CITY OF JOICE CODE OF ORDINANCES

NOVEMBER 2002

CODIFIED BY:

NORTH IOWA AREA COUNCIL OF GOVERNMENTS

121 THIRD STREET NW MASON CITY, IOWA 50401

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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 Joice, 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 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 Joice Municipal Code of 2002 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

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

1-3-2 Civil Penalty - Municipal Infraction

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 Joice is guilty of a misdemeanor. Any person convicted of a misdemeanor under the Ordinances of Joice shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed thirty days.

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

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)

- 1. Definitions.
- a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Joice, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Joice, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.
- b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Joice.
- c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.
 - 2. Violations, Penalties, and Alternative Relief.
- a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

First offense--Not more than two hundred fifty dollars (\$250.00).

Second Offense--Not more than five hundred dollars (\$500.00).

All other repeat offenses--Not more than seven hundred fifty dollars (\$750.00).

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- c. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. Civil Citations

- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.
- b. The citation may be served by personal service or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
 - c. The original of the citation shall be sent to the Clerk of the district court.
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - (1) The name and address of the defendant.
- (2) The name or description of the infraction attested to by the officer issuing the citation.
 - (3) The location and time of the infraction.
 - (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - (5) The manner, location, and time in which the penalty may be paid.
 - (6) The time and place of court appearance.
 - (7) The penalty for failure to appear in court.

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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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 b	e s	substantially	in	the	following	form,	but	may	include	other
information:												

	"You are hereby notified that	at an evidentiary he	aring will be	held before t	he Joice City Council
at _	on the	_ day of	, 20	, at the hour	, upon
the	notice and order served upon	you. You may be	present at th	ne hearing. Y	ou may be, but need
not	be, represented by counsel.	You may present	t any relevan	t evidence a	nd 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's possession or under the witness's 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 state 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.

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

(Code of Iowa, Sec. 372.4)

- 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 Joice, Iowa.
- 2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large, elected for overlapping terms of four years.

(Code of Iowa, Sec. 372.4) (Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.4) (Code of Iowa, Sec. 376.2)

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. (Code of Iowa, Sec. 372.1)

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-5	Bonds Required
2-2-2	Appointment 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

- 2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: City Clerk, City Treasurer, Police Chief, Attorney.
- 2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 374.4(3))

- 2-2-3 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.
- 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.

(Code of Iowa, Sec. 64.13)

- 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.

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-5	Powers and Duties of the Mayor
2-3-2	Books and Records	2-3-6	Powers and Duties of the Clerk
2-3-3	Deposits of Municipal Funds	2-3-7	Powers and Duties of the Treasurer
2-3-4	Transfer of Records and Property	2-3-8	Powers and Duties of the City
	To Successor		Attorney

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.

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

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.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

- 2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.
- 2-3-4 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.
- 2-3-5 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.

(Code of Iowa, Section 372.14(1))

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.

(Code of Iowa, Sec. 372.14(1) and (3))

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.

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

- 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. (Code of Iowa, Sec. 372.14(3))
- 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. The order to remove said

nuisances shall be carried out by the Police Chief.

2-3-6 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.

(Code of Iowa, Sec. 372.13(4) and (6))

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.

(Code of Iowa, Sec. 380.7(1))

The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

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

- 4. The Clerk shall maintain copies of all effective City Ordinances and codes for public use. (Code of Iowa, Sec. 380.7(4))
- 5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)

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.

(Code of Iowa, Sec. 380.11)

- 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.

(Code of Iowa, Sec. 384.20)

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.

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

- 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 with the bank statement 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.

(Code of Iowa, Sec. 384.22)

13. The Clerk shall maintain all City records as required by law.

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

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.

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

- 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.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

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.

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

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.

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

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.

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

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.

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

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.

(Code of Iowa, Sec. 376.4)

- 22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council. (Code of Iowa, Sec. 372.13(4))
- 23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

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.

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

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.

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

26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

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

(Code of Iowa, Sec. 372.13(4) and 384.85)

- 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. (Code of Iowa, Sec. 372.13(4))
- 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.

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

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

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

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.

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

2-3-7 POWERS AND DUTIES OF THE TREASURER. The duties of the Treasurer shall be as follows:

(Code of Iowa, Sec. 372.13[41)

- 1. Custody of Funds. Be responsible for the safe custody of all funds in the City in the manner provided by law, and Council direction.
- 2. Record of Fund. Keep the record of each fund separate.
- 3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
- 4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying da te, to whom, and from what fund paid.
- 5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
- 6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in the depositories selected by the Council.
- 7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

- 8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
- 9. Issue License and Permits. Issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.
- 10. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.
- 2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

- 1. If requested, the City Attorney shall attend every regular meeting of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
- 2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.
- 3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.
- 4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.
- 5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.
- 6. The City Attorney shall act as Attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.
- 7. The City Attorney shall not appear on behalf of any municipal office or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

- 8. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.
- 9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.
- 10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member

2-4-3 Other Officers

2-4-2 Mayor

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$15.00 for each meeting of the City Council but in no event shall any City Council member be paid more than \$360.00 in any one year.

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

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$1200.00 to be paid in equal monthly installments.

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

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

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

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-7	Administrative Transfers
2-5-2	Budget Amendment	2-5-8	Budget Officer
2-5-3	Budget Protest	2-5-9	Accounting
2-5-4	Accounts and Programs	2-5-10	Budget Accounts
2-5-5	Annual Report	2-5-11	Contingency Accounts
2-5-6	Council Transfers		_ ,

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

(Code of Iowa, Sec. 384.16)

- 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 ten nor more 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 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:

(Code of Iowa, Sec. 384.18)

- 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 City Finance 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, and the number need not be more than one hundred persons.

(Code of Iowa, Sec. 384.19)

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.

(Code of Iowa, Sec. 384.20)

2-5-5 ANNUAL REPORT. Not later than December 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.

(Code of Iowa, Sec. 384.22)

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.

(IAC, Sec. 545.2.4(384,388))

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. Such transfers shall not exceed 10% at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

(IAC, Sec. 545.2.4(384,388))

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.

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

2-5-9 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. Warrants/checks shall be signed by the City Clerk and Mayor or Treasurer in the Mayor's absence.

(Code of Iowa, Sec. 384.20)

2-5-10 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.

(Code of Iowa, Sec. 384.20)

2-5-11 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.

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 Joice, 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.

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

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:

Community Center/City Hall Farmer's State Bank U.S. Post Office, Joice Branch

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.

(Code of Iowa, Sec. 380.7)

2-6-3 REMOVING NOTICE, UNLAWFUL. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

CHAPTER 7 CITY ELECTIONS

2-7-1	Purpose	2-7-6	Filing, Presumption, Withdrawals,
2-7-2	Nominating Method to be Used		Objections
2-7-3	Nominations by Petition	2-7-7	Persons Elected
2-7-4	Adding Name by Petition	2-7-8	Primary and Runoff Abolished
2-7-5	Preparation of Petition		·

- 2-7-1 PURPOSE. The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.
- 2-7-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.
- 2-7-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.
- 2-7-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.
- 2-7-5 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:
- 1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
- 2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
- 3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
- 4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

2-7-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of

- filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.
- 2-7-7 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.
- 2-7-8 PRIMARY AND RUNOFF ABOLISHED. The Council has adopted Chapters 44 and 45 of the Code of Iowa for conducting elections and in accordance with Section 376.6(2), Code of Iowa, no primary or runoff election will be conducted for City offices.

CHAPTER 8 POLICE DEPARTMENT

2-8-1	Department Established	2-8-7	Police Chief; Duties
2-8-2	Organization	2-8-8	Departmental Rules
2-8-3	Peace Officer Qualifications	2-8-9	Summoning Aid
2-8-4	Required Training	2-8-10	Taking Weapons
2-8-5	Compensation	2-8-11	Contract Law Enforcement
2-8-6	Peace Officers Appointed		

- 2-8-1 DEPARTMENT ESTABLISHED. The Police Department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.
- 2-8-2 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part-time, as may be authorized by the City Council.
- 2-8-3 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

2-8-4 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

(Code of Iowa, Sec. 80B.11(2))

- 2-8-5 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.
- 2-8-6 PEACE OFFICERS APPOINTED. The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor, the other members of the department.

(Code of Iowa, Sec. 372.4)

2-8-7 POLICE CHIEF; DUTIES. The Police Chief has the following powers and duties subject to the approval of the City Council.

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

- 1. General. Perform all duties required of the Police Chief by law or ordinance.
- 2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

- 3. Writs. Execute and return all writs and other processes directed to the Police Chief.
- 4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

- 5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
- 6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
- 7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
- 8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
- 9. Reports. Compile and submit to the Mayor and City Council an annual report as well as such other reports as may be requested by the Mayor or City Council.
- 10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.
- 2-8-8 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.
- 2-8-9 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

2-8-10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

2-8-11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 CITY COUNCIL

2-9-1 Powers and Duties

2-9-3 Meetings

2-9-2 Exercise of Power

- 2-9-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:
- 1. General. All powers of the City are vested in the City Council except as otherwise provided by law or ordinance.

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

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

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

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

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

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

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

5. Contracts. The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.

(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)

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

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

7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change

is adopted, and the City Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-9-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

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

1. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of ten thousand dollars (\$10,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication.

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

- 3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in one of the following ways:
- a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(1))

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

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

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

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

- 2-9-3 MEETINGS. Procedures for giving notice of meetings of the City Council and other PROVISIONS regarding the conduct of City Council meetings are contained in Title II, Chapter 6 of this Code of Ordinances. Additional particulars relating to City Council meetings are the following:
- 1. Regular Meetings. The regular meetings of the City Council are on the first Monday of each month at seven o'clock (7:00) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.
- 2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

(Code of Iowa, Sec. 372.13(5))

- 3. Quorum. A majority of all City Council members is a quorum. (Code of Iowa, Sec. 372.13(1))
- 4. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.

(Code of Iowa, Sec. 372.13(5))

5. Compelling Attendance. Any three (3) members of the City Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-4	Streets
3-1-2	Public Peace	3-1-5	Public Safety and Health
3-1-3	Public Morals		Public Property

- 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.

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

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

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

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.

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

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.

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

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.

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

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

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

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

(Code of Iowa, Sec. 364.12(2)(a))

3-1-3 PUBLIC MORALS. 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.

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, 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.

(Code of Iowa, Sec. 716.5)

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.

(Code of Iowa, Sec. 716.1)

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.

(Code of Iowa, Sec. 364.12(2)(b and e))

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.

3-1-5 PUBLIC SAFETY AND HEALTH.

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

(Code of Iowa, Sec. 364.1)

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.

(Code of Iowa, Sec. 321.369)

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, unless licensed by the Worth County Sheriff or the Iowa Department of Public Safety.

- 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.

(Code of Iowa, Sec. 727.2)

- 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. Possession of Fireworks.

a. Definition. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect

by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.

- b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this Subsection.
 - c. Prohibition. No person shall possess fireworks except as provided in this Chapter.
- 8. 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.

(Code of Iowa, Sec. 727.3)

9. Impersonating an officer. No person shall falsely represent themself 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.

(Code of Iowa, Sec. 718.2)

- 10. Harassment of City Employees.
- a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.
- b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of his or her family during the course of, or as a result of, the performance of any official duty by said City employee.
- 11. 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.

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

12. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

13. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the Chief of Police for such purposes.

(Code of Iowa, Sec. 364.12)

3-1-6 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.

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

- 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. (Code of Iowa, 364.12(2))
- 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.

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

- 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.

(Code of Iowa, Sec. 716.1)

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.

(Code of Iowa, Sec. 716.1)

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. (Code of Iowa, Sec. 716.1)

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.

(Code of Iowa, Sec. 716.1)

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.

(Code of Iowa, Sec. 716.1)

10. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Code of Iowa, Sec. 727.8)

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.

(Code of Iowa, Sec. 716.1)

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	3-2-10	Collection of Cost of Abatement
	Condition	3-2-11	Installment Payment of Cost of
3-2-5	Contents of Notice to Abate		Abatement
3-2-6	Method of Service	3-2-12	Condemnation of Nuisance

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 unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2(1))

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

(Code of Iowa, Sec. 657.2(2))

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

(Code of Iowa, Sec. 657.2(3))

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.

(Code of Iowa, Sec. 657.2(4))

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

(Code of Iowa, Sec. 657.2(5))

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.

(Code of Iowa, Sec. 657.2(6))

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.

(Code of Iowa, Sec. 657.2(7))

- h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.
- i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

(Code of Iowa, Sec. 657.2(8))

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.

(Code of Iowa, Sec. 657.2(9))

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

(Code of Iowa, Sec. 657.2(10))

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.

(Code of Iowa, Sec. 657.2(11))

m. Trees infected with Dutch elm disease.

(Code of Iowa, Sec. 657.2(12))

- 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.

(Code of Iowa, Sec. 716.1)

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.

(Code of Iowa, Sec. 657.2)

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

(Code of Iowa, Sec. 364.1)

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.

(Code of Iowa, Sec. 657.3)

- 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.

(Code of Iowa, Sec. 364.12(3)(b))

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

(Code of Iowa, Sec. 364.12(3)(c))

The numbering of buildings.

(Code of Iowa, Sec. 364.12(3)(d))

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

(Code of Iowa, Sec. 364.12(3)(e))

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.

(Code of Iowa, Sec. 364.12(3)(f))

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

(Code of Iowa, Sec. 364.12(3)(g))

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.

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

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

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

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.

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

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.

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

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.

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

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.

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

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.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

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. (Code of Iowa, Sec. 321.1)
- 3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports. (Code of Iowa, Sec. 321.266)

3-3-4 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

- 3-3-6 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 police 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, 321.277A, 321.278 and 321.285 through 321.288, 321.290, 321.294, and 321.295 -- reckless driving, careless 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

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Chief of Police shall

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 Chief of Police shall keep a record of all traffic-control devices maintained by the department.

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

(Code of Iowa, Sec. 321.255 and 321.256)

- 3-3-8 CHIEF OF POLICE TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Chief of Police is hereby authorized:
- 1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.
- 2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.
- 3-3-9 PLAY STREETS. The Chief of Police has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

TURNING MOVEMENTS

3-3-10 TURNING MARKERS, BUTTONS AND SIGNS. The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals. (Code of Iowa, Sec. 321.311)

- 3-3-11 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.
- 3-3-12 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.
- 3-3-13 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS

- 3-3-14 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.
- 3-3-15 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Chief of Police is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

SPECIAL STOPS REQUIRED

- 3-3-16 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.
- 3-3-17 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular

hazard exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

Every driver of a vehicle shall stop in accordance with the following:

- 1. Western Street. Vehicles traveling on Western Street shall stop at Main Street.
- 2. Willow Street. Vehicles traveling on Willow Street shall stop at Main Street.
- 3. Lindon Street. Vehicles traveling on Lindon Street shall stop at Main Street.
- 4. State Street. Vehicles traveling on State Street shall stop at Main Street.
- 5. Front Street. Vehicles traveling on Front Street shall stop at Main Street.
- 6. Lake Street. Vehicles traveling west on Lake Street shall stop at Western Street.
- 7. Keerl Street. Vehicles traveling west on Keerl Street shall stop at Western Street.
- 8. Main Street. Vehicles traveling west on Main Street shall stop at Western Street.
- 9. Franke Street. Vehicles traveling west on Franke Street shall stop at Western Street.
- 10. Opportunity Street. Vehicles traveling west on Opportunity Street shall stop at Western Street.
- 11. Franke Street. Vehicles traveling east on Franke Street shall stop at Front Street.

(Code of Iowa, Sec. 321.345)

- 3-3-18 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.
- 3-3-19 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-20 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-21 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-22 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.

(Code of Iowa, Sec. 321.361)

- 3-3-23 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:
 - 1. Main Street on both sides from Front Street to State Street.
 - 2. State Street on the West side from Main Street to the alley north of Main Street. (Code of Iowa, Sec. 321.361)
- 3-3-24 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-25 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:

(Code of Iowa, Sec. 321.358)

- 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 police 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.
- 3-3-26 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbings to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

- 3-3-27 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are 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 police department, or otherwise 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 forty-eight 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

3-3-28 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 Police Chief 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.

(Code of Iowa, Sec. 321.236)

3-3-29 PARKING DURING SNOW EMERGENCY. From November 1st to April 15th, the parking of vehicles on Main Street or any City-owned off-street parking area shall be allowed only on the even side of the street on even days and the odd side of the street on odd days in order to facilitate snow removal operations. The provisions of this section do not grant additional parking privileges where areas are restricted or otherwise prohibited in other sections of this chapter.

Vehicles must be moved to the correct side of the street by eight o'clock (8:00) AM. (Code of Iowa, Sec. 321.236)

- 3-3-30 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.
- 3-3-31 TRUCK PARKING LIMITED. Trucks weighing five tons or more, loaded or empty, shall not be parked on public streets except for the purposes of and actually engaged in loading or unloading.

MISCELLANEOUS DRIVING RULES

3-3-32 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not

drive upon or within any sidewalk area.

- 3-3-33 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.
- 3-3-34 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.
- 3-3-35 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.
- 3-3-36 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.
- 3-3-37 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.
- 3-3-38 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on the signs at any time upon any of the following streets or parts of streets:

3-3-39 TRUCK ROUTES.

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

- A. Main Street for its entire length.
- B. Western Street for its entire length.
- C. Front Street for its entire length.
- 2. Any motor vehicle weighing five tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.
- 3. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

BICYCLE REGULATIONS

- 3-3-40 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.
- 3-3-41 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.

3-3-42 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.

- 3-3-43 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.
- 3-3-44 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.

- 3-3-45 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.
- 3-3-46 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.
- 3-3-47 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.

3-3-48 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 50 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

3-3-49 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.
- 3-3-50 PERMITTED AREAS OF OPERATION. Snowmobiles shall only be operated within the roadways of public streets and shall also be subject to the following regulations.

- 3-3-51 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 seven o'clock (7:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer, or traveling directly to or from a destination within the City.
- 3-3-52 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.
- 3-3-53 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.

- 3-3-54 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.
- 3-3-55 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

- 3-3-56 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 <u>written parking citation</u> 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.
- 3-3-57 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.
- 3-3-58 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.	Persons with disabilities parking	\$100.00
		(Code of Iowa, Sec. 321L.4(2))

3-3-59 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 Obstructions
3-4-2	Warning Signals	3-4-5	Maintenance of Crossings
3-4-3	Street Crossing Signs and	3-4-6	Flying Switches
	Devices		

- 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.

(Code of Iowa, Sec. 321.1(58))

- 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.

(Code of Iowa, Sec. 327G.13)

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.

(Code of Iowa, Sec. 327G.15)

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:

(Code of Iowa, Sec. 327G.32)

- 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.

(Code of Iowa, Sec. 327G.15)

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

3-5-1 Membership, Establishment and 3-5-2 Constitution

Purpose 3-5-3 Accidental Injury Insurance

- 3-5-1 MEMBERSHIP, ESTABLISHMENT AND PURPOSE. Membership and support of a volunteer fire department established as an association to prevent and extinguish fires, protect lives and property against fires, promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.
- 3-5-2 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem acceptable to accomplish the objectives as established in section 3-5-1 and any subsequent objectives or additions thereto.
- 3-5-3 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for workmen's compensation that the City may be liable for due to membership with the volunteer fire department.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CIGARETTE LICENSE

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

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

(Code of Iowa, Sec. 453A.1(2))

2. "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.

(Code of Iowa, Sec. 453A.1(19))

3. "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.

(Code of Iowa, Sec. 453A.1(17))

3-8-2 PERMIT REQUIRED. No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Joice, 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.

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

3-8-3 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 3-8-5.

(Code of Iowa, Sec. 453A.13(2)(a))

3-8-4 EXPIRATION. Permits expire on June 30 of each year.

(Code of Iowa, Sec. 453A.13(3))

3-6-5 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.

(Code of Iowa, Sec. 453A.13(3))

3-6-6 REFUNDS. 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.

(Code of Iowa, Sec. 453A.13(4))

- 3-8-7 SUSPENSION; REVOCATION; CIVIL PENALTY.
- 1. If a retailer or employee of a retailer has violated Section 453A.2, 453A.36, subsection 6 or 453A.39, Code of Iowa, the City Council, in addition to other penalties fixed for such violations in this section, shall assess a penalty after giving the permit holder an opportunity to be heard, upon ten (10) days written notice, stating the reasons for the contemplated action and the time and place at which the person may appear and be heard, as follows:
- a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
- b. For a second violation within a period of two (2) years, the retailer's permit shall be suspended for a period of thirty (30) days.
- c. For a third violation within a period of three (3) years, the retailer's permit shall be revoked.
- 2. If a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.
- 3. The City Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty (30) days of the suspension or revocation of any retail permit.
- 3-8-8 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.

3-8-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(10))

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

- 3-9-1 Purpose 3-9-3 Action by Council 3-9-2 Required Obedience to Provisions of this Chapter and State Law 3-9-4 Transfers
- 3-9-1 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.

 (Code of Iowa, Sec. 364.1)
- 3-9-2 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. 123.28 Open Alcoholic Beverage Containers
 - 5. 123.30 Liquor Control Licenses Classes
 - 6. 123.31 Application Contents
 - 7. 123.33 Records
 - 8. 123.34 Expiration License or Permit
 - 9. 123.35 Simplified Renewal Procedure
 - 10. 123.36 Liquor Fees Sunday Sales
 - 11. 123.38 Nature of Permit or License Surrender Transfer
 - 12. 123.39 Suspension or Revocation of License or Permit Civil Penalty
 - 13. 123.40 Effect of Revocation
 - 14. 123.44 Gifts of Liquors Prohibited

- 15. 123.46 Consumption in Public Places Intoxication Right to Chemical Test Exoneration
- 16. 123.47 Persons Under Legal Age Penalty
- 17. 123.49 Miscellaneous Prohibitions
- 18. 123.50 Criminal and Civil Penalties
- 19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
- 20. 123.52 Prohibited Sale
- 21. 123.90 Penalties Generally
- 22. 123.95 Premises Must Be Licensed Exception as to Conventions and Social Gatherings
- 23. 123.122 through 123.145 Beer Provisions (Division II)
- 24. 123.150 Sunday Sales Before New Year's Day
- 25. 123.171 through 123.182 Wine Provisions (Division V)
- 26. 321.284 Open Containers in Motor Vehicles Drivers
- 27. 321.284A Open Containers in Motor Vehicles Passengers
- 3-9-3 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.

(Code of Iowa, Sec. 123.32(2))

3-9-4 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.

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK AND ABANDONED VEHICLES

3-10-1	Purpose	3-10-7	Auction or Disposal of Abandoned
3-10-2	Definitions		Vehicles
3-10-3	Removal of Abandoned Vehicles	3-10-8	Junk Vehicles Declared a Nuisance
3-10-4	Notification of Owners and		Notice to Abate
	Lienholders		Abatement by Municipality
3-10-5	Impoundment Fees and Bonds		Collection of Cost of Abatement
3-10-6	Hearing Procedures		Exceptions
		3-10-13	Interference with Enforcement

3-10-1 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.

(Code of Iowa, Sec. 3641.1)

- 3-10-2 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 twenty-four 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 twenty-four 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 Chief of Police and has not been reclaimed for a period of ten days; or
- e. Any vehicle parked on the street determined by the Chief of Police to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(b))

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 Joice, Iowa, or 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.

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

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.

3-10-3 REMOVAL OF ABANDONED VEHICLES.

- 1. The Chief of Police may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The Chief of Police 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 Chief of Police 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

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

3-10-4 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 Chief of Police 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 ten 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 Chief of Police 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 3-10-6.
- f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten 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 3-10-5.

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

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

(Code of Iowa, Sec. 321.89(3)(c))

- 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.

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

- 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 ten day reclaiming period.

(Code of Iowa, Sec. 321.89(3))

3-10-5 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 Chief of Police 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

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

- 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 3-10-4 (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 Section 3-10-5(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.

3-10-6 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. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the 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 pursuant to 1-4-1 at seq.

(Code of Iowa, Sec. 321.89(3))

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

(Code of Iowa, Sec. 321.89(4))

3-10-8 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 Joice, 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.

3-10-9 NOTICE TO ABATE.

1. Whenever the Chief of Police shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:

- a. the owner of the property.
- b. 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 ten days.
- 3-10-10 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.

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

3-10-11 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 Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

- 3-10-12 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.
- 3-10-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 DRUG PARAPHERNALIA

3-11-1 Definitions

3-11-3 Prohibition

- 3-11-2 Exemption
- 3-11-1 DEFINITIONS. As used in this Section "drug paraphernalia" means all equipment, products and materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:
 - 1. Manufacture a controlled substance.
- 2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
 - 3. Test the strength, effectiveness or purity of controlled substances.
 - 4. Enhance the effect of a controlled substance.
- 3-11-2 EXEMPTION. "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.
- 3-11-3 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-5	Impounding
4-1-2	Immunization	4-1-6	Dangerous Animals
4-1-3	At Large Prohibited	4-1-7	Keeping a Vicious Dog or Cat
4_1_4	Animal Muicances		

- 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 animal 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 an animal.
- 4-1-2 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. 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.

(Code of Iowa, Sec. 351.33)

4-1-3 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

- 4-1-4 ANIMAL NUISANCES. 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:
- 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. (Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING.

- 1. Any dog, vaccinated or unvaccinated, found at large in violation of Sections 4-1-2 and/or 4-1-3 and/or 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, City Council, or other duly authorized representative of the City, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
- 2. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the fees, penalties, and the costs of vaccination if vaccination is required by Section 4-1-2. If such dogs are not claimed within seven (7) days after notice, they may be disposed of in a humane manner as directed by the impounding facility.

(Code of Iowa, Sec. 351.37)

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor, City Council, or other duly authorized representative of the City.

(Code of Iowa, Sec. 351.39)

4. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec. 351.39)

4-1-6 DANGEROUS ANIMALS.

- 1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.
 - 2. Definitions. A dangerous animal is:
- a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
 - b. The following are animals which shall be deemed to be dangerous animals per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
 - (2) Wolves, coyotes, and foxes;
 - (3) Badgers, wolverines, weasels, skunks and mink;
 - (4) Raccoons;

- (5) Bears;
- (6) Monkeys, chimpanzees, and apes;
- (7) Alligators and crocodiles;
- (8) Scorpions; gila monsters;
- (9) Snakes that are venomous or constrictors;
- (10) Staffordshire terriers known as pit bulls;
- (11) Any cross breed of such animals which have similar characteristics of the animals specified above.
 - c. Any animals declared to be dangerous by the City Council.
- 3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:
- a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.
- 4-1-7 KEEPING A VICIOUS DOG OR CAT. It shall be unlawful for any person or persons to harbor or keep a vicious dog or cat within the City. A vicious cat or dog is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite persons shall exist and such propensity is known or ought reasonably be known to the owner thereof.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1	Public Library	5-1-7	Non-Resident Use of the Library
5-1-2	Library Trustees	5-1-8	Library Accounts
5-1-3	Qualifications of Trustees	5-1-9	Annual Report
5-1-4	Organization of the Board		Injury to Books or Property
5-1-5	Powers and Duties	5-1-11	Theft
5-1-6	Power to Contract with Others for the Use of the Library	5-1-12	Notice Posted

- 5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Joice Public Library.
- 5-1-2 LIBRARY TRUSTEES. The board of trustees of the Joice Public Library, hereinafter referred to as the board, consists of six (6) resident members and one (1) non-resident member. All board members shall be appointed by the Mayor with approval of the City Council. The non-resident member is to be appointed by the Mayor with approval of the County Board of Supervisors. (Code of Iowa, Sec. 392.5)
- 5-1-3 QUALIFICATIONS OF TRUSTEES. All resident members of the board shall be bona fide citizens and residents of the City. The non-resident member of the Board shall be a bona fide citizen and resident of the unincorporated area of the County. All members 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 (1/3)the total number as near as possible, to stagger the terms.
- 2. Vacancies. The position of any resident trustee shall be declared vacant if said trustee moves permanently from the City. The position of a non-resident Trustee shall be declared vacant if such member moves from the County or into a City in the County. The position of any Trustee shall be declared vacant if such 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, 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 unless a contract for free service exists.
- 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.

(Code of Iowa, Sec. 392.5)

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.

(Code of Iowa, Sec. 336.18(1))

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.

(Code of Iowa, Sec. 336.18(2)(a and b))

- 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.
- 5-1-10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person to 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 the Library or reading room.
- 5-1-11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.
- 5-1-12 NOTICE POSTED. There shall be posted in clear public view within the Library, notices informing the public of the following:
- 1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person has agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.
- 2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1974. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 PARK REGULATIONS

5-2-1	Purpose	5-2-5	Camping
5-2-2	Use of Drives Required		Parks Closed
5-2-3	Fires	5-2-7	Special Use by Groups
5-2-4	Littering		-r

- 5-2-1 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.
- 5-2-2 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.
- 5-2-3 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.
- 5-2-4 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.
- 5-2-5 CAMPING. It shall be lawful for any person to camp within the designated camping areas in the City Park during camping season decide by the Park Board. Fees shall be set by resolution upon recommendation of the Park Board. Fees shall be collected by the Park Board.
- 5-2-6 PARKS CLOSED. No person that is not involved in camping shall enter or remain within any park between the hours of eleven o'clock (10:00) P.M. and six o'clock (6:00) A.M.
- 5-2-7 SPECIAL USE BY GROUPS. All persons or groups desiring to reserve the use of the City park or other City operated facility must apply to the Mayor for permission. Fees for the use of the park and other City facilities shall be established by the Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 PRIVATE ON-SITE WASTEWATER SYSTEMS

6-1-1	Purpose	6-1-5	Compliance Health Regulations
6-1-2	Definition	6-1-6	Discharge Restrictions
6-1-3	System Required	6-1-7	Maintenance of System
6-1-4	Permit Required	6-1-8	Disposal of Septage

- 6-1-1 PURPOSE. The purpose of this chapter is to establish rules and regulations governing the treatment and disposal of sewage wastewater within the City in order to protect the public health, safety and welfare.
- 6-1-2 DEFINITIONS. For use in this chapter, unless the context specifically indicates other wise, the following terms are defined:

- 1. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from a dwelling or other facility serving the equivalent of fifteen persons (1500 gpd) or less.
 - 2. "Septage" means the liquid contents (including sludge and scum) of a septic tank.
 - 3. "Wastewater" means the water-carried wastes derived from ordinary living processes.
- 6-1-3 SYSTEM REQUIRED. Every building wherein persons reside, congregate or are employed shall be provided with a private on-site wastewater treatment and disposal system complying with the provisions of this chapter.

- 6-1-4 PERMIT REQUIRED. No person shall install or reconstruct a private on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.
- 6-1-5 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the County Board of Health.

6-1-6 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from a private on-site wastewater treatment and disposal system to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground unless such system has been approved by the

County Board of Health.

(IAC, 567-69. 3[3])

- 6-1-7 MAINTENANCE OF SYSTEM. The owner of a private on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.
- 6-1-8 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - REFUSE COLLECTION

6-2-1 6-2-2 6-2-3 6-2-4 6-2-5	Definitions Duty to Provide Cans Administration Storage and Collections Necessity of Permits	6-2-7 6-2-8 6-2-9	Burning of Refuse Refuse Other Than Garbage Burning of Yard Waste Sanitary Landfill Refuse Collection Rates
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- 6-2-1 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.
- 6-2-2 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.

6-2-3 ADMINISTRATION. Administration of this chapter shall be by the City Council, or such employee designated by the City Council.

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

6-2-4 STORAGE AND COLLECTIONS. Compliance will be adhered to the current collections contract as agreed to by and between the City Council and the contracted waste hauler. Upon changes or modifications to said collections contract, notification to the public will be made via the local newspaper, as well as copies of the revised conditions shall be available at City Hall.

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

6-2-5 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the City Council 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.

6-2-6 BURNING OF REFUSE.

- 1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.
- 2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.
- 3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.
- 6-2-7 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.
- 6-2-8 BURNING OF YARD WASTE. Yard waste shall not be burned at any time except as specified by the City Council.
- 6-2-9 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.
- 6-2-10 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:
 - 1. Residence Rate. Residents shall purchase bags at the following rates:

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- a. \$14.70 per 10 large refuse collection bags.
- b. \$ 7.79 per 10 small refuse collection bags.
- 2. Commercial Rate. Rates for commercial establishments shall be established by and between the contracted waste hauler and the commercial establishment.

(Code of Iowa, Sec. 384.84(1))

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 STREET CUTS AND EXCAVATIONS

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

6-3-1 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.

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

6-3-2 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.

- 6-3-4 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.
- 6-3-5 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 order removed, such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-3-6 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 4 SIDEWALK REGULATIONS

6-4-1	Purpose	6-4-11	Failure to Obtain Permit; Remedies
6-4-2	Definitions	6-4-12	Inspection and Approval
6-4-3	Cleaning Snow, Ice, and	6-4-13	Barricades and Warning Lights
	Accumulations	6-4-14	Interference with Sidewalk
6-4-4	Maintenance Responsibility		Improvements
6-4-5	Liability of Abutting Owner	6-4-15	Special Assessments for
6-4-6	Ordering Sidewalk Improvements		Construction and Repair
6-4-7	Repairing Defective Sidewalks	6-4-16	Notice of Assessment for Repair or
6-4-8	Notice of Inability to Repair or		Cleaning Costs
	Barricade	6-4-17	Hearing and Assessment
6-4-9	Standard Sidewalk Specifications	6-4-18	Billing and Certifying to County
6-4-10	Permits for Construction or Removal		g and garages and garages

- 6-4-1 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.
- 6-4-2 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 (½) 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.
- 6-4-3 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.

(Code of Iowa, Sec. 364.12(2b) and (2e))

6-4-4 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.

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

6-4-5 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.

(Code of Iowa, Sec. 364.14)

- 6-4-6 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.
- 6-4-7 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 Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(e))

- 6-4-8 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.
- 6-4-9 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.
 - 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.
- 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 ($\frac{1}{2}$) 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 disabled. 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 by so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

- 11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed in accordance with the standard sidewalk specifications set forth in this chapter.
- 6-4-10 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. 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.
- 6-4-11 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.

- 6-4-12 INSPECTION AND APPROVAL. Upon final completion, the Mayor, City Council, or other duly authorized representative, 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 Mayor, City Council, or other duly authorized representative shall indicate this on both copies of the permit.
- 6-4-13 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.
- 6-4-14 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.
- 6-4-15 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.

(Code of Iowa, Sec. 384.38)

6-4-16 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.

(Code of Iowa, Sec. 384.50)

6-4-17 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.

(Code of Iowa, Sec. 384.51)

6-4-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's

decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. 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.

(Code of Iowa, Sec. 384.60)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 TREES

6-5-1	Definitions	6-5-5	Trimming Trees to be Supervised
6-5-2	Planting Restrictions		Disease Control
6-5-3	Duty to Trim Trees	6-5-7	Removal of Trees
6-5-4	Assessment		

- 6-5-1 DEFINITION. For use in this chapter, "parking" means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
- 6-5-2 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. Spacing. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to the driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
- 3. Prohibited Trees. No person shall hereinafter plant in any street, any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.
- 6-5-3 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.
- 6-5-4 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.
- 6-5-5 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 6-5-5, 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.

- 6-5-6 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared a nuisance.
- 6-5-7 REMOVAL OF TREES. The Mayor, City Council, or other duly authorized representative 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 VI PHYSICAL ENVIRONMENT

CHAPTER 6 DANGEROUS BUILDINGS

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

- 6-6-1 ENFORCEMENT OFFICER. The Mayor shall be responsible for the enforcement of this chapter.
- 6-6-2 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 ordinance, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657.1 & 364.12[3a])

- 6-6-3 UNSAFE BUILDING. "Unsafe building" shall mean any structure or mobile home meeting 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 wracked, 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 purposes, 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.
- 6-6-4 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 completed, inspected and approved by the enforcement officer.

(Code of Iowa, Sec. 364.12 [3hi)

- 1. Notice Served. Such notice shall be served by sending by 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 notice.
- 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.
- 6-6-5 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.
- 6-6-6 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 JOICE, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.
- 6-6-7 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to 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.

(Code of Iowa, Sec. 364.12[3h3)

6-6-8 COSTS. Costs incurred under 6-6-7 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.

(Code of Iowa, Sec. 364.12[3h3)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 BUILDING AND LAND USE REGULATIONS

6-7-1	Purpose	6-7-14	Notice Requirements	
6-7-2	Permit Required	6-7-15	Front Yard Requirements	
6-7-3	Application	6-7-16	Side Yard Requirements	
6-7-4	Fees	6-7-17	Rear Yard Requirements	
6-7-5	Amendments	6-7-18	Minimum Size of Dwelling Structure	
6-7-6	Application Approved	6-7-19	Garages and Other Accessory	
6-7-7	Restrictions		Buildings	
6-7-8	Condition of the Permit	6-7-20	Fences	
6-7-9	Posting of Permit	6-7-21	Existing Lots	
6-7-10	Revocation	6-7-22	Certifying Ordinances	
6-7-11	Permit Void	6-7-23	Abatement of Violation	
6-7-12	Restricted Residence District			
6-7-13	Prohibited Use			

6-7-1 PURPOSE. The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction and altering of buildings of all kinds, as well as the use and occupancy of such buildings to promote the health, morals, safety and general welfare in the City.

(Code of Iowa, Sec. 364. 1)

- 6-7-2 PERMIT REQUIRED. No building or other structure shall be erected or reconstructed if such remodeling alters the outside dimensions of the structure without first receiving a permit therefor.
- 6-7-3 APPLICATION. Application shall be made in writing, filed with the City Council and contain the following information:
 - 1. Name. The name and address of the applicant.
 - 2. Location. The street address and full legal description of the property.
 - 3. Proposed Work. The nature of work proposed to be done.
 - 4. Use. The use for which the structure is or will be used.
 - 5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the building official may require.
 - 6. Completion. Estimated date of completion.
 - 7. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured,

showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.

- 6-7-4 FEES. A fee of twenty-five dollars (\$25.00) shall accompany the application.
- 6-7-5 AMENDMENTS. Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- 6-7-6 APPLICATION APPROVED. It is the duty of the City Council to examine applications for permits within a reasonable time after filing. If, after examination, the Council finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the City Council shall issue a permit therefor.
- 6-7-7 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, Sec. 414.24)

- 1. Noise. Any undue noise.
- 2. Electrical Interference. Any undue radio or television interference.
- 3. Odors. Any offensive odors.
- 4. Refuse. Any offensive or unsightly refuse.
- 5. Smoke. Any offensive or undue smoke.
- 6. Fire Hazard. Any fire hazard.
- 7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
- 8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
- 9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.
- 6-7-8 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It is unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
- 6-7-9 POSTING OF PERMIT. A copy of the permit shall be kept on the premises open to public

- inspection during the prosecution of the work and until the completion of same. The City Council may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The City shall be given at least twenty-four (24) hours notice of the starting of work under a permit.
- 6-7-10 REVOCATION. The City may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- 6-7-11 PERMIT VOID. The permit becomes null and void if work or construction authorized is not commenced within sixty (60) days, if construction or work is suspended or abandoned for a period of one hundred twenty (120) days at any time after work is commenced, or if work is not completed by the date specified in the permit.
- 6-7-12 RESTRICTED RESIDENCE DISTRICT. The following area is hereby defined and established as a restricted residence district:
- Lot Two (2) of Block One (1); All of Blocks Two (2), Three (3), Four (4), Five (5) and Six (6); Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6), in Block Seven (7); Lots One (1), Two (2), Three (3) and Four (4) in Block Eight (8), Lots Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two and Twenty-three (23), in Block Nine (9); Lots Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18), in Block Ten (10); all of Blocks Eleven (11) and Twelve (12); all other land within the corporation limits and outside of the above platted area lying west of a line located due north and south through the center of Main Street to the intersection of Main and Lindon Streets, thence due north through the center of Lindon Street to the north corporate limits.
- 6-7-13 PROHIBITED USE. No building or other structure, except residences, school houses, churches and other similar structures, shall be erected, altered, used or occupied within the restricted residence district as defined herein without first receiving from the Council a special use permit therefor. No such special use permit shall be issued without the affirmative vote of three-fourths ('/4) of the full Council.

(Code of Iowa, Sec. 414.24)

6-7-14 NOTICE REQUIREMENTS. Whenever a restricted residence district is established or changed, a public hearing must be held, notice of which shall be given at least seven (7) days in advance in the manner prescribed in Title II, Chapter 6 of this Code of Ordinances. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

(Code of Iowa, Sec. 414.24)

6-7-15 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than twenty-five (25) feet (measured from the front lot line), except as follows:

- 1. Between Existing Buildings. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings on the two (2) sides, or
- 2. Adjacent to Existing Building. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building an one side only within the same block, such building may be erected as close to the street as a line drawn from the closest front corner of that building to a point twenty-five (25) feet back from the front lot line measured at the center of the lot on which the proposed building is to be erected.
- 3. Double Frontage. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.
- 6-7-16 SIDE YARD REQUIREMENTS. Within the restricted residence district no building shall be erected closer than five (5) feet to either side lot line.

(Code of Iowa, Sec. 414.24)

6-7-17 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each principal building of not less than ten (10) feet.

(Code of Iowa, Sec. 414.24)

- 6-7-18 MINIMUM SIZE OF DWELLING STRUCTURE. Within a restricted residential district, no principal dwelling structure shall have a width or length less than twenty-two (22) feet, exclusive of any porches, decks, or entryways.
- 6-7-19 GARAGES AND OTHER ACCESSORY BUILDINGS. A detached garage or other similar accessory building may be built in a rear yard but such garage or accessory building shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than ten (10) feet to any rear lot line, except that accessory structures which measure 10'x10' or less, are exempted from the ten (10) foot setback and may be located no closer than two (2) feet to any rear lot line. Also, a garage or accessory building may be built in a side yard if compliance is made with the same side yard requirements as for the main building.
- 6-7-20 FENCES. Fences in which the openings between the materials of which the fence is constructed represent less than seventy percent (70%) of the total surface may be erected to a height not exceeding four (4) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of the intersection of two (2) street lines. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy percent (70%) of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of the intersection of two (2) street lines.
- 6-7-21 EXISTING LOTS. No yard or lot existing on the effective date of these regulations, shall

be reduced in dimension or area below the minimum requirements established in this chapter.

6-7-22 CERTIFYING ORDINANCES. Within fifteen (15) days of the effective date of the adoption of any amendments to the provisions of this chapter the Clerk shall certify such amendment to the County Recorder.

(Code of Iowa, Sec. 380. 11)

6-7-23 ABATEMENT OF VIOLATION. Any building or structure erected, altered, used or occupied in violation of this chapter shall be determined a nuisance and the same may be abated by the City or by any property owner within said district in the manner provided for the abatement of nuisances.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 VACATION AND DISPOSAL

6-8-1	Power to Vacate	6-8-4	Disposal of Streets or Alleys
6-8-2	Notice of Vacation Hearing	6-8-5	Disposal by Gift Limited
6-8-3	Findings Required		-

- 6-8-1 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 chapter.
- 6-8-2 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.
- 6-8-3 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the Council finds that:
- A. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
- B. Abutting Property. The proposed vacation will not deny owners or property abutting on the street or alley reasonable access to their property.
- 6-8-4 DISPOSAL OF STREETS OR 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.
- 6-8-5 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 VI PHYSICAL ENVIRONMENT

CHAPTER 9 NUMBERING OF BUILDINGS

6-9-1	Buildings to be Numbered	6-9-4	Type of Numbers, Size
6-9-2	Numbering System	6-9-5	Enforcement
6-9-3	Mandatory Numbering		

- 6-9-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.
- 6-9-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council.
- 6-9-3 MANDATORY NUMBERING. The placing of numbers is mandatory.
- 6-9-4 TYPE OF NUMBERS, SIZE. The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance and clearly legible.
- 6-9-5 ENFORCEMENT. If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 STREET AND SIDEWALK GRADES

7-1-1 Established Grades

- 7-1-2 Record Maintained
- 7-1-1 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.
- 7-2-2 RECORD MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

TITLE VI SPECIAL ORDINANCES

CHAPTER 2 NATURAL GAS FRANCHISE

7-2-1	Franchise Granted	7-2-6	Distribution
7-2-2	Construction	7-2-7	Liability
. 7-2-3	Use of Public Ways	7-2-8	Default
7-2-4	standards	7-2-9	Nonexclusive
7-2-5	Authority		

- 7-2-1 FRANCHISE GRANTED. Peoples Natural Gas Company, Division of InterNorth, Inc., its lessees, successors and assigns, hereinafter referred to as Grantee, be and are hereby granted a nonexclusive authority for a period of twenty-five (25) years, to erect, construct, maintain and operate, a gas distribution system and any and all necessary mains, pipes, services and other appurtenances and equipment thereunto appertaining in, upon, over, across and long the streets, alleys, bridges and public places in the City of Joice, Iowa, for the transmission, distribution and sale of natural and/or mixed gas for lighting, heating, industrial and all other uses and purposes in said City and for the purpose of transmitting, transporting and conveying such gas into, through or beyond the immediate limits of said City to other cities, towns and customers.
- 7-2-2 CONSTRUCTION. Whenever the Grantee, in the construction or maintenance of its system or in the installation of any extension thereto, shall cut into or take up any pavement or shall make any excavation in any street, avenue, alley or public place, within the corporate limits of the City the same shall be done in a manner so as not to unreasonably interfere with the use of such thoroughfares by the public. The Grantee shall use such safeguards as may be necessary to prevent injury to persons or property during such construction work and upon its completion, all pavement shall be replaced in as good condition as it was before taken up. All excavations shall be refilled and all obstructions shall be removed at the expense of the Grantee and to the satisfaction of the Grantor. In the event that the Grantee shall fail to comply with the provisions of this section after having been given reasonable notice, the Grantor may do such work as may be needed to properly repair said thoroughfare and the cost thereof shall be repaid to the Grantor by the Grantee.
- 7-2-3 USE OF PUBLIC WAYS. The Grantee in constructing and maintaining said gas distribution system, and in entering and using said streets, highways, avenues, alleys and public places in the City and in laying and installing its mains, services, piping, and related appurtenances and equipment, shall not in any manner interfere with or injure any improvement which said City now has or may hereafter have upon any of its streets, alleys, highways or public places.
- 7-2-4 STANDARDS. Grantee agrees for and in behalf of itself, it lessees, successors and assigns, that for and during the term and period of this grant, it will maintain in the City an adequate, modern, standard and sufficient gas system and equipment and to maintain and operate the same in a modern and adequate fashion. Grantee will from time to time during the term of this franchise make such enlargements and extensions of its distribution system as the business of the Grantee and the growth of said City justify, in accordance with its rules and regulations relating to customer connections and

main and service line extensions currently in effect and on file from time to time with the State Utilities Board or other competent authority having jurisdiction in the premises; provided, however, that no obligation shall extend to, or be binding upon the Grantee, to construct or extend its mains or furnish natural gas or natural gas service within said City if Grantee is, for any reason, unable to obtain delivery of natural gas at or near the corporate limits of said City or an adequate supply thereof to warrant the construction or extension of its mains, for the furnishing of such natural gas or gas service; provided, further, than when the amount of natural gas supplied to Grantee at or near the City limits of said City is insufficient to meet the additional firm requirements of connected or new consumers, Grantee shall have the right to prescribe reasonable rules and regulations for allocating the available supply of natural gas for such additional firm requirements to residential, commercial and industrial consumers in that order of priority.

- 7-2-5 AUTHORITY. Grantee agrees for and in behalf of itself, its lessees, successors and assigns, that all authority and rights in this chapter contained shall at all times be subject to all rights, power and authority now or hereafter possessed by the City to regulate the manner in which Grantee shall use the streets, alleys, bridges and public places of said City and concerning the manner in which Grantee shall use and enjoy the franchise herein granted.
- 7-2-6 DISTRIBUTION. Grantee shall, at all times, maintain an adequate pressure and adequate supply of clean, standard gas of the British Thermal Unit heating value of not less than that prescribed in its rules and regulations relating thereto in effect and on file from time to time with the State Utilities Board or other competent authority having jurisdiction in the premises. Should the British Thermal Units fall below the limitation set forth in its appropriate rules and regulations, the rate then in effect shall be automatically and correspondingly lowered and reduced during any period or periods of time in which such lower British Thermal Unit value shall be furnished. The City shall have the privilege of requesting Grantee to furnish satisfactory proof of British Thermal Unit content of the gas.
- 7-2-7 LIABILITY. The Grantee shall hold the Grantor harmless from any and all claims and actions, litigation or damage, arising out of the passage of the ordinance codified by this chapter or of the construction, erection, installation, maintenance or operation of its properties operated by authority of this chapter within the corporate limits of the City or the negligence of its employees in the operation thereof, including the court costs and reasonable attorney fees in making defense against such claims. A copy of the process served upon the Grantor shall be served by the Grantor upon the Grantee. The Grantee shall have the right to defend in the name of the Grantor and to employ counsel for such purpose.
- 7-2-8 DEFAULT. If the Grantee shall be in default in the performance of any of the terms and conditions of this chapter and shall continue in default for more than thirty (30) days after receiving notice from the City of such default, the City may, by ordinance duly passed and adopted, terminate all rights granted under this chapter to the Grantee. The said notice of default shall specify the provision or provisions in the performance of which it is claimed the Grantee is in default. Said notice shall be in writing and served in the manner provided by the laws of the State for the service of original notices in civil actions.

7-2-9 NONEXCLUSIVE. The right and authority herein granted shall be nonexclusive and shall be and continue for a period of twenty-five (25) years from and after the effective date of this chapter.

EDITOR'S NOTE

Ordinance No. 55 adopting a gas franchise for the City was passed and adopted on September 11, 1985.

TITLE VI SPECIAL ORDINANCES

CHAPTER 3 ELECTRIC FRANCHISE

7-3-1 Franchise Granted
7-3-2 Right-of-Way
7-3-3 Liability
7-3-4 Use of Public Ways
7-3-5 Service Extension
7-3-6 Moving Building

- 7-3-1 FRANCHISE GRANTED. There is hereby granted unto Interstate Power Company, a Delaware Corporation, its successors and assigns, herein called the "Grantee," the right, permission, privilege and franchise, for a period of twenty-five (25) years from and after the taking effect of this franchise, subject only to the laws of the State of Iowa as now in force and to the conditions and limitations hereinafter contained, to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control an electric plant and an electric transmission and distribution system consisting of poles, wires, conduits, pipes, conductors and other fixtures, within the limits of said municipality, necessary, convenient or proper for the production, transmission, distribution and delivery of electric energy to said municipality and its inhabitants for light, heat and power purposes.
- 7-3-2 RIGHT-OF-WAY. Grantee, its successors and assigns, is hereby granted the right-of-way in, under, over, along and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality for the purpose of erecting, installing, constructing, repairing, owning, operating, maintaining, managing and controlling said electric plant and said electric transmission and distribution system.
- 7-3-3 LIABILITY. Grantee shall hold said municipality free and harmless of and from any and all liability, damages, actions and causes of action, caused by or through the neglect or mismanagement of the Grantee in the erection, installation, construction, reconstruction, repair, operation, maintenance, management or control of said electric plant and electric transmission and distribution system.
- 7-3-4 USE OF PUBLIC WAYS. Grantee shall not, during the erection, installation, construction, reconstruction, repair, operation and maintenance of said plant or transmission and distribution system, unnecessarily impede public travel on the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality, and shall leave all of said streets, lanes, avenues, sidewalks, alleys, bridges and public grounds upon which it may enter for the purpose herein authorized in as good condition as they were at the date of said entry.
- 7-3-5 SERVICE EXTENSION. That said Grantee will extend service to any customer within corporate limits of the municipality in accordance with the service standards of Grantee as filed with the State Utilities Board.
- 7-3-6 MOVING BUILDING. Whenever any person has obtained permission from the municipality to move any building or structure which may interfere with the poles, wires or other fixtures of said

Grantee, Grantee shall, upon five (5) days notice thereof, and at the expense of the person desiring to move such structure, remove such poles, wires or other fixtures as may be necessary to allow the passage of such structure, for a reasonable length of time, upon receipt from such person of satisfactory assurance covering the cost of such removal and replacement and any liability or damage resulting therefrom.

EDITOR'S NOTE

Ordinance No. 7.1 adopting an electric franchise for the City was passed and adopted on December 7, 1981.

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TITLE VI SPECIAL ORDINANCES

CHAPTER 4 CABLE TELEVISION FRANCHISE

7-4-1 Grant of Franchise

7-4-1 Assignment or Transfer

- 7-4-1 GRANT OF FRANCHISE. A nonexclusive right is hereby granted to Mid North I Cablesystems, Inc., a corporation qualified to do business in the State of Iowa, (hereinafter referred to as the "Grantee"), its successors and assigns, to establish, construct, operate, maintain, repair, replace, renew, reconstruct and remove a cable television system across public property in the City limits for a term of twenty (20) years, in accordance with the laws and regulations of the United States of America and the State of Iowa and the ordinances and regulations of the City, including the nonexclusive right, privilege and authority:
 - 1. to sell and supply audio and video communication service to persons within the City;
 - 2. to use public property within the City.
- 7-4-2 ASSIGNMENT OR TRANSFER. The Grantee shall not assign or transfer any right granted under the franchise to any other person, company or corporation without prior consent of the Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the franchise to a corporation wholly owned by the Grantee or to a limited partnership of which the Grantee is a general partner without prior consent of the City.

Ordinance No. 7-03.4 adopting a cable television franchise for the City was passed and adopted on November 9, 1989.

ORDINANCE NO 2-05

AN ORDINANCE PROHIBITING SEX OFFENDERS FROM RESIDING WITHIN TWO THOUSAND FEET OF A PUBLIC PARK PUBLIC PLAYGROUND OR PUBLIC LIBRARY IN THE CITY OF JOICE IOWA.

Section 1 Purpose. The purpose of this Ordinance is to provide for the safety and well being of all citizens of Joice, lowa

Section 2. Definitions. For the purpose of this ordinance, the following shall be defined as shown herein.

- A. 'Sex Offender" A person who has been convicted of a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor as set out in Chapter 692A of the Code of lowa.
- R "Public Library' A room or building owned by the City of Joice, Iowa where a collection of books, periodicals. musical scores and similar material are kept for reading or reference.
- C "Public Park' Any area of land owned by the City of Joice, Iowa, or any other governmental entity set apart for the recreation of the public.
- 1) "Public Playground' Any area of land owned by the City of Joice, lowa, or any other governmental entity used for outdoor games and recreation.

Section 3. Residency Restrictions. A Sex Offender shall not reside within two thousand feet (2,000) of the real property comprising a public park, a public playground, or a public library.

Section 4. Municipal Infraction. A Sex Offender who resides within two thousand feet (2,000) of the real property comprising a public park., a public playground, or a public library commits a Municipal infraction, subject to penalty as set out in Chapter of the Municipal Code of Ordinances.

Section 5. Exception. A Sex Offender residing within two thousand feet of the real property comprising a public park, a public playground, or a public library does not commit a violation of this Ordinance it any of the following apply:

- A. The Sex Offender is required to serve a sentence imposed by a Court of Competent Jurisdiction at a jail, prison, juvenile facility, or other correctional institution or facility
- B The Sex Offender is subject to an order of commitment under Chapter 229A of the Code of lowa.
- C. The Sex Offender has established a residence prior to 12 55.05 the effective date of this Ordinance.

D. The Sex Offender is a minor or a ward under conservatorship.

Section 6. Repealer Clause. Any Ordinance provision, or part thereof, which differs or is inconsistent with this Ordinance is hereby repealed to the extent of said difference or inconsistency.

Section 7. Severability. If any section provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a Court of Competent Jurisdiction, such adjudication shall not affect the validity of the Ordinance as a whole., or any section provision or part thereof not adjudged invalid or unconstitutional.

<u>Section 8 .Effective Date</u>. This Ordinance shall be in effect from and after its final passage, approval, posting and publication as required by law.

Dated this 5 Th day of Decembr 2005.

Mark Thoma, Mayor

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Annette Williams Clerk