6-5-10 SCHEDULE OF FEES. There shall be collected by the city for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residence Rate. For each resident with alley or curb pickup, \$4.25 per month for a one person dwelling, \$5.50 per month for a two or more person dwelling, for one garbage or rubbish collection each week. In the event that alley or curb pick-up for any residence is not feasible, the superintendent of refuse is hereby

empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pick-up that may be agreed upon.

2. Commercial Rate. Rates for commercial establishments shall be established by the city council.

6-5-11 FEES DUE. All refuse collection charges shall be paid to the city on a monthly billing.

6-5-12 DELINQUENT FEES. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the refuse collection shall be discontinued. If refuse collection is discontinued for non-payment of fees and charges, or for the violation of any ordinance, a fee of \$2.50 shall be paid to the clerk in addition to the rates or charges then due before such service is restored. If any such refuse collection charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal refuse collection system, which said lien shall be collected in the same manner as taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STORAGE AND COLLECTION OF YARD AND LANDSCAPE WASTE

- 6-6-1 Definitions**
- 6-6-2 Tree Limbs and Brush**
- 6-6-3 Yard Wastes**

6-6-1 DEFINITIONS.

1. "Residential Waste" shall mean any refuse generated on the premises as a result of residential activities. This excludes landscape wastes grown on the premises or deposited thereon by the elements, garbage, tires and trade wastes.

6-6-2 TREE LIMBS AND BRUSH. Tree limbs of less than four (4) inches in diameter and brush will be collected provided they are placed at the curb or alley line, securely tied in bundles not more than forty-eight (48) inches long or eighteen (18) inches in diameter when not in approved containers and weigh no more than seventy-five (75) pounds. Tree limbs and brush shall not be combined with residential waste.

6-6-3 YARD WASTES. Yard wastes will be collected provided they are stored in containers so as to prevent the dispersal of such wastes upon the premises served or upon adjacent property or public rights-of-way.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SOLID WASTE

6-7-1	Purpose	6-7-6	Anti-Scavenging
6-7-2	Definitions	6-7-7	Disposal
6-7-3	Residential Recycling	6-7-8	Prohibited Materials
6-7-4	Collections	6-7-9	Fees
6-7-5	Containers	6-7-10	Violations

6-7-1 **PURPOSE.** To encourage the recovery and reuse of recyclable materials through mandatory separation and collection for the following reasons:

1. Comply with the State of Iowa statutes which require all counties and cities recycle twenty-five (25) percent of the solid waste stream by 1994;

2. Extend the longevity of the Cerro Gordo landfill; and

3. Provide for the recovery and reuse of recyclable materials in order to save and conserve scarce resources.

6-7-2 **DEFINITIONS.**

1. "Dwelling unit" means one or more rooms within a structure which are arranged, designed or used as living quarters for one family.

2. "Family" means any number of persons living together in a room or rooms comprising a single household unit.

3. "Governing Board" means the City of Grafton, Mayor and Council members.

4. "Non-recyclable materials" means and includes solid waste, refuse, construction debris and other materials for which there are no appropriate existing recycling markets.

5. "Recyclable materials" means and includes aluminum cans and containers, tin cans, glass bottles and jars (made of clear, green or brown glass), plastic bottles and jugs, newspapers and such materials as the City may by resolution designate or delete from time to time.

6. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing process that do not cause the destruction of the materials in a manner that precludes further use.

7. "Source separation" means to divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.

6-7-3 RESIDENTIAL RECYCLING. Every person living in a dwelling unit shall:

1. Separate recyclable materials from non-recyclable materials. All recyclable materials shall be placed in one container;

2. Empty, rinse clean and remove caps from all recyclable materials, and remove labels and lids from all tin cans;

3. Be placed for collection in containers designated and labeled as recycling containers or by use of the appropriate recycling logo as designated by the City. The type of all containers shall be that prescribed by the City of Grafton including color, size and specifications, and which containers shall be available to be purchased from the City. Only containers purchased from the City shall be used, or an identical container which may be obtained from another source provided that the same is uniform and conformity with those containers to be provided by the City; and

4. Place all recyclable material at the curb side by 7:00 a.m. on the designated day of pickup.

6-7-4 COLLECTIONS. Recyclable materials shall be made available for collection bimonthly and shall be collected by the City-designated collector.

6-7-5 CONTAINERS. Recyclable materials shall be placed for collection in containers designated and labeled as Recycling Containers or by use of the appropriate recycling logo as designated by the City. The size of all containers shall be as follows: Minimum 20 gal., maximum 30 gal. Said container shall be rubber or plastic cylindrical in shape, must have exterior handles and lid. Maximum empty container weight shall not exceed 10 pounds. Said container shall be yellow in color and shall be purchased from the City and only containers purchased from the City shall be used.

All persons shall maintain the recycling container in a sanitary condition and shall replace lost or damaged containers at their own expense with ten (10) days of receiving written notice to do so from the City-designated collector.

No person shall place any nonrecyclable material in a recycling container.

The containers shall be the property of the owner of the dwelling unit, but shall not be removed from the site of the dwelling unit except for repair or replacement.

6-7-6 ANTI-SCAVENGING. Ownership of recyclable materials placed for collection shall be vested in the collector designated by the City.

No person other than the City-designated collector shall take or collect any recyclable materials placed for collection.

Nothing in this section shall preclude a person from disposing of recyclable materials with commercial recyclers or salvage yards.

6-7-7 DISPOSAL. Recyclable materials collected within the City shall not be burned or deposited in any landfill except with the express written consent of the City, nor shall they be otherwise deposited of in any way or manner which is contrary to applicable law, statute, ordinance, rule or regulation.

6-7-8 PROHIBITED MATERIALS. No person within the City shall dispose of the following items except in the manner described herein:

1. Appliances, used oil, batteries, yard waste, tires, hypodermic needles and syringes, liquid paint, and household hazardous materials:

(a) Any yard waste must be disposed of as required in 6-6-2.

(b) All other material shall be disposed of pursuant to the rules established by the City.

6-7-9 FEES. The fee for collecting recyclable materials shall be established by resolution by the city council.

6-7-10 VIOLATIONS. Any person who violates any provisions of this ordinance is guilty of a petty misdemeanor for the first offense and a misdemeanor for each subsequent offense. Each day shall be considered a separate violation for this ordinance.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 STREET CUTS AND EXCAVATIONS

- | | |
|--|--------------------------------------|
| 6-8-1 Excavation Permit
Required | 6-8-4 Safety Measures |
| 6-8-2 Application for Permit | 6-8-5 Backfilling and Restoration |
| 6-8-3 Permit Fees | 6-8-6 Rules and Regulations |

6-8-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the city clerk.

6-8-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the city clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the city of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the city and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this ordinance.

6-8-3 PERMIT FEES. The permit fee shall be \$15.00 for the cost of each inspection.

A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$15.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation.

6-8-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect

suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the chief of police the public safety requires it. Compliance with city ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the city.

6-8-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with city specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the city reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the city specifications, the mayor is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-8-6 RULES AND REGULATIONS. The city council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 9 BUILDING REQUIREMENTS

6-9-1 Purpose
6-9-2 Size

6-9-3 Foundation
6-9-4 Utilities
6-9-5 Exceptions

6-9-1 PURPOSE. The purpose of this chapter is to provide for municipal regulation of building requirements in furtherance of the public health, safety, and welfare.

6-9-2 SIZE. All buildings hereafter constructed, relocated, or moved into the corporate limits shall be at least twenty-four (24) feet in both length and width at the narrowest dimension.

6-9-3 FOUNDATION. All buildings hereafter constructed, relocated, or moved into the corporate limits of the city shall be placed on a continuous permanent masonry foundation with proper footings.

6-9-4 UTILITIES. All buildings hereafter constructed, relocated, or moved into the corporate limits shall be hooked to all utilities available, and where hydraulics are concerned, be placed at a frost free depth as per city specifications.

6-9-5 EXCEPTIONS. The city council reserves the right to grant exceptions to the above requirements whenever they are satisfied that the granting of such an exception is very temporary or in keeping with 6-9-1.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 FIRE LIMITS

6-10-1	Established	6-10-7	Special Permit
6-10-2	Plans Submitted	6-10-8	Special Permit
6-10-3	Buildings Prohibited	6-10-9	Moving Buildings
6-10-4	Walls and Roof	6-10-10	Repairs Prohibited
6-10-5	Exterior and Division Walls	6-10-11	Board of Appraisement
6-10-6	Beams in Walls	6-10-12	Removal of Buildings

6-10-1 ESTABLISHED. The fire limits are established to include all the following territory, lots six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11) in block four (4), all of block five (5), all of block six (6), and lots one (1), two (2), three (3), four (4), five (5) six (6) and seven (7) of block seven (7).

6-10-2 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the fire limits, until a plan of the proposed work, together with a statement of materials to be used, shall have been submitted to the mayor, who shall, if in accordance with the provisions of this ordinance, issue a permit for the proposed work.

6-10-3 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the fire limits, unless constructed in strict compliance with the provisions of this ordinance.

6-10-4 WALLS AND ROOF. The building or structure shall be enclosed on all sides with walls constructed wholly of stone, brick, terra-cotta, hollow building tile, concrete or other fire proof material and the roof, top and sides of all roof structures including dormer windows and cornices, shall be covered with incombustible material approved by the national Board of Fire Underwriters.

6-10-5 EXTERIOR AND DIVISION WALLS. All exterior or division walls of buildings hereafter erected, shall be of sufficient thickness to support the load to be carried. All solid brick or reinforced concrete, exterior or division walls, shall not be less than twelve inches thick in the upper two stories or upper thirty feet, increasing four inches in thickness for each two stories or fraction thereof below. Such exterior or division walls, when constructed of other permissible material, such as concrete tile or hollow tile, shall be at least four inches thicker than solid brick or reinforced concrete walls. All exterior or division walls shall extend at least fifteen inches above the roof.

6-10-6 BEAMS IN WALLS. The ends of all floor, ceiling, or roof beams, entering a party or fire wall from opposite sides, shall be separated by at least six inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, but no wall shall be corbeled more than two inches for this purpose. The ends of all wooden beams that enter walls shall be cut to a bevel to make them self releasing.

6-10-7 SPECIAL PERMIT. The mayor, upon vote of a majority of the council in favor thereof, may issue a permit to build out buildings of other materials than those specified in this ordinance, not exceeding twelve feet in height and one hundred and fifty square feet in area, to be placed not less than twenty feet from any other building or erection within the fire limits, and with the use of which no fire is anticipated. To obtain such permit, written application shall be made to the mayor and the council before any work is done, specifying the location, size and contemplated use of the proposed erection, and if a majority of the council vote in favor of granting such permit and the mayor approves of the same, the mayor shall issue a permit in writing.

6-10-8 SPECIAL PERMIT. The council may, by four-fifths vote, issue a special permit to improve any property within the fire limits, contrary to the provisions of this ordinance, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau. Before such special permit is issued, the applicant must file with the council a statement from the Iowa Insurance Service Bureau that the improvement will not increase the fire insurance rates on adjoining or adjacent property.

6-10-9 MOVING BUILDINGS. The removal of any building not constructed in accordance with the provisions of this ordinance, from without to within the fire limits or from any party of the fire limits to any other place therein is prohibited.

6-10-10 REPAIRS PROHIBITED. Any building within the fire limits, not constructed in accordance with the provisions of this ordinance, which may hereafter be damaged by fire, decay, or otherwise, to the extent of fifty percent of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent of its value the building shall not be repaired, so as to be higher in value than it was before the damages were sustained, except upon approval by four-fifths of the members of the council, of the plans and specifications of such repairs and rebuilding.

6-10-11 BOARD OF APPRAISEMENT. In case of a question as to the amount of extent of damage, by fire or otherwise, to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owners of real estate within the fire

limits, one of whom shall be appointed by the owner or agent of the building, the second by the mayor, and persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the mayor are unable to agree upon the third member, within ten days of their appointment, the council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the clerk. No building within the fire limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the clerk.

6-10-12 REMOVAL OF BUILDINGS. Any person, firm or corporation who shall erect or move any building in the fire limits, contrary to the provisions of this ordinance, shall be given ten days written notice by the mayor to remove or tear down the same, and if such removal or taking down is not completed within ten days from the time of the service of such notice, the mayor shall cause the same to be removed or taken down. The mayor shall report an itemized bill of the expense to the clerk, and the same shall be charged to the person, firm or corporation owning such building. The clerk shall present the bill to the owner of the property and if the bill is not paid within ten days from the date it is presented, the amount of the bill shall be certified, by the clerk, to the county auditor, as a special tax against the property and collected the same as other taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 SIDEWALK REGULATIONS

6-11-1	Purpose	6-11-12	Permits for Construction or Removal
6-11-2	Definitions	6-11-13	Failure to Obtain Permit; Remedies
6-11-3	Cleaning, Snow, Ice, and Accumulations	6-11-14	Inspection and Approval
6-11-4	Maintenance Responsibility	6-11-15	Barricades and Warning Lights
6-11-5	Liability of Abutting Owner	6-11-16	Interference with Sidewalk Improvements
6-11-6	Awnings	6-11-17	Special Assessments for Construction and Repair
6-11-7	Encroaching Steps	6-11-18	Notice of Assessment for Repair or Cleaning Costs
6-11-8	Ordering Sidewalk Improvements	6-11-19	Hearing and Assessment
6-11-9	Repairing Defective Sidewalks	6-11-20	Billing and Certifying to County
6-11-10	Notice of Inability to Repair or Barricade		
6-11-11	Standard Sidewalk Specifications		

6-11-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-11-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:

(a) vertical separations equal to three-fourths (3/4) inch or more.

(b) horizontal separations equal to three-fourths (3/4) inch or more.

(c) holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.

(d) spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.

(e) spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-

fourths (3/4) inch or more.

(f) a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

(g) a sidewalk with any part thereof missing to the full depth.

(h) a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-11-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Auditor for collection as provided in Section 364.12 of the Code of Iowa.

6-11-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

6-11-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. 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 condition 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.

6-11-6 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or 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.

6-11-7 ENCROACHING STEPS. It shall be 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.

6-11-8 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-11-9 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Auditor for collection as provided in Section 364.12 of the Code of Iowa.

6-11-10 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of

the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-11-11 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.

2. Sidewalks shall be on one-course construction.

3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.

4. The sidewalk bed shall be graded to the established grade.

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter ($1/4$) inch per foot toward the curb, but in no event more than one-half ($1/2$) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the handicapped. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp

shall be at last 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 physically handicapped persons using the sidewalk.

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-11-12 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-11-13 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-11-14 INSPECTION AND APPROVAL. Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the

specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

6-11-15 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-11-16 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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 or warning device provided by this chapter.

6-11-17 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

6-11-18 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

6-11-19 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

6-11-20 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Auditor. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384,

division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 RESERVED

September 17, 2007

Thirty-Eighth Day

The Worth County Board of Supervisors met pursuant to adjournment with all members present.

Motion by Creger, second by Bang, carried to approve the September 10, 2007 board minutes.

The board received a petition for improvement on DD2/Main located in section 8, Brookfield Township from Mike Gaskill. The board instructed Jim Hyde to prepare an engineer's report. A hearing date was set for October 29, 2007 at 10:00 A.M.

Motion by May, second by Creger, carried to change the name of the street east of and parallel to 6th Ave. in Grafton, IA from Warbler Ave. to 7th Ave. S.

Motion by Creger, second by Bang, carried to approve the Provider & Program Participation Agreement between Worth County and Mental Health Center of North Iowa.

Motion by Bang, second by Creger, carried to approve the Clerk of Court monthly report.

The meeting adjourned until 9:00 A.M., September 24, 2007.

Auditor

Chairperson

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 PARK REGULATIONS

- | | |
|------------------------------|---------------------|
| 7-1-1 Purpose | 7-1-4 Littering |
| 7-1-2 Use of Drives Required | 7-1-5 Camping Areas |
| 7-1-3 Fires | |

7-1-1 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.

7-1-2 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive 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.

7-1-3 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.

7-1-4 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.

7-1-5 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the council.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 TREES

7-2-1 Purpose	7-2-4 Trimming Trees to be
7-2-2 Definitions	Supervised
7-2-3 Planting Restrictions	7-2-5 Removal of Trees

7-2-1 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the city by regulating and providing for the planting, care and removal of trees.

7-2-2 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Parking" shall mean 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.

2. "Superintendent" shall mean superintendent of streets or such other person as may be designated by the council.

7-2-3 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter 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. Prohibited Trees. No person shall hereinafter plant in any street, any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, boxelder, chinese elm, or evergreens.

7-2-4 TRIMMING TREES TO BE SUPERVISED. It shall be 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.

7-2-5 REMOVAL OF TREES. The superintendent shall remove, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 REGULATION OF BUSINESS: HOUSE MOVERS

7-3-1 Purpose	7-3-7 Permit Fee
7-3-2 House Mover Defined	7-3-8 Permit Issued
7-3-3 Permit Required	7-3-9 Public Safety
7-3-4 Application	7-3-10 Time Limit
7-3-5 Bond Required	7-3-11 Removal by City
7-3-6 Insurance Required	7-3-12 Protect Pavement
	7-3-13 Electric Wires

7-3-1 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating house and building movers.

7-3-2 HOUSE MOVER DEFINED. A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

7-3-3 PERMIT REQUIRED. It shall be 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.

7-3-4 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 marshal, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

7-3-5 BOND REQUIRED. The applicant shall post with the clerk a penal bond in the sum of one thousand (1,000) dollars issued by a surety company authorized to issue such bonds in the State of Iowa. 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.

7-3-6 INSURANCE REQUIRED. Each applicant shall also have file a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the permit covering himself and his agents and employees for the following minimum amounts:

1. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
2. Property Damage - \$50,000.00 per accident.

7-3-7 PERMIT FEE. A permit fee of ten (10) dollars 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.

7-3-8 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.

7-3-9 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 flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

7-3-10 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 from the city.

7-3-11 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of 7-3-10 the city is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on his bond.

7-3-12 PROTECT PAVEMENT. It shall be 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 shall be at least one 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 superintendent or mayor as to such weight shall be final.

7-3-13 ELECTRIC WIRES. The holder of any permit to move a building shall see that all telephone, cablevision 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 holder

of the permit for moving a building shall give twenty-four (24) hours notice to the owner of any telephone, cablevision or electric wires to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, and the holder of the permit shall pay the reasonable costs thereof.

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 BUILDING NUMBERING

7-4-1 Definitions

7-4-2 Owner Requirements

7-4-3 Building Numbering Map

7-4-1 DEFINITIONS. For use in this chapter, the following terms shall be defined:

1. "Principal Building" shall mean the main building on any lot or subdivision thereof.

2. "Owner" shall mean the owner of the principal building.

7-4-2 OWNER REQUIREMENTS. Every owner shall comply with the following requirements:

1. Obtain Building Number. He shall obtain the assigned number to his principal building from the clerk;

2. Display Building Number. He shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) inches in height and of a contrasting color with their background.

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 and assess the costs against the property for collection in the same manner as a property tax.

7-4-3 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map.

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 NAMING OF STREETS

7-5-1 Naming New Streets
7-5-2 Changing Name of Street

7-5-3 Recording Street Names
7-5-4 Official Street Name Map
7-5-5 Revision of Street Name Map

7-5-1 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 Commission. Proposed street names shall be referred to the planning commission for review and recommendation.

7-5-2 CHANGING NAME OF STREET. The council may, by ordinance, change the name of a street.

7-5-3 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor.

7-5-4 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 7-5-4 of the City Code of Grafton, Iowa."

7-5-5 REVISION OF STREET NAME MAP. If in accordance with the provisions of this article, 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 article 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.

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 VACATION AND DISPOSAL OF STREETS AND ALLEYS

7-6-1 Power to Vacate	7-6-4 Findings Required
7-6-2 Plan Commission	7-6-5 Disposal of Streets and Alleys
7-6-3 Notice of Vacation Hearing	7-6-6 Disposal by Gift Limited

7-6-1 POWER TO VACATE. When, in the judgement of the council, it would be in the best interest of the city to vacate a street or alley or portion thereof, they may do so in accordance with the provisions of this article.

7-6-2 PLAN COMMISSION. Any proposal to vacate a street or alley shall be referred by the council to the planning commission for its study and recommendation prior to further consideration by the council. The planning commission shall submit a written report including recommendations to the council within thirty (30) days of the date the proposed vacation was referred to it.

7-6-3 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered.

7-6-4 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the council finds that:

1. **Public Use.** The street or alley proposed to be vacated is not needed for the use of the public, and therefor, 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.

7-6-5 DISPOSAL OF STREETS AND ALLEYS. When in the judgement of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion thereof, they may do so by resolution following notice and hearing.

7-6-6 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

TITLE VII SPECIAL ORDINANCES

CHAPTER 7 ELECTRIC FRANCHISE

- RESERVED -

TITLE VII SPECIAL ORDINANCES

CHAPTER 8 GAS FRANCHISE

- RESERVED -

TITLE VII SPECIAL ORDINANCES
CHAPTER 9 TELEPHONE FRANCHISE
- RESERVED -

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

TITLE VII SPECIAL ORDINANCES

CHAPTER 10 CABLE TELEVISION FRANCHISE

- RESERVED -

City of Grafton

109 Third Avenue
PO Box 550
Grafton, IA 50440
Phone: 641-748-2970
Fax: 641-748-2971
Email: graffon@wctatel.net

May 7, 2009

Jay Langenbau
Worth County Sheriff
1000 Central Ave
Northwood, IA 50459

Dear Sheriff Langenbau:

I was told the sheriff's office should have a copy of Grafton's Emergency Operation's Plan so I have enclosed a copy of our plan for your files. Thank you.

Sincerely,



Joann Nichols
Grafton City Clerk

City of Grafton

Emergency Operations Plan

**Passed by the
Grafton City Council
May 4, 2009**

Signatures of Approval

Mayor:

John W. Bock

Date:

May 4, 2009

City Council Members:

Mark A. Kunkel

MAY 4, 2009

[Signature]

May 4, 2009

[Signature]

May 4, 09

[Signature]

May 4, 2009

[Signature]

May 4, 2009

City Clerk:

Jeanne Nichols

May 4, 2009

Sheriff:

Fire Chief:

[Signature]

May 6, 2009

Public Works/Public Utilities:

[Signature]

MAY 4 2009

Emergency Management Coordinator:

Record of Changes

Item Changed:

Date Changed:

Foreword

The basic purpose of this plan is to provide a guide for emergency operations. It is intended to assist key town officials and emergency organizations to carry out their responsibilities for the protection of life and property under a wide range of emergency conditions. It emphasizes the coordination which must exist within and between services and levels of government, private and volunteer organizations and the many individuals with emergency operations responsibilities or capabilities.

A written plan will furnish a documentary record which can be referred to as needed. This documentary record will serve to refresh the knowledge of key individuals and can be used to inform persons who become replacements.

Transfer of Office

THIS DOCUMENT SHALL REMAIN THE PROPERTY OF THE CITY OF GRAFTON

Upon termination of office by reason of resignation, election, suspension or dismissal, the holder of this document shall transfer it to his or her successor.

Copies of this document are distributed to the following:

Mayor: John W. Bork

City Clerk: Joann Nichols

Public Works Director: Russ Horgen

Fire Chief: Duane Tabbert

Sheriff: Jay Langenbau

City Council Members (5):

Mark Borchardt (Mayor Pro-Tem)

Sara Moroney

Darren Petersen

Derrick Powers

Kyle Tabbert

Emergency Management Coordinator: Ray Huftalin

Grafton City Hall: 109 3rd Avenue, Grafton, IA

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City of Grafton Emergency Operations Plan

Basic Plan

I. Purpose

- A. This plan will enhance the ability of the City of Grafton to:
1. Identify hazards which will impact the safety, health or lives of the citizens or property in the community
 2. Reduce vulnerability or avoid potential disasters
 3. Coordinate response to emergencies and disasters
 4. Establish capabilities for protecting citizens and property from the effects of disasters
 5. Insure the continuity of government and preserve records
 6. Provide for the care of survivors
 7. Provide for the recovery and return to normal life after an emergency or disaster
 8. Repair essential facilities and utilities
 9. Support other areas in the county affected by disaster when possible
 10. Support and assist in areas outside of the county when possible
- B. This plan provides a link to procedures that will be used by county government. The City of Grafton's plan is to be used in conjunction with the Worth County Multi-hazard Emergency Operations Plan (EOP).

II. Situation and Assumptions

A. Several types of hazards including tornadoes, floods, winter storms and other forms of natural disaster pose a threat to the lives, property or environment in Worth County. Technological hazards include transportation accidents such as train or plane accidents or the major accidental release of a hazardous material.

B. Outside assistance from adjacent and higher levels of government, and non-government organizations may be available under localized emergency conditions. However, it is assumed that during widespread disasters affecting large areas of the state or nation, outside aid could be severely limited or unavailable for long periods of time. In either case, the immediate, lifesaving aid must come from the jurisdictions affected.

C. The City of Grafton has capabilities which, if effectively used in the event of any emergency, would maximize the survivability of life and property. These capabilities include the personnel, equipment, and skills of the town forces; the medical, health and allied professions; and other non-government professions and groups. Finally, they include knowledge of survival actions possessed by the population.

D. It is assumed that in anticipation of some natural disasters or civil disturbance situations, the town government may be able to take actions that could further increase capabilities.

E. The City of Grafton has some elderly or disabled population that requires extra planning and consideration in times of disaster.

F. It is assumed that there is no formal Emergency Operations Center for use by the City of Grafton. The central operations area in case of an emergency is located at the Grafton City Hall.

G. It is assumed that there is not a Town Emergency Management Coordinator. It is assumed any event will be coordinated by the chief elected officials of the town.

H. This plan assumed that the County Emergency Management Coordinator does not participate directly in emergency operations of the town until specifically requested or if county resources are required. Then it is assumed the County Emergency Management Coordinator implements the County plan.

I. It is assumed that people will provide their own transportation in case of an evacuation. If transportation is needed, specific requests must be made early in the incident or county resources to provide buses or other forms of transportation.

III. Concept of Operations

Town officials have primary responsibility for disasters which take place in the jurisdiction. They will activate the appropriate agencies and personnel to deal with the disaster. The chief elected officials are responsible for coordinating the response of agencies and personnel and coordinating the response with county officials if county assistance is needed.

Actions the City of Grafton should consider when this plan is activated:

A. Town agencies assess the nature and scope of the emergency or disaster.

B. If the situation can be handled locally, do so using the procedures in this plan, as appropriate.

1. The City of Grafton Mayor coordinates all emergency response actions.

2. The City of Grafton Mayor declares a local state of emergency and notifies the Worth County Emergency Management Coordinator of this action.
3. Forward the local state of emergency declaration to the Worth County Emergency Management Agency.
4. Town emergency response officials and agencies respond according to the checklists outlined in the Attachments.
5. The Mayor directs personnel to respond to the situation.
6. The Mayor issues directives as to travel restrictions on local roads and recommends protective actions if necessary.
7. Notify the public of the situation and appropriate actions to take.
8. Keep county officials informed of the situation and actions taken.
9. List any other procedures as may be appropriate for your town.

C. If town resources become exhausted or if special resources are required, request county assistance through the County Emergency Management Coordinator.

D. If assistance is requested, the County Emergency Management Coordinator assesses the situation and makes recommendations.

E. The County Emergency Management Coordinator has the abilities to:

1. Activate the County Emergency Operations Center.
2. Implement the County Emergency Operations Plan
3. Respond with county resources as requested if available
4. Activate mutual aid agreements
5. Coordinate available county resources with town resources
6. Notify Iowa Emergency Management Division
7. Initiate the Damage Assessment process
8. Forward Initial Desk Report (IDR) form to Emergency Management Division
9. Assist town with prioritizing and allocating resources.

F. If town resources are exhausted, the County Emergency Management Coordinator can request state assistance through the State Emergency Management Division.

G. If state assistance is requested; the Emergency Management Division Administrator, county emergency management coordinator, and the Mayor will assess the disaster or emergency situation and recommend that personnel, services and equipment be made available for response, mitigation or recovery.

H. The State Administrator of Emergency Management notifies the Governor and makes recommendations.

I. If state assistance is granted, procedures will be followed as stated in the Iowa Emergency Plan and the County EOP.

J. Operation Policies

1. Within town limits, town officials will be responsible for the direction and control of emergency operations, and will utilize the regular, auxiliary, or volunteer resources of town government. They will also be responsible for coordinating with others to provide for those emergency operations not within the capabilities of town government forces.
2. Within county boundaries but exclusive of incorporated cities, county officials will be responsible for direction and control of emergency operations, and will utilize the regular, auxiliary, or volunteer resources of county government. They will also be responsible for coordinating with others to provide for those emergency operations not within the capabilities of county government forces.
3. In an emergency affecting more than one political jurisdiction, officials of all jurisdictions involved will coordinate their services to the maximum extent possible.
4. Each agency, department, or service government shall provide for the maintenance of records during an emergency. These records should include man-hours, equipment hours, supplies and materials consumed, injuries to personnel, and damage to public facilities equipment.

K. Lines of Succession

The following lines of succession have been established:

1. Mayor: John W. Bork
2. Mayor Pro-Tem: Mark Borchardt
3. Councilman (to be appointed by council): Darren Petersen

IV. Organization/Responsibilities

- A. Existing government is the basis for emergency operations.
- B. As a general rule, county officials will be primarily responsible for carry out and emergency functions outside town limits and town officials will have the corresponding responsibility within their town limits. Exceptions are organizations such as fire departments, schools, and medical facilities whose geographical boundaries do not coincide with corporate limits.
- C. Organizational Chart for the City of Grafton is located at Grafton City Hall.
- D. See Attachments (A to J) for emergency responsibilities of key officials in this jurisdiction.

V. Administration and Logistics

- A. The Mayor may request support through the County Emergency Management Coordinator. The Coordinator coordinates the request with the State Emergency

Management Division. The Division then requests a Governor's Proclamation of Disaster to activate state resources. Town and County resources must be exhausted before a Governor's Proclamation of Disaster can be requested.

B. Support from Federal and State agencies may be requested through the County Emergency Management Coordinator who coordinates with the State Division. The Division then requests a Governor's Proclamation of Disaster to activate State resources. If local and state resources are exhausted, the Governor may request a Presidential Declaration to activate federal resources.

C. State agencies and local government emergency responsibilities and support functions are described in the Iowa Emergency Plan (1999). This plan is available in the County Emergency Management Coordinator's Office.

VI. Plan Development and Maintenance

The Mayor and City Clerk shall be responsible for exercising or testing, evaluating and revising and updating this plan and its supporting documents (SOP's). The Mayor may appoint necessary persons to assist in plan development and maintenance. This process should take place at least annually. The Mayor is responsible for ensuring that after-action reviews of all exercises and major incidents are conducted.

The plan development and maintenance process is necessary to keep the plan from becoming outdated beyond usability, to continually refine the plan, and keep those responsible for implementing the plan familiar with its contents.

Attachment A - Functional Operations Responsibilities of the Mayor

The Mayor is responsible for the overall management of the City of Grafton. The following tasks represent the Mayor's checklist of actions that are to be considered in an emergency or disaster:

The Mayor should:

- Notify other town officials
- Warn key facilities (Fire Dept)
- Authorize activation of sirens or other warning systems
- If conditions warrant, report to the pre-designated meeting place. Pre-designated center for operations is the Grafton City Hall
- Alert the following:
 - Public Works Director
 - City Clerk
 - Fire Chief
 - EMS
 - Sheriff's office
 - Alliant Energy or Osage Municipal Utilities for electric emergency
 - Iowa Utilities Board (if outage will be more than 2 hours)
 - Winnebago Cooperative Telecom Association
 - Emergency Management Coordinator

Make sure those who have a part in the plan understand what they are to do.

Ensure that the person designated to provide an initial damage assessment and casualty report has been activated.

Ensure that initial disaster assessment information is conducted and relayed to the County Emergency Management Coordinator.

Evaluate available resources, including personnel. If deficiencies exist, take action to obtain the needed resources.

Be prepared to issue a declaration of emergency.

Ensure the Public Information Officer (PIO) or designated person is notified to provide information to the public and provide accurate and proper information to the media.

Ensure that all department heads have begun to keep separate and accurate records of disaster related expenditures and have logged their activities.

Determine if county, state or federal assistance should be requested. City resources must be fully committed before county, state or federal assistance will be available

Request assistance from the Worth, Mason City Red Cross Chapter if needed.

Responsibilities of the City Clerk

The following tasks represent a checklist of actions to be taken by the City Clerk.

The City Clerk should:

- Report to the Mayor of Grafton
- Maintain records indicating city expenses incurred due to the disaster
- Assist in the damage assessment process by:
 1. Collect damage assessment information & provide to the Worth County Emergency Coordinator
 2. Provide information regarding the dollar values of property damaged
 3. Provide information (name, telephone number, etc.) regarding the owners of the property which has been damaged or destroyed as a result of the disaster.
- Assist Mayor or Public Works Director in acquiring needed equipment or supplies
- Contact county human services and coordinate needed services
- Contact City Attorney regarding any temporary contracts or legal advice regarding the emergency.
- Keep logs of activities that the city is involved in because of the disaster.

Attachment B - Warning and Communications

Warn the following when necessary:

- Fire Department and EMS
- Sheriff's Office in Northwood
- Worth County Emergency Management Coordinator
- All personnel associated with this plan (see page 22) for the Alerting List and Emergency Phone numbers)

Ensure all agencies represented in the town Emergency Operations Center (EOC) have communications to their staff. Again refer to Alerting List and Emergency Phone Numbers List)

Activate public warning system (tornado warning siren)

Door to door notification when necessary

Establish communications with the County Emergency Management Agency Office.

The Worth County Emergency Operations Center is located at:

Worth County Courthouse
1000 Central Ave. (lower level)
Northwood, Iowa 50459
Phone: 641-324-1535
Fax: 641-324-1404

Attachment C – Emergency Public Information

The Mayor shall appoint a Public Information Officer (PIO) to coordinate emergency public information. News releases and other public information should be cleared through the Mayor or in his absence, the Mayor Pro-Tem.

The Public Information Officer should:

- Function as the sole contact for the news media & public officials
- Maintain liaison with the Emergency Operations Center & Command Post in order to stay abreast with the situation.
- Establish a news media briefing room and brief the media at periodic intervals.
- If the situation escalates & the county EOC is activated, coordinate with the county PIO to prepare news releases.
- Conduct press tours of the disaster areas within the town as situation stabilizes.
- Assist county in establishing a Joint Public Information Center & establishing a Rumor Control Center.
- Issue protective action recommendations or public service advisories as directed by the Mayor.

Attachment D – Fire Services

The Grafton Fire Department is responsible for fire services activities in Grafton and the Grafton Fire District.

The Fire Dept. should:

- Report to the Command Post
- Assist Law Enforcement in warning the affected population
- Coordinate searches involving fires, personal injury and hazardous materials incidents
- Assist Law Enforcement in search and rescue operations
- Protect critical facilities and resources
- Designate a person to record the arrival and deployment of emergency personnel and equipment
- Assist Law Enforcement with evacuation, if needed
- Assist town public works department and utilities with shutting down gas and electric services, if necessary

Other responsibilities may include:

- The Incident Command Systems will be used at all incidents
- Assist in traffic control
- Assist in debris clearance
- If the County EOC is activated, establish and maintain contact with the person representing fire services
- If additional assistance is necessary, utilize mutual aid agreements and contracts with other fire departments
- If Regional Hazmat Team is needed:
 1. Notify Fire Chief, Sheriff, or Emergency Management Mason City for Call out procedures.
 2. Mason City Hazmat will operate under an incident management system under the local jurisdictional control.
 3. The local fire department will assist with resource management and decontamination.
 4. All emergency responders shall be trained to the necessary level of Hazmat response and shall maintain records of initial training and all updates.

Attachment E – Public works & Public Utilities

The Grafton Public Works Department is responsible for public works (street, water and sewer) activities in Grafton.

The public works director should:

- Ensure all department personnel have been alerted & report as situation directs
- Review disaster situation with field personnel & report to the chief elected officials in Grafton
- Maintain transportation routes – clearing of debris to ensure emergency response
- Coordinate flood fighting activities, (sandbagging, emergency diking, pumping operations)
- Coordinate with Law Enforcement for travel restrictions/road closures in town
- Provide emergency generators and lighting
- Assist with traffic control and access to the affected area
- Assist with search and rescue
- Assist private utilities with the shutdown of gas and electric services
- As necessary, establish a staging area for public works
- Report public facility damage information to the Damage Assessment Team
- If the County EOC is activated, establish and maintain contact with the County Engineer
- Repair and maintain water supply. It may be necessary to enter into contracts with private contractors providing for the purchase and hauling of safe, sanitary drinking water
- If emergency power is not available at this time, the director of the water works shall determine if an emergency exist. It may be necessary to enact water conservation & rationing program until service can be restored.
- Oversee the sewage treatment facility in order that it may be kept in as good a working order as possible under the circumstances.
- Notify the utility companies affected that there is a problem with their utility & if they arrive to repair any damage to their parts of the systems, they shall contact the Public Works Director to determine where the most critical areas may be.
- Clean and maintain passable town streets. Communicate with the police & fire dept. in order to deal off an entire area.
- Obtain further assistance from the county engineer & private contractors
- Make emergency repairs on streets & other structures as needed
- Establish detour routings
- Collect trash, debris & garbage & transport to selected sites for disposal

Attachment F – Resource Management

The local government is responsible for providing administrative guidance concerning resource management and systems and utilizing volunteers.

The City Clerk shall:

- Be the resource manager and shall be responsible for developing and maintaining a list of resources available to the town.
- Be responsible for developing Standard Operating Guidelines for Resource Management
- The resource list shall be maintained as a separate document from the emergency operations plan and updated routinely.

Upon notification of an emergency or disaster, the city clerk shall:

- Report to the Mayor with the Resource Management Inventory
- Implement resource management SOP's and provide overall coordination or resource management activities.
- Advise the Mayor on the available resources to respond or recover from the incident
- Coordinate with the Public Works Director and the Fire Chief in staging resources
- Be responsible for records for accounting of materials and supplies used and funds expended in support of emergency or disaster operations for possible reimbursement by the federal government.
- Maintain contact with other city departments to find out what assistance is necessary.

Attachment G – Law Enforcement

The City of Grafton has a 28E Mutual Aid Agreement with the Worth County Sheriff's Office for law enforcement services. The Sheriff's Office has mutual aid agreements with other law enforcement agencies and can request the State Patrol for additional resources in the event of a major emergency or disaster.

Law Enforcement should:

- Ensure all Law Enforcement staff has been notified & that they report as situation directs
- Direct law enforcement to report to a designated location where they are needed
- Secure the affected area & perform traffic & crowd control
- Participate in warning the public as situation warrants
- Determine scope of incident as to immediate casualties or destruction and whether the incident has the potential to expand and escalate
- Direct officers to close off the damage site area & stop in-bound traffic & set up emergency pass system

- Report above information to appropriate law enforcement agencies
- Operate under the Incident Command System to ensure proper communications
- If appropriate and if available, dispatch a mobile command post with communications equipment to the scene of the disaster.
- Law Enforcement shall have primary responsibility for the organizing and conducting standard search and rescue operations. Law Enforcement may request the Worth County Search and Technical Rescue Team for specialized or additional search manpower.

Other responsibilities may include:

- Enforce curfew restrictions in the affected area
- Coordinate the removal of vehicles blocking evacuation or other response activities
- Assist the medical examiner with mortuary services
- Assist with search and rescue activities
- If the County EOC is activated, establish and maintain contact with the person representing law enforcement.
- Anticipate your department's needs for manpower and equipment 24-hours in advance. If additional assistance is needed, utilize mutual aid agreements with other law enforcement agencies.

Attachment H – Evacuation/Shelter in Place

The Mayor is responsible for issuing evacuation orders in the Grafton city limits. However, the on-scene command authority can make a decision to evacuate when there is an immediate need in order to protect lives and provide for public safety. The following check list of actions should be considered in an emergency or disaster.

Involve key organizational participants:

Law Enforcement
 Fire Department & EMS
 Public Information Officer
 Public Works Director and County Engineer
 County Chapter of the American Red Cross
 County Emergency Management Coordinator
 Superintendent of the School District

Consider precautionary evacuation for special needs populations; they need more time to evacuate.

Before an evacuation is announced, make sure there is a place for them to go. Give adequate directions.

Coordinate intentions on evacuation with law enforcement, the Red Cross and Emergency Management before announcing an evacuation order. Carrying out evacuation is the responsibility of the law enforcement. They may need to request adequate back-up.

Coordinate evacuation with Public Information Officer

Determine if assistance is needed to carry out the evacuation. Contact the County Emergency Management Coordinator for assistance.

Provide for security of evacuated area.

Encourage persons utilizing private vehicles to take persons without transportation whenever possible.

Utilize school buses and Senior Services to ensure transportation is provided.

Coordinate sheltering for evacuees prior to evacuation. This is generally the responsibility of the Red Cross.

In-Place shelter is recommended when the projected toxicity of the release does not justify evacuation or when there are risks and threats associated with the movement and evacuation of residents. In many circumstances, effective protection can be found in home or other facilities. If in-place shelter actions are to be implemented, announcements should be made using measures outlined in the public notification and warning section of these procedures. The IC or Mayor must decide which actions and recommendations will be implemented.

Typical protective actions for in-place shelter include:

- Close all doors. Close and lock all windows. Seal gaps under doorways and windows wet towels or thick tape.
- Set ventilation systems to 100% recirculation. If not possible, turn off system.
- Turn off all heating systems or air conditions. Some newer heating systems take fresh air from outside the structure to combust fuel. These types of heating systems must be turned off.
- Seal any gaps around window air conditioners, bathroom exhaust fans, range vents, dryer vents with duct tape or wet cloth.
- Close fireplace dampers
- Close as many internal doors as possible
- If explosion is possible, close drapes, curtains and shades over windows. Stay away from windows.
- If you suspect that the gas or vapor has entered the structure you are in, hold a wet cloth over your nose and mouth.

Attachment I – Mass Care

It is the responsibility of the public officials of Grafton that evacuees are ensured a place to stay. It is imperative that the City Staff work with the Worth County Red Cross in establishing emergency shelters to house and care for evacuees in a disaster.

City of Grafton Primary Shelter site is: **The Grafton Community Center**

Contact person for that site is: **The City Clerk – Joann Nichols**

An alternate shelter site is: **The Grafton Fire Station**

Contact person for that site is: **Duane Tabbert - Fire chief**

In the event of large scale evacuation (such as hazardous materials incident) where most or all of the community is evacuated, nearby community shelter sites upwind or far enough away from the incident may be activated. (Try to remain within the school district if possible.) These sites must be coordinated with the Red Cross and Emergency Management. Evacuation points must be identified and buses provided for those without transportation. Care for pets will be provided for at the Shelter or through animal control.

Char Gordon, Kyle Tabbert or Steve Yezek (depending on who is available at the time) from Grafton Fire Dept. EMS will serve as the Human Services Coordinator in Grafton. The Coordinator will organize human services activities with a representative from the Worth County Red Cross and if necessary, the Worth County Human Services Agency. This person will keep the County Human Services Officer informed of all human services activities performed, underway, or planned within the town.

The following checklist of actions this person must consider in an emergency or disaster situation.

- Coordinate activities of town agencies which provide human services
- Coordinate with Red Cross in opening & managing shelters in town
- Provide food for emergency workers in the town
- Work with Red Cross/Salvation Army in providing food & clothing to disaster victims. Provide emergency assistance to persons with special needs.
- Provide necessary outreach services to citizens affected by emergency or disaster
- Distribute emergency literature to disaster victims given instructions & assistance pertaining to their immediate needs
- Provide psychological counseling and crises intervention to disaster victims
- If County EOC is activated, establish & maintain contact with person representing Human Services. If the County EOC is not activated, establish & maintain contact with County Human Services Officer directly at the Co. Dept. of Social Services
- Coordinate mass care needs of the town with the county mass care coordinator.
- Designate several buildings in the town that may be used for mass care.
- Provide for care, health and sheltering of animals

Attachment J – Public Health Services & Emergency Medical Services

The Grafton First Responder President will serve as the Public Health and Emergency Medical Services Liaison and is responsible for public health and emergency medical services activities in Grafton. He/She will coordinate health services activities with a representative from the Worth County Public Health Department, Mercy Hospital representatives. The following tasks represent a checklist of actions this person should consider in an emergency or disaster situation. Mutual aid agreements should be established for medical emergencies.

- Coordinate evacuating senior housing as needed
- Coordinate emergency medical care to victims (hospitals and ambulances)
- Assure that public health needs of disaster victims are met
- Assume primary operational control for health-related emergencies such as pollution, contamination, diseases and epidemics
- Ensure all first responders are trained in triage and mass casualty response and utilize the START method of triage using the appropriate triage tags
- Coordinate medical transportation for victims
- Establish a staging area
- Assist with patient tracking
- Stand by hazmat incidents to conduct medical monitoring and assist with decontamination and medical emergencies

Alerting List and Emergency Numbers

Mayor: John W. Bork

Cell phone: 641-420-5409 (preferred)

Home: 641-748-2998

Work: 641-748-2945

Sheriff: Jay Langenbau

Emergency: 911

Office: 641-324-2481

Home: 641-896-2983

Fire Chief: Duane Tabbert

Cell phone: 641-430-3477

Home: 641-748-2260

Work: 641-748-2291

City Clerk: Joann Nichols

Cell phone: 641-420-3609

Home: 641-748-2249

Work: 641-748-2970

Public Works Director: Russ Horgen

Cell phone: 641-530-1497

Home:

Work: 641-749-2970

Mayor Pro-Tem: Mark Borchardt

Cell phone:

Home: 641-748-2784

Work: 507-373-0689

First Responder President (EMS): Kyle Tabbert

Cell phone:

Home: 641-748-2712

Work:

Worth County Emergency Manager Coordinator: Ray Huftalin

Cell phone: 641-330-0835

Home: 641-732-5061

Work: Worth County Office - 641-324-1535

Mitchell Co. Office - 641-732-5872

City Attorney: Mark Walk

Work: 641-732-3796

Additional Notes

It is important to note the Grafton Community Center listed as the primary shelter place is equipped with a permanent generator that will power the entire building and will turn on automatically.

The Grafton Fire Station listed as the secondary place of shelter is also equipped with a permanent generator that will power the Fire Station, Grafton City Hall and the Water Works Pumping House. It will turn on automatically.

**City of Grafton
Organization Chart
Emergency Operations Plan**

