

CODE OF ORDINANCES

CITY OF KENSETT, IOWA

2014

**CODIFIED BY: NORTH IOWA AREA COUNCIL OF GOVERNMENTS
525 6th St. SW
MASON CITY, IOWA 50401**

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-6	Severability
1-1-2	Grammatical Interpretation	1-1-7	Catchlines, Titles, Headings and Notes
1-1-3	Prohibited Acts Include Causing, Permitting	1-1-8	Amendments to City Code, Effect of New Ordinances, Amendatory Language
1-1-4	Construction		
1-1-5	Amendment		

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. "Building" means any man-made structure permanently affixed to the ground.
2. "City" means the City of Kensett, 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;
3. "Clerk" means Clerk-Treasurer.
4. "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;
5. "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;
6. "County" means the County of Worth, Iowa;
7. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
8. "Fiscal Year" means July 1 to June 30.
9. "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;
10. "May" confers a power;

11. "Month" means a calendar month;
12. "Must" states a requirement;
13. "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";
14. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
15. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
16. "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;
17. "Person" means natural person, any other legal entity, or the manager, lessee, agent, servant, officer or employee of any of them;
18. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
19. "Preceding" and "following" mean next before and next after, respectively;
20. "Property" includes real and personal property;
21. "Real property" includes lands, tenements and hereditaments;
22. "Shall" imposes a duty;
23. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
24. "State" means the State of Iowa;
25. "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;
26. "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;
27. "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;
28. "Writing" and "Written" includes printed, typewritten, mimeographed or multi graphed;
29. "Year" means a calendar year;

30. 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;

31. 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 requirements 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. Uses 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 acts or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

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

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Kensett Municipal Code 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, or any subsequent ordinance 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.

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section _____ of the Code of Ordinances, City of Kensett, Iowa is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of ordinances, City of Kensett, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows:..." The new section shall then be set out in full as desired.

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 hours written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuse 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

1-3-3 Scheduled Fines

1-3-2 Civil Penalty - Municipal Infraction

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a).

(Code of Iowa, Sec. 903.1(1)(a))

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 Kensett, 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 Kensett, 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 Kensett.

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 seven hundred fifty dollars (\$750.00).

Repeat offense--Not more than one thousand dollars (\$1,000.00).

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.

c. The original of the citation shall be filed with the Clerk of the district court. If the infraction involves real property, a copy of the citation shall be filed with the County Treasurer.

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 a civil penalty to be assessed or the alternative relief sought, or both.
- (5) The manner, location, and time in which the penalty may be paid.
- (6) The time and place of court appearance.
- (7) The penalty for failure to appear in court.
- (8) The legal description of the affected property if applicable.

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with State Code Chapter 805 unless another scheduled amount is provided in the City Code or Iowa Code.

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-4-1 PURPOSE AND INTENT.

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

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

1-4-2 GENERAL.

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

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

3. Continuances. The City Council may grant continuances for good cause shown.

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

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

1-4-3 FORM OF NOTICE OF HEARING.

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

"You are hereby notified that an evidentiary hearing will be held before the Kensett City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

1-4-4 SUBPOENAS. Filing of an 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 a 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 an 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 relying 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 an 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 any one 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

2-1-1	Charter	2-1-5	Term of Mayor
2-1-2	Form of Government	2-1-6	Copies on File
2-1-3	Powers and Duties	2-1-7	Boundaries
2-1-4	Number and Term of City Council		

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

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Kensett, 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 Kensett, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL MEMBERS. The City Council consists of five City Council members elected at large, elected for 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)

2-1-7 BOUNDARIES. The boundaries of the City of Kensett, Iowa, shall be as follows, to wit: Commencing at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 28, Township 99 North, of Range 20, West of the 5th P.M., Worth County, Iowa, thence easterly to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 28; thence southerly to the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 33, in said Township 99 North Range 20, West of the 5th P.M.; thence westerly to the Southwest corner of the Northwest quarter of the Southwest Quarter of said Section 33, thence North to point of beginning, all in Worth County, Iowa.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk, Attorney, and Mayor pro tempore.

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint the Mayor pro tempore, Clerk, Attorney and committees as needed.

The Fire Chief shall be elected for a term of one (1) year by the members of the volunteer Fire Department.

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

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

2-2-4 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled 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 accountings 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 necessarily. 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)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A (Iowa Code).

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

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

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

(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, except records required to be confidential by state or federal law.

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

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Upon receipt of funds, 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 veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution 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 the Ordinance or a summary of the Ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

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

(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. The Mayor shall make appropriate provision that duties of any absentee office are carried on during the Mayor's absence.

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 the 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 or City Clerk 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. The Mayor may appoint an administrative assistant to assist with matters of administration and supervision.

12. 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.

13. 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 Sheriff's Department.

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, within fifteen (15) days of the City Council meeting. 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))

3. 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 review.

(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 dates, 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 CITY ATTORNEY. The duties of the City Attorney shall be as follows:
(Code of Iowa, Sec. 372.13(4))

1. Upon request, 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 a record in proper files 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.

2-3-8 POWERS AND DUTIES OF THE CITY SUPERINTENDENT. The duties of the City Superintendent shall be as follows:

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

1. The City Superintendent shall be responsible for the management, operation and maintenance of all municipal utilities.

2. The City Superintendent shall keep a continuous up-to-date inventory of all City owned tools, equipment, goods and supplies. The Mayor or City Council may direct the City Superintendent to keep additional records.

3. The City Superintendent shall make an oral or written report monthly to the Mayor and City Council on the present state of the public utilities, buildings, and major pieces of City owned equipment, such as trucks, tractors, the City water pumps and sewer.

4. The City Superintendent shall, at the close of every year, compile (or cause to be compiled), a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report.

5. The City Superintendent shall supervise the installation of all public utilities such as water, sewer, and storm sewer systems, and will insure that said systems are installed in accordance with the regulations of the City of Kensett, Iowa.

6. The City Superintendent shall maintain and repair alleys, bridges, streets, City owned sidewalks, street and traffic signs, City owned buildings, and City owned equipment to keep them in operable and safe condition unless such maintenance and repair is beyond his/her expertise. If such maintenance and/or repair are beyond his/her expertise, he/she will notify the Mayor or City Council and will ask for the proper assistance. The City Superintendent shall also supervise the installation of any private sidewalks, driveway entrances, and culverts to insure they are constructed in accordance with City regulations and ordinances.

7. The City Superintendent shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass, or overpass, and is charged with the duty of correcting or supervising the correction of unsafe defects in them.

8. The City Superintendent shall perform other duties as directed by the Mayor or City Council.

TITLE II POLICY AND ADMINISTRATION

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 \$40.00 for each meeting of the City Council.

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

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$2,400.00 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 the City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-6	Budget Officer
2-5-2	Budget Amendment	2-5-7	Accounting
2-5-3	Accounts and Programs	2-5-8	Budget Accounts
2-5-4	Annual Report	2-5-9	Contingency Accounts
2-5-5	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 twenty days before the date that the budget must be certified to the County Auditor, and not less than ten days before the date set for hearing, 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,

2-5-3 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)

2-5-4 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)

2-5-5 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))

2-5-6 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))

2-5-7 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 pre-numbered, 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.

(Code of Iowa, Sec. 384.20)

2-5-8 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)

2-5-9 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the Clerk shall set up in the accounting records but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

2-6-1 Purpose

2-6-3 Removing Notice; Unlawful

2-6-2 Listing; Length of Notice

2-6-1 PURPOSE. The City of Kensett, Iowa has a population of more than 200 as shown by the last preceding certified federal census, and thus must publish certain documents such as Ordinances and amendments and publications of notices of elections, hearings and other official actions. In addition, the City may post information.

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

2-6-2 LISTING; LENGTH OF NOTICE. The three (3) public places where Ordinances, amendments and public notices of elections, hearings and other official actions are to be displayed are:

Kensett Public Library
Kensett City Hall
City of Kensett US Post office

The City Clerk is hereby directed to post all Ordinances, amendments and City Council actions promptly after passage and to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, or as otherwise required by State law.

(Code of Iowa, Sec. 380.7)

2-6-3 REMOVING NOTICE; UNLAWFUL. Removal of a public notice by persons other than the City Clerk shall be a misdemeanor. Such removal before the ten days have expired, however, shall not affect the validity of the Ordinance.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

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

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, according to Chapter 48A.5 and 48A.5A, Code of Iowa, 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 CITY COUNCIL

2-8-1 Powers and Duties
2-8-2 Exercise of Power

2-8-3 Meetings

2-8-1 **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. 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))

3. 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))

4. 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)

5. For purchases of goods or services in which the sum total of the purchase price is expected to exceed forty thousand (\$40,000.00) dollars, the City of Kensett will obtain bids and will establish a contract with the selected bidder for such goods and/or services. The City shall specify to potential bidders what work is needed in the case of bids for services. If a potential bidder identifies a need for additional work in order to complete the job satisfactorily, any previous bidders will be notified of the change.

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))

2-8-2 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 forty thousand (\$40,000) dollars 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 re-pass 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 re-passage 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 re-passes the measure after the Mayor's veto, a resolution becomes effective immediately upon re-passage, 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))

2-8-3 MEETINGS. Provisions related to City Council meetings are as follows:

1. Regular Meetings. The regular meetings of the City Council are on the 2nd Monday of each month at seven o'clock (7:00) P.M. at City Hall. If such day falls on a legal holiday or for other reason, 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	3-1-5	Streets
3-1-2	Public Peace	3-1-6	Public Safety and Health
3-1-3	Public Morals-Indecent Exposure	3-1-7	Public Property
3-1-4	Public Morals-Urinating and Defecating		

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 PUBLIC MORALS. Urinating and Defecating. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

3-1-5 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. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.

(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.

3-1-6 PUBLIC SAFETY AND HEALTH.

1. Expecting. 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 debris 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, which the person knows or has reason to know may 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 a person has a weapons permit which authorizes the carrying of weapons issued by a 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 himself 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)

14. No person shall install or use an outdoor wood or other combustible burning stove or heating unit unless a chimney is part of the burning unit that extends at least two (2) feet above the height of the nearest structure.

3-1-7 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 or recklessly 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 or recklessly 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 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 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	3-2-8	Abatement in Emergency
3-2-2	Nuisances Prohibited	3-2-9	Abatement by Municipality
3-2-3	Other Conditions Regulated	3-2-10	Collection of Cost of Abatement
3-2-4	Notice to Abate Nuisance or Condition	3-2-11	Installment Payment of Cost of Abatement
3-2-5	Contents of Notice to Abate	3-2-12	Condemnation of Nuisance
3-2-6	Method of Service		
3-2-7	Request for Hearing and Appeal		

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 polluting 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.

(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. The grass height of any property in the City shall not exceed more than eight (8) inches.

(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)

q. Grain dust of any type that may, due to weather conditions or abundance thereof create respiratory, pollution, or other problems deemed to affect the safety, health, and welfare of the community.

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)(8))

3. 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))

7. All structures, equipment and exterior property, whether occupied or vacant, shall be maintained in good repair, structurally sound and sanitary condition as provided herein so as not to cause or contribute to the creation of a blighted area, to constitute a blighting factor for adjoining property or to adversely affect the public health or safety.

8. Rodent and Vermin Infestation. All structures, equipment and exterior property shall be kept free from rodent and vermin infestation. Where rodents and vermin are found they shall be promptly exterminated by the approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and vermin re-infestation.

9. Accessory Structures. All accessory structures, including detached garages, fences, and walls shall be maintained structurally sound and in good repair so as not to cause or contribute to the creation of a blighted area, to constitute a blighting factor for adjoining property or to adversely affect the public health or safety.

10. Roofs and Drainage. All roofs and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. When in place, roof drains, gutters and downspouts shall be maintained in good repair, with proper anchorage.

11. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all handrails and appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

12. Basement Hatchways. Every basement hatchway shall be maintained to prevent the infestation of rodents and vermin, and the entrance of rain and surface drainage water.

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 notify the property owner as shown by the records of the County Auditor 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 sent by regular mail 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 abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

BICYCLE REGULATIONS

- 3-3-38 Definitions
- 3-3-39 Traffic Code Applies To Persons Riding Bicycles
- 3-3-40 Riding On Bicycles
- 3-3-41 Riding On Roadways And Bicycle Paths
- 3-3-42 Speed
- 3-3-43 Emerging From Alley Or Driveway
- 3-3-44 Carrying Articles
- 3-3-45 Parking
- 3-3-46 Riding On Sidewalks
- 3-3-47 Lamps And Other Equipment On Bicycles

SNOWMOBILES

- 3-3-48 Snowmobiles
- 3-3-49 Non-Permitted Areas Of Operation
- 3-3-50 Regulations
- 3-3-51 Equipment Required
- 3-3-52 Unattended Vehicles
- 3-3-53 Restriction of Operation
- 3-3-54 Traffic Regulation

OFF-ROAD VEHICLES

- 3-3-55 Definitions
- 3-3-56 General Regulations
- 3-3-57 Operation Of All-Terrain Vehicles

GOLF CARTS

- 3-3-58 Definitions
- 3-3-59 Operation Of Golf Carts

PENALTIES AND PROCEDURE

- 3-3-60 Notice Of Fine Placed On Illegally Parked Vehicle
- 3-3-61 Presumption In Reference To Illegal Parking
- 3-3-62 Local Parking Fines
- 3-3-63 Failure To Pay Parking Citations.

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)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-3 AUTHORITY OF PEACE 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 Worth County Sheriff's Department and Iowa State Patrol. The Officers of the Sheriff's Department and Iowa Patrol 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 Sheriff's Department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the Sheriff in directing traffic.

(Code of Iowa, Sec. 321.229)

3-3-4 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.

Any person who shall willfully fail or refuse to comply with any lawful order of a Peace Officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

- | | | |
|-----|---------|-------------------------------------------------------------------------------------------------------------|
| 1. | 321.98 | Operation without registration. |
| 2. | 321.180 | Violations of instruction permit limitations. |
| 3. | 321.193 | Violation of conditions of restricted license. |
| 4. | 321.194 | Violation of conditions of minor's school license. |
| 5. | 321.216 | Unlawful use of license. |
| 6. | 321.218 | Driving without a valid license (as to simple misdemeanor offenses only). |
| 7. | 321.219 | Permitting unauthorized minor to drive. |
| 8. | 321.220 | Permitting unauthorized person to drive. |
| 9. | 321.229 | Failure to comply with lawful order of peace officer. |
| 10. | 321.231 | Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals). |
| 11. | 321.232 | Radar jamming devices. |
| 12. | 321.234 | Failure to observe seating requirements. |
| 13. | 321.236 | (Parking) Violation of local ordinance (not a state offense). |
| 14. | 321.256 | Failure to obey traffic control device. |
| 15. | 321.257 | Failure to obey or yield to pedestrian or to official traffic control signal. |
| 16. | 321.260 | Unlawful possession of, or interference with traffic control device. |
| 17. | 321.264 | Striking unattended vehicle. |
| 18. | 321.265 | Striking fixtures upon a highway. |
| 19. | 321.275 | Motorcycle and motorized bicycles violations. |
| 20. | 321.277 | Reckless driving. |
| 21. | 321.278 | Drag racing prohibited. |
| 22. | 321.285 | Speed restrictions. |
| 23. | 321.286 | Truck speed limits (highway). |
| 24. | 321.287 | Bus speed limits (highway). |
| 25. | 321.288 | Failure to maintain control. |
| 26. | 321.294 | Failure to maintain minimum speed when directed by officer. |
| 27. | 321.295 | Excessive speed on bridge. |

28.	321.297	Driving on wrong side of two-way highway.
29.	321.298	Failure to yield half of roadway upon meeting vehicle.
30.	321.299	Passing on wrong side.
31.	321.303	Unsafe passing.
32.	321.304	Unlawful passing.
33.	321.305	Violating one-way traffic designation.
34.	321.306	Improper use of lanes.
35.	321.307	Following too closely.
36.	321.308	Following too closely (trucks and towing vehicles).
37.	321.309	Failure to use approved drawbar.
38.	321.310	Unlawful towing of four-wheeled trailer.
39.	321.311	Turning from improper lane.
40.	321.312	Making U-turn on curve or hill.
41.	321.313	Unsafe starting of a stopped vehicle.
42.	321.314	Unsafe turn or failure to give signal.
43.	321.315	Failure to give continuous turn signal.
44.	321.316	Failure to signal stop or rapid deceleration.
45.	321.317	Signal light requirements; see equipment violation.
46.	321.318	Incorrect hand signal.
47.	321.319	Failure to yield to vehicle on right.
48.	321.320	Failure to yield upon left turn.
49.	321.321	Failure to yield upon entering through highway.
50.	321.322	Failure to obey stop or yield sign.
51.	321.323	Unsafe backing on highway.
52.	321.324	Failure to yield to emergency vehicle.
53.	321.325	Pedestrian disobeying traffic control signal.
54.	321.326	Pedestrian walking on wrong side of highway.
55.	321.327	Pedestrian right-of-way.
56.	321.328	Pedestrian failing to use crosswalk.
57.	321.329	Vehicle failing to yield to pedestrian.
58.	321.331	Soliciting ride from within roadway.
59.	321.332	Unlawful use of white cane.
60.	321.333	Failure to yield to blind person.
61.	321.340	Driving in or through safety zone.
62.	321.341	Failure to properly stop at railroad crossing.
63.	321.342	Failure to obey stop sign at railroad crossing.
64.	321.343	Failure to stop certain cargo or passenger vehicle at railroad crossing.
65.	321.344	Unlawful movement of construction equipment across railroad track.
66.	321.353	Unsafe entry into sidewalk or roadway.
67.	321.354	Stopping on traveled part of highway.
68.	321.358	Stopping, standing, or parking where prohibited.
69.	321.360	Prohibited parking in front of certain buildings.
70.	321.361	Parking too far from curb/angular parking.
71.	321.362	Parking without stopping engine and setting brake.
72.	321.363	Driving with obstructed view or control.
73.	321.365	Coasting upon downgrade.
74.	321.366	Improper use of median, curb, or controlled access facility.
75.	321.367	Failure to maintain distance fire-fighting vehicle.

76.	321.368	Crossing unprotected fire hose.
77.	321.369	Putting debris on highway/roadway.
78.	321.370	Removing injurious material.
79.	321.371	Clearing up wrecks.
80.	321.372	School bus provisions.
81.	321.377	Excessive speed of school bus.
82.	321.381	Driving or towing unsafe vehicle.
83.	321.382	Operating underpowered vehicle.
84.	321.383	Failure to display reflective device on slow-moving vehicles.
85.	321.384	Failure to use headlamps when required.
86.	321.385	Insufficient number of headlamps.
87.	321.386	Insufficient number of headlamps-motorcycles and motorized bicycles.
88.	321.387	Improper rear lamp.
89.	321.388	Improper registration plate lamp.
90.	321.389	Improper rear reflector.
91.	321.390	Reflector requirements.
92.	321.391	Improper type of reflector.
93.	321.392	Improper clearance lighting on truck or trailer.
94.	321.393	Lighting device color and mounting.
95.	321.394	No lamp or flag on rear-projecting load.
96.	321.395	Parking on certain roadways without parking lights.
97.	321.397	Improper light on bicycle.
98.	321.398	Improper light on other vehicle.
99.	321.402	Improper use of spotlight.
100.	321.403	Improper use of auxiliary driving lights.
101.	321.404	Improper brake light.
102.	321.408	Back-up lamps.
103.	321.409	Improperly adjusted headlamps.
104.	321.415	Failure to dim.
105.	321.419	Improper head lighting when night driving.
106.	321.420	Excessive number of driving lights.
107.	321.422	Lights of improper color-front or rear.
108.	321.423	Special light/signal provision.
109.	321.430	Defective braking equipment.
110.	321.431	Brake performance ability.
111.	321.432	Defective audible warning device.
112.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
113.	321.434	Use of siren or whistle on bicycle.
114.	321.436	Defective or unauthorized muffler system.
115.	321.437	Mirrors.
116.	321.438	Windshields.
117.	321.439	Defective windshield wiper.
118.	321.440	Defective tires.
119.	321.441	Unauthorized use of metal tire or track.
120.	321.442	Unauthorized use of metal projection on wheels.
121.	321.444	Failure to use safety glass.

122.	321.445	Failure to maintain or use safety belts.
123.	321.446	Failure to secure child.
124.	321.449	Special regulations.
125.	321.450	Hazardous materials.
126.	321.454	Width and length violations.
127.	321.455	Excessive side projection of load B passenger vehicle.
128.	321.456	Excessive height.
129.	321.457	Excessive length.
130.	321.458	Excessive projection from front of vehicle.
131.	321.459	Excessive weight B dual axels (each over 2000 lb. over).
132.	321.460	Spilling loads on highways.
133.	321.461	Excessive tow-bar length.
134.	321.462	Failure to use required towing equipment.
135.	321.463	Maximum gross weight.
136.	321.466	Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES

3-3-5 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The City Superintendent, under direction of the City Council, 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 City Superintendent 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 Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.
(Code of Iowa, Sec. 321.255 and 321.256)

3-3-6 THE CITY COUNCIL TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The City Superintendent, under direction from the City Council 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.

3-3-7 PLAY STREETS. The City Council 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

3-3-8 TURNING MARKERS, BUTTONS AND SIGNS. The City Superintendent 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)

3-3-9 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The City Superintendent 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.

3-3-10 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.

3-3-11 "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

3-3-12 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the City Superintendent 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.

SPECIAL STOPS REQUIRED

3-3-13 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways:

U.S. Highway 65 (Maple Street)

Worth County Road A-38 (8th Street)

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-14 **AUTHORITY TO ERECT STOP SIGNS.** Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the City Superintendent 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.

3-3-15 **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 City Superintendent 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.

3-3-16 **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.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-17 **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)

STOPPING, STANDING OR PARKING

3-3-18 **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. The roadway area shall include the area between the edge of the street and the property line, otherwise known as the "parking" area.

(Code of Iowa, Sec. 321.361)

3-3-19 **SIGNS OR MARKINGS INDICATING ANGLE PARKING.** The City Superintendent, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-20 **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

3-3-21 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 peace officer, fire department 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 peace officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.

16. Within twenty (20) feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

3-3-22 **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.

3-3-23 **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 City Superintendent may cause curbs 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 City Council, 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))

3-3-24 **AUTHORITY TO IMPOUND VEHICLES.** Members of the Worth County Sheriff's 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 Sheriff 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.

5. When any vehicle is parked within twenty (20) feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway. 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

3-3-25 **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 City Superintendent 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)

3-3-26 **PARKING DURING SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during the time the snow or ice begins to accumulate through the duration of the snow or ice storm unless the snow or ice has been removed or plowed from said street, alley, or parking area and the snow or ice has ceased to fall.

The ban shall be enforced whenever the parking of a vehicle interferes with the removal of snow or ice. If the owner of a vehicle in violation of this ban fails to promptly remove such vehicle, the vehicle will receive a citation and a towing service will be contacted for the purpose of removing said vehicle at the owner's expense.

3-3-27 **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.

3-3-28 **TRUCK PARKING LIMITED.** Trucks licensed for five tons or more, loaded or empty, shall not be parked on City streets, except for purposes of loading or unloading.

MISCELLANEOUS DRIVING RULES

3-3-29 **VEHICLES NOT TO BE DRIVEN OR PARKED ON SIDEWALKS.** The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-30 **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, skate board or roller blades, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-31 **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.

3-3-32 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.

3-3-33 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 with a pennant, headlights, or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-34 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 city streets or parts of streets:

3-3-35 TRUCK ROUTES.

1. Every motor vehicle licensed for 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:

Highway 65
County Road A-38
3rd St.

2. Any motor vehicle licensed for 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.

3-3-36 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-37 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

BICYCLE REGULATIONS

3-3-38 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)

3-3-39 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.

3-3-40 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.

3-3-41 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.

3-3-42 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-43 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.

3-3-44 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.

3-3-45 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.

3-3-46 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.

3-3-47 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

SNOWMOBILES

3-3-48 SNOWMOBILES

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.

3-3-49 NON-PERMITTED AREAS OF OPERATION. Snowmobiles shall not operate in the City in the following locations:

All of 5th Street between Maple Street and Main Street.
Elm Street between 5th and 6th Streets.
Anywhere within city parks.

3-3-50 REGULATIONS. All snowmobiles must travel on the most direct route from their property to the City Limits. 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 or ATV 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 eight o'clock (8:00) A.M., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-51 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 working and operable headlight and taillight.
3. All snowmobiles must have 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.

3-3-52 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.

3-3-53 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.

3-3-54 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 peace officer authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-55 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain vehicle" includes off-road utility vehicles as defined in 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(Code of Iowa 321.1)

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.

3. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

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

3-3-56 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation

(Code of Iowa, Sec. 321I)

3-3-57 OPERATION OF ALL-TERRAIN VEHICLES. The operation of ATVs, off-road motorcycles, and off-road motorcycles shall comply with the following restrictions:

1. Streets. Only on such streets as may be designated by the City Council.

(Code of Iowa, 324.234A)), (Code of Iowa, Sec. 321I)

2. Prohibited Operation. Shall not be operated on sidewalks, railroad right-of-way, parks, or other city land.

3. Time of Operation. Shall only be operated between sunrise and sunset.

4. Compliance with State Code. All operation shall comply with Iowa Code Chapter 321I.

GOLF CARTS

3-3-58 DEFINITIONS. For use in this ordinance "golf cart" is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-59 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver's license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa

PENALTIES AND PROCEDURE

3-3-60 NOTICE OF FINE 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 notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-61 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.

3-3-62 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:

		Penalty After 30 Days
1. Overtime parking	\$ 5.00	\$ 10.00
2. Prohibited parking	\$ 5.00	\$ 10.00
3. No parking zone	\$ 5.00	\$ 10.00
4. Blocking alley	\$ 5.00	\$ 10.00
5. Illegal parking	\$ 5.00	\$ 10.00
6. Street cleaning	\$ 5.00	\$ 10.00
7. Snow removal ban	\$ 25.00	\$ 50.00
8. Handicap parking	\$ 200.00	\$ 200.00

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

3-3-63 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions of this Ordinance of this City or of State law fails to make payment of the scheduled fine as specified on a citation affixed to such motor vehicle within the seven days, the City shall send the owner of the motor vehicle to which the 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	3-4-5	Street Crossing Obstructions
3-4-2	Warning Signals	3-4-6	Maintenance of Crossings
3-4-3	Speed	3-4-7	Flying Switches
3-4-4	Street Crossing Signs and Devices		

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

1. The term "railroad train" shall mean an engine or locomotive with or without cars, coupled thereto, operated on rails.

(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 **SPEED.** It shall be unlawful to operate any railroad train through any street crossing within the platted areas of Kensett at a speed greater than forty-five (45) miles per hour.

3-4-4 **STREET CROSSING SIGNS AND DEVICES.** Operators shall erect and maintain non-mechanical 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)

3-4-5 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.

3-4-6 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)

3-4-7 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 Establishment and Purpose

3-5-1 ESTABLISHMENT AND PURPOSE. A fire department will be contracted with by resolution to prevent and extinguish fires and to protect the lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 LAW ENFORCEMENT

3-6-1 Enforcement Provisions

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

TITLE III COMMUNITY PROTECTION

CHAPTER 7 ALCOHOLIC BEVERAGES

3-7-1	Purpose	3-7-3	Action by Council
3-7-2	Required Obedience to Provisions of this Chapter and State Law	3-7-4	Transfers

3-7-1 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)

3-7-2 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 - Notifications - 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

3-7-3 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))

3-7-4 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 8 JUNK AND ABANDONED VEHICLES

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

3-8-1 **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)

3-8-2 **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 Sheriff and has not been reclaimed for a period of ten days; or

e. Any vehicle parked on the street determined by the Sheriff 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 Kensett, Iowa, or which has any one of the following additional 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 motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

e. 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 NW 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.

3-8-3 REMOVAL OF ABANDONED VEHICLES.

1. The Sheriff may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-8-2 (1). The Sheriff 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 Sheriff shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

(Code of Iowa, Sec. 321.89(2))

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.

3-8-4 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 Sheriff 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, (10), 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 Sheriff 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 3-8-6.

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 3-8-5.

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

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

(Code of Iowa, Sec. 321.89(3)(8))

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))

3-8-5 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 Sheriff 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 3-8-4 (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 3-8-5(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.

3-8-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. Request for a hearing after an impoundment shall be made in writing and received by the Sheriff's department prior to the expiration of the ten-day reclaiming period. 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))

3-8-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Sheriff's Department shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-8-8 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 Kensett, 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.

3-8-9 AUTHORITY TO ENFORCE. The Sheriff's Department, upon obtaining a search warrant, may enter upon private property for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

3-8-10 NOTICE TO ABATE.

1. Whenever the Sheriff or Mayor if the Sheriff is unavailable shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-8-8, the Sheriff 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 thirty (30) days.
- e. State that any person ordered to abate a nuisance or condition may request, in writing, within the thirty (30) day limit, a hearing to determine whether a nuisance or prohibited condition exists.
- f. State that if the nuisance or condition is not abated as directed or if no request for a hearing is made within thirty (30) days, the city will abate the nuisance and assess the costs against the property owner.

3. Notice shall be deemed given when mailed. If the notice is returned undelivered by the U.S. Post Office, action to abate the nuisance shall be continued to date no less than thirty (30) days from the date of such return.

3-8-11 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))

3-8-12 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))

3-8-13 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.

3-8-14 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 OUTSIDE PARKING AND STORAGE

3-9-1	Purpose	3-9-5	Exceptions
3-9-2	Definitions	3-9-6	Notice to Abate
3-9-3	Declaration of Nuisance		
3-9-4	Unlawful Parking and Storage		

3-9-1 **PURPOSE.** The purpose of this chapter is to protect the health, safety and welfare of the citizens by defining and enforcing outside parking and storage of vehicles as well as accessory structures on private property.

3-9-2 **DEFINITIONS.** For use in this chapter, the following words are defined:

1. Accessory structure means a subordinate structure customarily incidental to the main structure or building located on the same lot therewith, e.g. satellite dishes, solar panel collectors, skateboard ramps, ice fish houses, race cars.

2. "Fifth-wheel travel trailer" means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed forty-two (42) feet.

3. "Front yard area" means all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property line. The front shall be determined by the address assigned to the property.

4. "Motor home" means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary dwelling and having at least four of the following permanently installed systems which meet American National Standards Institute and National Fire Protection Association standards in effect on the date of manufacture:

- a. Cooking facilities;
- b. Ice box or mechanical refrigerator;
- c. Portable water supply including plumbing and a sink with faucet either self-contained or with connection for external water disposal or both;
- d. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal or both;
- e. Heating or air-conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system;

f. A 110/115 volt alternating current electrical system separate from the vehicle engine electrical system.

5. "Outside" means to be outside of an enclosed facility and visible from any other property, including the public right-of-way.

6. "Side yard corner lot" means the yard area adjacent to the street right-of-way on a corner lot extending from the front yard along the side of the structure to the rear of the property line.

7. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that only the tongue weight rests upon the towing vehicle.

8. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight and one-half (8 1/2) feet in width and its overall length shall not exceed forty-two (42) feet unless width and length are in conflict with Chapter 321 of the Code of Iowa. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and may not be used as a place of permanent habitation. If any such vehicle is used as a place of human habitation for more than ninety (90) consecutive days in one location, it shall be classed as a mobile home regardless of the size limitations herein provided.

9. "Driveway" means the hard surfaced area leading from the street or alley to a garage not to exceed 12 times the width of the garage. In the case of no garage, the one hard surfaced area not to exceed 24 feet wide from the street or alley to a house or to a location where a garage could be by ordinance.

3-9-3 DECLARATION OF NUISANCE. The outside parking and storage on property used for residential purposes of water craft, trailers, materials, supplies or equipment not customarily used for residential purposes, or accessory structures in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood and (d) otherwise adversely affects property values and neighborhoods.

3-9-4 UNLAWFUL PARKING AND STORAGE.

1. No person may place, store or allow the placement or storage of ice fish houses, skateboard ramps or other similar accessory structures in the front yard or side yard corner lots of property used for residential purposes.

3-9-5 EXCEPTIONS. The prohibitions of this chapter do not apply to the following:

1. Any motor vehicle parked on a driveway.
2. Any motor truck, pickup truck or similar vehicle being used by a public utility, moving company or similar company, which is actually being used to serve a residence not belonging to or occupied by the operator of the vehicle.
3. Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such pickup or delivery is prohibited.

3-9-6 NOTICE TO ABATE. Upon discovery of any violation of Section 1, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 2 of this Code of Ordinances.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-6	Dangerous Animals
4-1-2	Immunization	4-1-7	Keeping a Vicious Dog or Cat
4-1-3	At Large Prohibited	4-1-8	Bothersome Animals, Livestock, Exotic pets
4-1-4	Animal Nuisances		
4-1-5	Impounding		

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

1. The term "dogs" shall mean both male and female animals of the canine species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed 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 animal found in violation of 4-1-2 or 4-1-3, or 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of animals, if known, shall be notified within two (2) days that upon payment of impounding fees of plus cost of food and care in a reasonable amount, the animal will be returned. If the impounded animals are not recovered by their owners within seven (7) days after notice, the animals shall be disposed of in a humane manner as directed by the City Council.

(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 duly authorized representative.

(Code of Iowa, Sec. 351.39)

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) Pit bulls meaning any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

(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 ANIMAL. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A animal 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.

4-1-8 BOTHERSOME ANIMALS, LIVESTOCK, EXOTIC PETS. No person shall keep any animal except a dog, cat, fish (in an indoor aquarium), hamster, ferret, gerbil, guinea pig or other such animal typically considered a pet within the city limits except by permission of the Council. Any animal considered livestock or otherwise such as bees, cattle, horses, swine, fowl, and sheep shall only be allowed with written permission of the City Council and will adhere to any conditions imposed by the Council.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

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

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

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Kensett Public Library, hereinafter referred to as the board, consists of five (5) members. All board members shall be appointed by the City Council. The non-resident members of the board shall be appointed and approved by the City Council.
(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. All of the resident members of the board shall be bona fide citizens and residents of the City and all shall be over the age of eighteen (18). Non-resident members of the board shall be bona fide citizens and residents of the county and all shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

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

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the Worth County, Iowa or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City or County. Vacancies in the board shall be filled by appointment of the Mayor with approval of 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 69, Code of Iowa.
6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.
7. To authorize the use of the library by non-residents of the City and to fix charges therefor.
8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.
9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.
10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.

(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. By entering into agreements with other libraries to allow lending of 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.

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

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 PARKS

5-2-1	Purpose	5-2-4	Littering
5-2-2	Use of Drives Required	5-2-5	Parks Closed
5-2-3	Fires	5-2-6	Camping Areas

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 lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

5-2-3 **FIRES.** No fires shall be built, except in a place provided therefore, 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 away any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

5-2-5 **PARKS CLOSED.** No person shall enter or remain within any park between the hours of twelve o'clock (12:00) midnight and five-thirty o'clock (5:30) A.M.

5-2-6 **CAMPING AREAS.** No person shall camp in any park unless approval has been granted by the City.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1	Definitions	6-1-4	Emergency and Temporary Parking
6-1-2	Location of Mobile Homes	6-1-5	Traffic Code Applicable
6-1-3	Special Permits for Location of Mobile Homes Outside Mobile Home Parks	6-1-6	Building Requirements
		6-1-7	Other Provisions

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

1. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. "Factory-built structure" includes the terms "mobile home," "manufactured home", and "modular home."

(Code of Iowa, Sec. 103A.3(8))

2. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3))

3. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

5. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. It shall be unlawful for any person, firm, or corporation to park or place any mobile home on a street, alley, highway or public place, or on any private land within this city, except as is provided by State Law and this chapter. This section shall not apply to mobile homes parked or placed within duly licensed mobile home parks, or upon private property as part of a mobile home dealer's or a manufacturer's stock not used as a place for human habitation.

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council may issue such special permits when it appears that the location within the local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of two (2) year(s) but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

6-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-1-5 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-1-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement.

(Code of Iowa, Sec. 435.26)

6-1-7 OTHER PROVISIONS. A mobile home hereafter moved into the City or erected in the City shall conform to the building requirements herein contained in Title 6, Chapter 8.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1	Definitions	6-2-5	Use of the Public Sewers
6-2-2	Use of Public Sewers Required	6-2-6	Sewer Service Application
6-2-3	Private Sewage Disposal	6-2-7	Protection from Damage
6-2-4	Building Sewers and Connections	6-2-8	Powers and Authority to Inspectors
		6-2-9	Penalties

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

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

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

(IAC 567-69.3(1))

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

(IAC 567-69.3(1))

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

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

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

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

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

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

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

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

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

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

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

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

17. "Shall" is mandatory, "May" is permissive.

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

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

20. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Kensett or the Superintendent's authorized deputy, agent, or representative.

21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

23. "City" shall mean the City or Town of Kensett, Iowa.

6-2-2 USE OF PUBLIC SEWERS REQUIRED.

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

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

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

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

4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred (100) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

6-2-3 PRIVATE SEWAGE DISPOSAL.

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

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of fifty (\$50.00) dollars shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

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

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

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

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

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

6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. Specific Requirements:

a. Rain Water Leaders: Roof leaders, surface drains, ground water drains, or sump pump outlets shall not be connected to the sanitary sewer.

b. Independent System. Each building sewer and drainage system shall be independent of that of any other building, except where one building stands in the rear of another on an exterior lot, the building sewer from the front building may be extended to the rear building and the whole considered as one house sewer when so approved by the city.

c. Use of Public Sewer Required. Where a public sewer is accessible in an easement, street, or alley adjacent to a lot with a building or premises abutting thereon the liquid wastes from any plumbing system in said building shall discharge into the public sewer as provided by the sanitary sewer rules and regulations and/or rate ordinances.

d. Connection to the Main Public Sewer. Before any connection is made to a public sewer, an approved permit for such connection must be obtained from the governing body or its designated representative. A permit and inspection fee of Fifty dollars (\$50.00) shall be paid to the city at the time the application permit is filled. Each connection to the main sewer shall be made to the fitting designated for that property. If a fitting in the main sewer is not available for the designated property, the connection shall then be made under the direct supervision of the sewer inspector.

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

f. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Iowa plumbing code except as modified herein.

g. A "Y," "T," or "Cleanout" fitting may be installed near the building foundation to provide for cleanout purposes.

h. All plumbers or home owners who install the building sewer line shall file a License and Permit - Plumber's Bond with the city prior to beginning any work.

2. Supervision. A SEWER INSPECTOR shall be appointed pursuant to the laws of the City and State and shall, under the direction of the governing elective officers of the municipality, supervise all building sewer connections and excavations for the purpose of installing or repairing the same.

3. Specifications:

a. Material. All building sewers shall be constructed of either service cast iron soil pipe meeting ASTM A888 (hubless) or ASTM A74 (with hub) , SDR 35, 26, or 23.5 poly vinyl chloride (PVC) plastic sewer pipe meeting ASTM 3034, PVC corrugated sewer pipe conforming to ASTM F 949, or schedule 40 PVC drain/waste/vent pipe conforming to ASTM D1785, all PVC pipe shall be manufactured utilizing PVC resin cell Class 12454 b as defined by ASTM D1784.

b. Pipe, Joints, and Connections

(1) Service cast iron soil pipe, fittings, and joints shall be installed according to applicable plumbing code requirements and the recommendations of the Cast Iron Soil Pipe Institute and shall conform to:

Pipe and Fittings

ASTM A74 "Cast Iron Soil Pipe and Fittings"

ASTM A888 "Hubless Cast Iron Soil Pipe and Fittings"

Joints and Couplings

ASTM C654 "Rubber Gaskets for Cast Iron Soil Pipe and Fittings"

CISPI 310 "Couplings For Use in Connection with Hubless Cast Iron Soil Pipe and Fittings . . ." (With stainless steel shield)

(2) Polyvinyl chloride (PVC) plastic sewer pipe, fittings, and joints shall be installed according to applicable plumbing code requirements and the recommendations of the Uni Bell Plastic Pipe Association and shall conform to:

Pipe and Fittings

ASTM D3212 "Joints for Drain and Sewer Plastic Pipe Using SDR 35, 26, or 23.5"

Joints

ASTM D3212 "Joints for Drain and Sewer Plastic Pipe Using Flexible Elastomeric Seals"

(3) Corrugated PVC sewer pipe, joints and fittings shall be installed according to applicable plumbing code requirements and the manufacturers recommendations and shall conform to:

Pipe, Fittings, and Joints

ASTM F949 "PVC Corrugated Sewer Pipe with a Smooth Interior and Fittings."

(4) Schedule 40 polyvinyl chloride (PVC) pipe shall be installed according to applicable plumbing code requirements and the manufacturers recommendations and shall conform to:

Pipe

ASTM D2665 "Polyvinyl Chloride Plastic Drain, Waste and Vent Pipe and Fittings" except that NO UNDERGROUND GLUED JOINTS ARE PERMITTED.

Fittings

Only gasketed fittings are to be used. Fittings shall conform to the performance requirements of ASTM D2241 "Polyvinyl Chloride Pressure Rated Pipe."

Gasketed Joints

ASTM D3139 "Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals"

c. Size of Building Sewer. Building sewers shall be sized to meet capacity requirements, but no building sewer shall be less than four inches in diameter.

d. Grades for Building Sewers. Unless otherwise authorized, all building sewers shall have a grade of not less than one-eighth inch per foot. A grade of one-fourth inch per foot shall be used wherever practical.

e. Trenching and Backfilling. All excavations shall be open trench work unless otherwise authorized by the sewer inspector. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Backfilling shall not be done until final inspection is made by the sewer inspector. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe.

Note: Where the floor of the trench is soft or rocky material the trench shall be excavated to four inches below grade and brought back to the proper grade with fine gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line.

f. Use of Old Building Sewers. Old building sewers or portions thereof may be approved for use by the sewer inspector. The sewer inspector may request that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Watertight couplings with stainless steel shields shall be used to connect different materials.

4. Inspection. Each and every part of the building sewer shall be inspected and approved by the sewer inspector before being concealed or backfilled.

6-2-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sump pump discharge, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

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

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

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).
- b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

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

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

j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5(4), and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

a. Reject the wastes,

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

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

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

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

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

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).

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

6-2-6 SEWER SERVICE APPLICATION. Applications for sewer service shall be filed with the Utility upon a form to be supplied by the City. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a fee of fifty (\$50.00) dollars, payable to the City, for the connection charge.

6-2-7 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Code of Iowa, Sec. 716.1)

6-2-8 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

3. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-2-9 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

6-3-1	Enforcement	6-3-7	Excavations
6-3-2	Adoption of State Plumbing Code	6-3-8	Inspection and Approval
6-3-3	Mandatory Connections	6-3-9	Completion by the City
6-3-4	Permit	6-3-10	Shutting Off Water Supply
6-3-5	Water Supply Control	6-3-11	Disposition of Fees and Charges
6-3-6	Making the Connection		

6-3-1 **ENFORCEMENT.** The City Superintendent shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had. (Code of Iowa, Sec. 372.13(4))

6-3-2 **ADOPTION OF STATE PLUMBING CODE.** The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted.

6-3-3 **MANDATORY CONNECTIONS.** All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source. Whether dwelling units are occupied or unoccupied, the owner shall be required to pay the minimum water rate each month of five (\$5.00) dollars. In the event that the owner of the property allows for the same to be used for multiple dwelling units, the owner shall be required to pay the minimum water rate each month for each dwelling unit whether occupied or unoccupied, at a minimum rate equal to the base water charge times the number of dwelling units located on the owner's property.

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

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

6-3-5 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

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

6-3-6 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Superintendent or the Superintendent's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub. Connections must be made of a minimum 3/4" k-copper pipe.
(Code of Iowa, Sec. 372.13(4))

6-3-7 EXCAVATIONS. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

6-3-8 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.
(Code of Iowa, Sec. 372.13(4))

6-3-9 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-3-10 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the Superintendent may shut off the supply of water to any customer because of any substantial violation of this chapter. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

6-3-11 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the city treasury no later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be filed with the Clerk.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

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

6-4-1 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 the can or container as provided by the contracted waste hauler.

6-4-2 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.

6-4-3 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))

6-4-4 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 containers for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

6-4-5 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the Director of refuse and issued by the Clerk.

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

6-4-6 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.

6-4-7 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

1 Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

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

3. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one quarter (1/4) mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

Landscape wastes may be burned during weekdays between the hours of 4:00P.M. and 8:00 P.M.. All day on Saturdays until 8:00 P.M., and Sundays from 1:00 P.M. until 8:00 P.M.

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

5. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that the executive director of the State Department of Natural Resources received notice in writing at least one week before such action commences.

6. Variance. Any person wishing to conduct open burning of material not exempted herein may make application for a variance to the executive director of the State Department of Natural Resources.

6-4-8 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.

6-4-9 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 RECYCLING

6-5-1	Title	6-5-7	Definitions
6-5-2	Purpose	6-5-8	Residential Recycling
6-5-3	Authority	6-5-9	Collections
6-5-4	Jurisdiction	6-5-10	Anti-Scavenging
6-5-5	Interpretation	6-5-11	Disposal
6-5-6	Rules		

6-5-1 TITLE. This ordinance shall be known as the City of Kensett Recycling Ordinance.

6-5-2 PURPOSE. The City of Kensett Mayor and City Council have determined that this ordinance be adopted to encourage the recovery and reuse of recyclable materials through mandatory separation and collection for the following reason to-wit:

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

2. Extend the longevity of the Landfill of North Iowa.

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

6-5-3 AUTHORITY. The authority for this ordinance is Iowa Code 455B.302 and the Iowa Administrative Code which has established goals to reduce the amount of materials in the waste stream, existing as of July 1, 1988, twenty-five percent (25%), by July 1, 1994, and fifty percent (50%) by July 1, 2000, through practice of waste reduction at the source and through recycling.

6-5-4 JURISDICTION. The jurisdiction of this ordinance shall apply to all citizens within the corporate limits of the City of Kensett.

6-5-5 INTERPRETATION. In interpreting and applying the provisions of this ordinance, persons shall be held to meet the minimum requirements for the promotion of public health, safety, order and convenience and general welfare. When provisions of this ordinance impose greater restrictions than these of any statute, other ordinance or regulations, the provisions of this ordinance shall be controlling.

6-5-6 RULES. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.

2. Words used in the present tense shall include the future; and words used in the the singular shall include the plural, and the plural the singular.

6-5-7 DEFINITIONS. As used in this ordinance, the following words, terms and phrases shall have the following meanings and inclusions:

1. "City" means the City of Kensett, Iowa.
2. "Dwelling Unit" means one or more rooms within a structure which are arranged, designed or used as living quarters for one family.
3. "Family" means any number of persons living together in a room or rooms comprising a single household unit.
4. "Governing Board" means the City of Kensett Mayor and Council members.
5. "Non-Recyclable Materials" means and includes solid waste, refuse, construction debris and other materials for which there are no appropriate existing recycling markets.
6. "Person" means an individual, firm, company, educational and medical institution, association, society, corporation or group.
7. "Recyclable Materials" means and includes aluminum cans and containers, tin cans, glass bottles and jars, (made of clear, green or brown glass rinsed and have lids removed), plastic bottles and jugs, (no plastic caps), newspapers, corrugated cardboard, box board, envelopes, paper of all colors, paper bags, catalogs and magazines, and such materials as the City may by resolution designate or delete from time to time.
8. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.
9. "Source Separation" means to divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.

6-5-8 RESIDENTIAL RECYCLING. Every person living in a dwelling unit within the City of Kensett Corporate limits shall:

1. Separate recyclable materials from non-recyclable materials. All recyclable materials shall be placed in one container.
2. Empty, rinse clean and remove caps from all recyclable materials, and remove labels and lids from all tin cans.
3. All recyclable material must be placed at the curb side by 6:00 A.M. on the designated day of pickup.

6-5-9 COLLECTIONS. Recyclable materials shall be made available for collection monthly and shall be collected by the City-designated collector.

6-5-10 ANTI-SCAVENGING. Ownership of recyclable materials placed for collection shall be vested in the collector designated by the City.

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

2. Nothing in this section shall preclude a person from disposing of recyclable materials with commercial recyclers or salvage yards. This section shall preclude all persons other than the City-designated collector from conducting drives for the collection of recyclable material.

6-5-11 DISPOSAL. Recyclable materials collected within the City shall not be burned or deposited in any landfill except with the express, written consent of the City, nor shall they be otherwise disposed of in any way or manner which is contrary to applicable law, statute, ordinance, rule or regulation.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 UTILITIES - BILLING CHARGES

6-6-1	Utility Defined	6-6-10	Refuse Collection Rates
6-6-2	Districts	6-6-11	Rate of Sewer Rent and Manner of Payment
6-6-3	Disposition of Fees and Charges	6-6-12	Determination and Payment of Sewer Rent From Premises With Private Water Systems
6-6-4	Billing, Penalty	6-6-13	Service To Industrial Establishments
6-6-5	Discontinuing Services, Fees	6-6-14	Insufficient Funds Check Fee
6-6-6	Residential Rental Property		
6-6-7	Deposit Required		
6-6-8	Temporary Discontinuance		
6-6-9	Water Rates		

6-6-1 **UTILITY DEFINED.** For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-6-2 **DISTRICTS.** There shall be one sewer and water district which encompasses all of the City of Kensett, Iowa.

6-6-3 **DISPOSITION OF FEES AND CHARGES.** All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-6-4 **BILLING, PENALTY.** Utility bills (water, sewer, garbage) shall be due on the first of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the 15th of the month in which due and bills paid after said day shall have added a penalty of five (\$5.00) dollars. When the 15th falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

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

6-6-5 **DISCONTINUING SERVICE, FEES.**

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$25.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes. No turn-on fee or service fees shall be charged for the usual or customary trips in the regular changes in occupancies of property, whether the meter is removed for the safety of the meter, or not removed.

(Code of Iowa, Sec. 384.84(2))

3. A lien shall not be certified to the County Treasurer for collection unless thirty days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner or property lessor.

(Code of Iowa, Sec. 384.84(3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

No disconnection will take place if the forecast for the next 24 hours indicates that the temperature will drop below 20 degrees Fahrenheit, furthermore, no disconnection will take place on a weekend or a holiday or after 2:00 P.M. on a weekday unless the City is prepared to reconnect service on that same day.

6-5-6 RESIDENTIAL RENTAL PROPERTY. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges and a deposit of fifty (\$50.00) dollars be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))

(Code of Iowa, Sec. 384.84(3)(e))

6-6-7 DEPOSIT REQUIRED. At the time of request for sewer, water and garbage collection service, the City Clerk shall collect a deposit in the sum of fifty (\$50.00) dollars, which shall be used as security deposit to assure payment of all regular billings by the party making the deposit. The full deposit shall be returned to the property owners by the City, when said property owner has paid all water, sewer and garbage bills on time, and in full, for a period of twelve (12) consecutive months. A tenant of a rental unit will have the deposit returned after payment of final bill.

In the event that customers of sewer, water and garbage collection services are delinquent in payment of these aforementioned bills, and therefore do not qualify for a return of full deposit after twelve (12) month period; at the termination of services as requested by the consumer, the deposit shall be first applied to any delinquent user fees, and the balance thereof shall be refunded to the consumer. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

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

6-6-8 TEMPORARY DISCONTINUANCE. If any consumer wishes to have service temporarily discontinued, a fee of twenty-five (\$25.00) dollars shall be solicited to shut off service.

A landlord of rental units must inform the City Clerk when tenants move into a rental unit and when they move out of same rental unit.

6-6-9 WATER RATES. Water shall be furnished at the following monthly rates per building within the city limits:

- | | |
|------------------------------------|--------------------------|
| 1. The first 3,000 gallons or less | \$13.35 |
| 2. All gallons over 3,000 | \$1.10 per 1,000 gallons |

“Building” as used in this ordinance shall mean only those buildings that have water connections and shall exclude outbuildings. The minimum charge shall be \$13.35 per building per billing month if structure has service and \$5.00 per building per month if service is shutoff.

Further, on each successive July 1, thereafter, the monthly billing for the consumption charge for water used shall be increased automatically by \$0.10 per 1,000 gallons over the base 3,000 gallons. Said increase shall be automatic unless the Clerk is directed to not make such annual increase by Resolution adopted by the City Council prior to said July 1 date.

6-6-10 REFUSE COLLECTION RATES. The collection and disposal of solid waste as provided by this article is declared to be a benefit to the property served or eligible to be served and there shall be levied and collected fees therefore in accordance with the following:

1. Twelve dollars and fifty cents (\$12.50), per month for one 35 gallon cart, and includes (\$1.40) weekly recycling.
2. Sixteen dollars and fifty cents (\$16.50) per month for one 64 gallon cart, and include (\$1.40) for weekly recycling.

3. Twenty dollars and fifty cents (\$20.50) per month for one 96 gallon cart, and include (\$1.40) for weekly recycling.

4. There shall be a minimum charge of five (\$5.00) per month for refuse collection service.

5. Commercial Rate. Rates for commercial establishments shall be established by the contract hauler. Commercial users shall also pay \$1.40 per month to the City for weekly recycling.

6-6-11 RATE OF SEWER RENT AND MANNER OF PAYMENT. The rate of sewer rent for the use of and for the service supplied by the municipal sanitary sewer utility based upon the amount and rate of water consumed shall be as follows:

First 3,000 gallons or lesser amount per month	\$18.35 per month (Minimum monthly bill)
All over 3,000 gallons per month	\$6.00 per 1,000 gallons

All gallonage classifications in the above rate schedule include a constant rate of \$3.85 per 1,000 gallons for operation, maintenance and replacement costs.

Further, on each successive July 1 thereafter, the monthly billing for the base minimum charge for Sewer service shall be increased automatically by \$0.35. Said increase shall be automatic unless the Clerk is directed to not make such annual increase by Resolution adopted by the City Council prior to said July 1 date.

6-6-12 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH NO METER AND/OR PRIVATE WATER SYSTEMS. Users whose premises have a private water system and/or no water meter shall pay a minimum service charge of not less than eighteen (\$18.35) dollars per month for the sanitary sewer utility, which is necessary to retire the indebtedness, to pay operating, maintenance and replacement costs and to fund reserves necessary for maintaining the sanitary sewer facility. Rent shall be paid at the same time and place as provided in Section 6-2-8.
(Code of Iowa, Sec. 384.84(1))

6-6-13 SERVICE TO INDUSTRIAL ESTABLISHMENTS. Service to industrial establishments may be by contract if the City deems this to be in its best interest.
(Code of Iowa, Sec. 384.84(1))

6-6-14 INSUFFICIENT FUNDS CHECK FEE. There shall be a fee of \$30.00 for any checks returned for insufficient funds.

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 HAZARDOUS WASTE AND SUBSTANCE SPILLS

6-7-1	Purpose	6-7-5	Liability for Cleanup Costs
6-7-2	Definitions	6-7-6	Notifications
6-7-3	Clean Up Required	6-7-7	Police Authority
6-7-4	Emergency Cleanup	6-7-8	Liability

6-7-1 PURPOSE. In order to reduce the damage to public health, safety and welfare from the spills of hazardous substances, these regulations are promulgated to establish responsibility for the removal and cleanup of spills within the City of Kensett.

6-7-2 DEFINITIONS. For the purpose of this Chapter, these words have the following meanings:

1. "Hazardous Waste" shall mean a waste or combination of wastes that because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

- a. Causes or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- b. Poses a substantial danger to human health or the environment.

Hazardous Waste may include, but is not limited to, wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.

2. "Hazardous Waste" does not include:

- a. Agricultural wastes, including manures and crop residues, that are returned to the soil as fertilizers or soil conditioner.
- b. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

3. "Hazardous Substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or any other means.

"Hazardous Substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1,

1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Section 455B.381, Code of Iowa).

4. "Hazardous Condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into the water of the City of Kensett, or into the atmosphere, which creates an immediate or potential danger to the public health or safety.

5. "Responsible Person" means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Section 455B.381, Code of Iowa).

6. "Clean Up" means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

(Section 455B.381, Code of Iowa).

7. "Treatment" means a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safer to transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance to render is nonhazardous.

6-7-3 CLEAN UP REQUIRED. Whenever a hazardous condition is created so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City of Kensett may, by an authorized officer, give reasonable notice based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup or that the City of Kensett will proceed to procure cleanup service and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the Kensett City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City of Kensett to finance, the authorized officer shall report to the Council and immediately seek any state or federal funds available for said clean up.

6-7-4 EMERGENCY CLEAN UP. Whenever a hazardous condition which creates an immediate danger to public health or safety exists and it is necessary to take immediate action to correct this condition in order to protect the public health or safety, the County Emergency Director or and Peace Officer may, without prior notice to the responsible person, take any action necessary to limit the immediate danger to the public health or safety and bill the responsible person for the cost of the cleanup.

6-7-5 LIABILITY FOR CLEAN UP COSTS. The responsible person shall be strictly liable to the City of Kensett for all the following:

1. The reasonable cleanup costs incurred by the City of Kensett as a result of the failure of the person to clean up a hazardous substance or waste involved in a hazardous condition caused by that person, including emergency treatment of the hazardous condition.
2. The reasonable costs incurred by the City of Kensett to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City of Kensett for the injury to, destruction of, or loss of, Kensett property, including parks and roads, resulting from a hazardous condition including the costs of assessing the injury, destruction or loss.

6-7-6 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste shall notify the County Emergency Disaster Director of the occurrence of a hazardous condition as soon as possible, but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The County Emergency Disaster Director shall notify the proper state office in the manner established by the State.
2. Any City of Kensett employee or any member of a law enforcement agency who discovers a hazardous condition, shall notify the County Emergency Disaster Director which shall notify the proper state officer in the manner established by the state.

6-7-7 POLICE AUTHORITY. If the circumstances reasonably so require, the Northwood Chief of Police or his representative may:

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

No person shall disobey an order of the Northwood Chief of Police or any other peace officer/law enforcement officer issued under this section.

6-7-8 LIABILITY. The City of Kensett shall not be liable to any person for claims of damages, injuries or losses resulting from any hazardous condition, unless the City of Kensett is the responsible person as defined in this ordinance.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 RESTRICTED RESIDENCE DISTRICT

6-8-1	Title	6-8-8	Special Permits in the Restricted Residence District
6-8-2	Purpose	6-8-9	Amendments
6-8-3	Definitions	6-8-10	Violation and Penalties
6-8-4	District and Boundaries	6-8-11	Validity
6-8-5	General Provisions		
6-8-6	R-1 Restricted Residence District		
6-8-7	Buildings Requiring Special Permits to Locate Within Restricted District		

6-8-1 TITLE. Restricted Residence District for the City of Kensett, Iowa

6-8-2 PURPOSE. The purpose of this Ordinance is to establish a Restricted Residence District in the City of Kensett, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.

6-8-3 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. Building Official: The City Clerk shall be the Building Official and be responsible for the administration and enforcement of this Ordinance.

2. Church or church school: A building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

3. Family: One (1) or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.

4. Garage: An accessory structure for sheltering motor vehicles or household equipment and/or effects.

5. Home Occupation: Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate not more than two (2) square feet in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling.

6. Household: A group of persons living together in a single dwelling unit with common access to, and common use of, all living and eating areas within the dwelling unit.

7. Lot: For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street, and may consist of: (a) A single lot of record; (b) A portion of a lot of record; 8 A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

8. Lot. corner: A lot abutting upon two (2) or more streets at their intersection.

9. Lot. depth of: The mean horizontal distance between the front and rear lot lines.

10. Lot. double frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

11. Lot. interior: A lot other than a corner lot.

12. Lot lines: The lines bounding a lot.

13. Lot of record: A lot which is a part of a subdivision recorded in the office of the County Recorder of Worth County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

14. Lot. width: The width of a lot measured at the building line and at right angles to its depth.

15. Manufactured home: A factory built structure, which is manufactured or constructed under authority of 42 U.S.C. Section 5403, is required by federal law to display a seal from the United States Department of Housing and Urban Development and was constructed on or after June 15, 1976. A manufactured home is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A manufactured home shall be considered as a dwelling under the provisions of this Ordinance and will be assessed and taxed as real estate.

16. Mobile home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon public highways or streets; so designed and so constructed as to permit residential occupancy thereof, whether attached or unattached to a permanent foundation. Mobile homes shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. Mobile homes to be used for dwelling purposes shall be placed only in an approved mobile home park.

17. Mobile Home Park or Trailer Park: Any lot, parcel or portion thereof having an area of at least five (5) acres upon which three (3) or more mobile homes or trailers occupied for residential purposes are located regardless of whether or not a charge is made for such accommodations; and provided further that said Mobile Home Park shall provide a minimum of three thousand (3,000) square feet per mobile home unit, and maintain front, side, and rear yard areas around said park of at least thirty (30) feet. Each mobile home within said park must maintain at least twenty (20) feet of front, side, and rear yard from all

other adjacent mobile homes. Further provided that said Mobile Home Park shall be licensed in accordance with the provisions of the regulatory agencies of the State of Iowa.

18. Residence: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.

19. Residential accessory use: A building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened. Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

20. School: A building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

21. Sign: Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information with the exception of window displays and national flags.

22. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from twenty-four (24) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and nearest permitted building shall be used.

23. Yard. front: A yard extending across the full width of the lot and measured between the front lot line and the building. "Front" shall be determined from the street where the address is derived.

24. Yard. rear: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

25. Yard. side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

6-8-4 DISTRICT AND BOUNDARIES. The Official Restricted Residence District Map is on file with the City Clerk and is made a part of this Ordinance. Said map delineates various areas of the City into the following classifications:

"R-1" - Restricted Residence District
"N-R"- Non-residential District

For the purpose of this Ordinance, all restrictions described herein are applicable in the "R-1" Restricted Residence District. All district boundary lines shown on the official map correspond with property lines, street lines or center lines of right-of-way. In the case of a district boundary line which divides a property of single ownership, the City Council may make such boundary line adjustments as to place said lot of single ownership in or out of the Restricted Residence District.

All land that is hereafter annexed to the City of Kensett shall be automatically classified as being in an R-1 Restricted Residence District until such classification is changed by amendment of this Ordinance, as provided herein.

6-8-5 GENERAL PROVISIONS.

A. Building Permit Required in All Districts.

1. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the City Council a permit therefor. Permits for residences, schoolhouses, churches, and other similar structures, and for structures outside the Restricted Residence District, shall be applied for and are required, but shall be issued by the City Clerk if the requirements of this and other applicable City Ordinances are met.

2. A building permit shall not be issued for buildings that do not comply with this or any other Ordinance of the City of Kensett. The Building Official may revoke a permit or approval, issued under the provisions of this Ordinance, if a false statement or misrepresentation was made by the applicant on the application or plans on which permit approval was based.

3. If construction, as covered by the building permit, is not initiated within one (1) year from the date of permit issuance, said permit shall be void.

4. There shall be a \$15.00 fee for a building permit for a accessory residential structure, \$40.00 fee for a dwelling, and a \$150.00 fee for a commercial building.

B. Non-Conforming Uses and Lots in the Restricted Residence District.

1. A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, repaired, or sold to another party. Said nonconforming use may not be enlarged, expanded or changed, nor shall it occupy more lot area than was in use on the effective date of this Ordinance unless the Official Restricted Residence Ordinance Map is amended or a Special Permit is granted.

2. If said lawful non-conforming use, or any portion thereof, is discontinued, either voluntarily by the owner or through the sale of the property or business, for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of the "R-1" Restricted Residence District unless the Official Restricted Residence Ordinance Map is amended or a Special Permit is granted.

3. Where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for implementing this Ordinance. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.

C. Rules and Regulations.

1. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-8-6 "R-1" RESTRICTED RESIDENCE DISTRICT. The following regulations shall apply in all areas designated in the "R-1" Restricted Residence District.

A. Principal Permitted Uses (Only one (1) principal permitted use shall be allowed per lot, including lots of record).

1. Dwellings or residences.
2. Churches, cathedrals, temples, and similar places of worship.
3. Public and parochial schools, including elementary and secondary schools.
4. Fire stations.
5. Publicly owned parks, playgrounds, golf courses, libraries, and recreation areas.
6. Agricultural uses, including nurseries and truck gardens; provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises. This shall not be construed to include the operation of livestock feed lots or auctions, public stables, boarding kennels or veterinary clinics or such similar uses.
7. Mobile Home Parks may be established provided approval is granted by the City Council after a public hearing has been held pursuant to the establishment of such use.
8. Multiple dwellings, including row dwellings consisting of not more than six (6) units in a continuous row, cooperative apartment house, and condominium dwellings.
9. Boarding and rooming houses.
10. Nursing, convalescent and retirement homes.
11. Uses other than those permitted in this section may be erected, reconstructed, altered, or placed provided the City Council shall have approved, by Special Permit, the said erection, reconstruction, alteration, or placement of the use.

B. Permitted Accessory Uses.

1. Customary home occupation as a secondary use carried on entirely within the residence not including any garage or other building or structure not designed and used for daily, human habitation and where there is no evidence of such occupation being conducted on the premises by virtue of signs, or displays, or excessive noise, odors, electrical disturbances, or traffic generation, except one (1) sign not larger than two (2) square feet in area.

2. A residential accessory building or structure customarily used in conjunction with a dwelling, namely, a garage, a tool or utility building, or a private swimming pool properly fenced and screened. Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, or if it is used in conjunction with or for the business of selling goods or rendering services.

C. Lot and Building Regulations. (Minimum requirements)

1. Lot area: One family dwelling - 6,600 square feet.
Two family dwelling - 10,000 square feet.
Multiple family or other permitted use - 10,000 square feet.
2. Lot area per dwelling unit: multiple dwellings - 2,500 square feet each for the first four (4) units, plus 850 square feet per additional unit.
3. Lot width: One family dwelling - 66 feet.
Two family dwelling - 66 feet.
Multiple family dwelling and other permitted uses - 66 feet.

4. Front yard: No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty feet (20), nor shall any construction be required to be built with its front further than thirty (30) feet from said front property line. Any lot situated at the junction of two (2) or more streets shall provide a side yard of not less than fifteen (15) feet in every instance where the side property line is adjacent to a public street. Schools and churches are exempt from the front yard and corner side yard setback requirements.

5. Side yards: Six (6) foot setback for all principally permitted uses.

Accessory Building - unattached in rear yard a minimum setback distance of six (6) feet from the principal building; may be within three (3) feet of side yard lines.

6. Rear yard: Twenty (20) foot setback for all principally permitted uses.

Accessory Building - unattached in rear yard a minimum setback distance of six (6) feet from the principal building; may be within three (3) feet of rear yard lines.

7. Maximum height: Principal building - Forty-five (45) feet except that for each one (1) foot that the building or a portion of it sets back beyond the required front, side, and rear yards, one (1) foot may be added to the height limit of such building or portion thereof, provided, however, that no building shall exceed a height of seventy-five (75) feet.

Accessory building - Twenty (20) feet.

8. Maximum number of stories: Principal building - Four (4) stories.

Accessory building - One and one half (1 1/2) stories.

9. Maximum rear yard coverage for an accessory building(s): Forty percent (40%).

10. All buildings hereafter constructed, relocated, or moved into the corporate limits of the City shall be at least twenty-four (24) feet in both length and width at the narrowest dimension.

11. All buildings hereafter constructed, relocated or moved into the corporate limits of the City shall be placed on a continuous permanent masonry foundation with proper footings.

12. All buildings hereafter constructed, relocated, or moved into the corporate limits of the City shall be hooked to all utilities available, and where hydraulics are concerned, be placed at a frost free depth as per City specifications.

D. Fence Regulations.

Fences are permitted in any yard and may be constructed on the property lines in the Restricted Residence District except as herein provided. Fences or walls shall not in any case exceed a height of six (6) feet, except such fences or walls shall not exceed a height of four (4) feet in the front yard.

E. Parking Requirements. There shall be a minimum of two (2) off-street parking spaces per dwelling unit required in the Restricted Residence District. A parking space shall be defined as a surfaced area, enclosed or unenclosed having an area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords the satisfactory ingress and egress for automobiles. Said space shall not encroach upon any public right-of-way; nor shall said space be permitted in the required front yard except upon a driveway providing access to a garage, carport or designated parking area in the side or rear yard of the lot. This provision shall also apply to all mobile homes, as herein defined.

F. Sign Regulations.

There shall be no signs in the Restricted Residence District other than those hereby described:

1. Real estate signs not exceeding six (6) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located.

2. Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.

3. Professional nameplates and occupational signs denoting only the name and profession of an occupant and not exceeding two (2) square feet in area provided the number of such signs does not exceed one (1) for each use or occupant.

4. Signs required by law, including legal notices or advertisements prescribed by law or posted by any lawful officer or agent.

5. Plaques, nameplate signs, memorial signs or tablets, names of buildings or date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material and fastened directly to the building.

6. Political or campaign signs as provided for in Chapter 306C, *Code of Iowa*.

7. No signs shall be painted on, attached to or affixed to any trees, rocks or similar organic or inorganic natural matter, or on any power line or telephone pole.

6-8-7 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS.

A. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the Restricted Residence District only if it appears that said use and type of building will be compatible with the residential character of the district, and that the particular use could not practicably be built in an unrestricted area, or the restricted district boundaries amended logically, due to topography, access to railroad or highway or other proper reason acceptable to Council.

6-8-8 SPECIAL PERMITS IN THE RESTRICTED RESIDENCE DISTRICT.

A. With the exception of the principal and accessory uses stated in this Ordinance, a written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the Restricted Residential District of this City. Said permit shall be applied for in writing on a properly completed application form provided by the Building Official that is accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the City. Said application shall be made to the Building Official at least twenty-one (21) days before the City Council meeting at which the request for Council action is made.

No permit shall or will be granted until a public hearing has been conducted by the City Council at a regularly scheduled meeting. Notice of the public hearing shall be posted in three (3) public places within the City as designated by ordinance at least seven (7) days, but not more than twenty (20) days, prior to the hearing. As a courtesy and in addition to posting, the notice of hearing shall be provided to property owners within two hundred (200) feet of the property in question. Notice to property owners shall be mailed at least seven (7) days, but not more than twenty (20) days, prior to hearing. The applicant shall be responsible to provide a list of the names and addresses of the property owners, who are to receive said courtesy notice, together with addressed envelopes with pre-paid first (1st) class postage thereon to the Building Official who shall then mail the notices to the property owners.

After a public hearing is conducted, but prior to consideration of a special permit, the City Council shall weigh the application using the following special permit standards. The City Council shall find that:

1. The establishment, maintenance, or operation of the special permit will not be detrimental to, or endanger, the public health, safety, or general welfare of the City;
2. The special permit will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish or impair property values of the neighborhood;
3. The establishment of special permits will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. Adequate utilities and public services (e.g. police and fire protection, sewer, water, garbage service), access roads, drainage and/or necessary facilities have been or are being provided;
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
6. The special permit shall, in all other respects, conform to the applicable regulations and ordinances of the City of Kensett; and
7. A properly noticed public hearing, as outlined in this Section, was conducted by the City Council prior to special permit consideration.

After a public hearing is conducted and consideration has been given to the above standards, the City Council shall act on the special permit application. The Council may either approve, deny, or table a special permit application by simple majority roll call vote unless sixty (60) percent of the surrounding property owners who received notice object to the special permit application in which case the City Council shall be bound by different voting requirements in that granting a special permit shall then require an affirmative three-fourths (3/4) vote of all the members of the City Council. Each special permit application shall be accompanied by a check payable to the City of Kensett or a cash payment in the amount of fifty dollars (\$50) to cover processing costs.

6-8-9 AMENDMENTS.

A. From time to time the City Council may wish to amend, change, or alter provisions of this Ordinance and/or the Official Map, which is a part of this Ordinance. Such amendments, changes, or alterations is hereby allowed, provided that prior to such amendment a public hearing be held at which time all parties involved in such an amendment including those in adjacent properties may be heard. Notice of the public hearing pertaining to amendments, changes, or alterations of this Ordinance shall be made in accordance with the Special Permit procedures for conducting such hearings, as defined herein. Upon adoption, publication, and recordation by the City Council, such amendments, changes, or alterations shall become effective.

6-8-10 VIOLATION AND PENALTIES.

A. Any building or structure erected, altered, repaired or used in violation of this Ordinance passed by the City Council of Kensett, Iowa, shall be deemed a nuisance, and the City Council may provide for the abatement of such nuisance through the procedures outlined in the City's Code of Ordinances.

6-8-11 VALIDITY.

A. Should any section, provision, or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, or unconstitutional, that decision shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 STREET CUTS AND EXCAVATIONS

6-9-1	Excavation Permit Required	6-9-4	Backfilling and Restoration
6-9-2	Application for Permit	6-9-5	Rules and Regulations
6-9-3	Safety Measures		

6-9-1 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))

6-9-2 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.

6-9-3 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 City Council 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.

6-9-4 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 City Superintendent is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-9-5 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 10 SUBDIVISION REGULATIONS

GENERAL PROVISIONS

- 6-10-1 Short Title
- 6-10-2 Purpose
- 6-10-3 Application
- 6-10-4 Recording of Plat

DEFINITIONS

- 6-10-5 Terms Defined

IMPROVEMENTS

- 6-10-6 Improvements Required
- 6-10-7 Inspection
- 6-10-8 Minimum Improvements
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MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

- 6-10-11 Minimum Standards

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

- 6-10-12 Procedures and Submission Requirements for Plats
- 6-10-13 Pre-Application Conference
- 6-10-14 Sketch Plan Required
- 6-10-15 Presentation to Planning Commission or City Council
- 6-10-16 Subdivision Classified
- 6-10-17 Plats Required
- 6-10-18 Requirements of Preliminary Plat
- 6-10-19 Referral of Preliminary Plat
- 6-10-20 Action by the City Engineer
- 6-10-21 Action by the Governing Body
- 6-10-22 Final Plat
- 6-10-23 Referral Final Plat
- 6-10-24 Requirements of the Final Plat
- 6-10-25 Final Plat Attachments
- 6-10-26 Action by the Governing Body

OTHER PROVISIONS

- 6-10-27 Variances
- 6-10-28 Chain Subdividing

GENERAL PROVISIONS

6-10-1 **SHORT TITLE.** This chapter shall be known and may be cited as "The City of Kensett, Iowa, Subdivision Control Ordinance."

6-10-2 **PURPOSE.** The purpose of this Ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Kensett, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

6-10-3 **APPLICATION.** Every owner who divides any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City or within two (2) miles of

the corporate limits of the City, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Code of Iowa, Sec. 354.9)

6-10-4 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City of Kensett, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Ordinance.

Upon the approval of the final plat by the governing body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revokable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

DEFINITIONS

6-10-5 TERMS DEFINED. For the purposes of this Ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition Plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

(Code of Iowa, Sec. 354.2(1))

2. "Aliquot Part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.

(Code of Iowa, Sec. 354.2(2))

3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. "Auditor's Plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.

(Code of Iowa, Sec. 354.2(3))

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. "Building Lines" means a line on a plat between which line and public right-of-way no building or structures may be erected.

7. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the governing body or other hiring authority.

8. "Comprehensive Plan" means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the governing body. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

9. "Conveyance" means an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.

(Code of Iowa, Sec. 354.2(5))

10. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

11. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.

(Code of Iowa, Sec. 354.2(6) and 355.1(2))

12. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

13. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability of flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

14. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

15. "Forty-Acre Aliquot Part" means one-quarter of one-quarter of a section.

(Code of Iowa, Sec. 354.2(7))

16. "Governing Body" means the City Council of the City of Kensett, Iowa.

(Code of Iowa, Sec. 354.2(8))

17. "Government Lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

(Code of Iowa, Sec. 354.2(9) and 355.1(3))

18. "Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and appurtenances.

19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

(Code of Iowa, Sec. 354.2(10))

20. "Lot, Corner". The term "corner lot" means a lot situated at the intersection of two streets.

21. "Lot, Double Frontage". The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.

22. "Metes and Bounds Description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

(Code of Iowa, Sec. 354.2(11))

23. "Official Plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

(Code of Iowa, Sec. 354.2(12))

24. "Original Parcel" means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before the effective date of these regulations.

25. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

26. "Parcel" means a part of a tract of land.

(Code of Iowa, Sec. 354.2(13))

27. "Performance Bond" means a surety bond or cash deposit made out to the City of Kensett, Iowa, in an amount equal to the full cost of the improvements which are required by this Ordinance, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this Ordinance.

28. "Permanent Real Estate Index Number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

(Code of Iowa, Sec. 354.2(14))

29. "Planning Commission" means the appointed commission designated by the governing body for the purpose of this Ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

30. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.

31. "Plats Officer" means the individual assigned the duty to administer this Ordinance by the governing body or other appointing authority.

32. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

(Code of Iowa, Sec. 354.2(15) and 355.1(9))

33. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
(Code of Iowa, Sec. 354.2(16))

34. "Resubdivision" means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

35. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

36. "Street, Arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

37. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

38. "Street, Local" means a street primarily designed to provide access to abutting property.

39. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

40. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of land, as of 1993, into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

Any person not in compliance with the provisions of the subdivision definition at the time of its effective date 1993, shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

(Code of Iowa, Sec. 354.2(17) and 355.1(10))

41. "Subdivision Plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.

(Code of Iowa, Sec. 354.2(18) and 355.1(11))

42. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

(Code of Iowa, Sec. 354.2(19) and 355.1(12))

43. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

(Code of Iowa, Sec. 354.2(20))

44. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

IMPROVEMENTS

6-10-6 IMPROVEMENTS REQUIRED. The subdivider shall, at said subdivider's expense, install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

6-10-7 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this Ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

6-10-8 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 364.1)

1. Streets and alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the governing body after receiving the report and recommendations of the City Engineer.

2. Roadways. All roadways shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the governing body may require.

3. Curb and Gutter. Curb and gutter may be required by the governing body on all streets. If required, all curb and gutter shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG).

4. Sidewalks. Sidewalks shall be required. Sidewalks shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer, and comply with the Americans with Disabilities Guidelines (ADAAG).

5. Water lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Water Department standards, procedures and supervision:

6. Sewers.

a. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system as required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the governing body and the State Department of Health and the construction subject to the supervision of the City Superintendent.

b. Where sanitary sewers are not available, other facilities, as approved by the governing body and the State Department of Health must be provided for the adequate disposal of sanitary wastes.

c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the governing body and to the supervision of the City Superintendent.

6-10-9 COMPLETION OF IMPROVEMENTS. Before the governing body shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the governing body. Before passage of said resolution of acceptance, the City Superintendent shall report that said improvements meet all City specifications and Ordinances or other City requirements, and the agreements between subdivider and the City.

6-10-10 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the governing body guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

6-10-11 MINIMUM STANDARDS. The following standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

1. Relation to existing streets.

a. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

b. The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the governing body to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

2. Acreage subdivisions.

a. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the entire area shall be furnished and the street system shall be considered in the light of adjustments in connection with the street system of the entire area of development.

b. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

c. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. Local streets.

a. Local streets shall be so planned as to discourage through traffic.

b. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

4. Frontage streets.

a. Where a subdivision abuts or contains an existing or proposed arterial street, the governing body may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

b. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the governing body may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the governing body finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

6. Street Geometrics.

a. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

c. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the governing body shall determine for special cases.

7. Intersections.

a. Insofar as is practical, acute angles between streets at their intersection are to be avoided.

b. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

c. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the governing body may deem it necessary. The governing body may permit comparable cutoffs or chords in place of rounded corners.

8. Street names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the governing body.

9. Street grades.

a. Street grades, wherever feasible, shall not exceed five (5) percent, with due allowance for reasonable vertical curves.

b. No street grade shall be less than one-half (2) of one (1) percent.

10. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the governing body may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

b. The width of an alley shall be twenty (20) feet.

c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the governing body.

11. Blocks.

a. No block may be more than one thousand three hundred twenty (1,320) feet or less than three hundred (300) feet in length between the center lines of intersecting streets, except where, in the opinion of the governing body, extraordinary conditions unquestionably justify a departure from these limits.

b. In blocks over seven hundred (700) feet in length, the governing body may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

12. Lots.

a. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

b. Minimum lot dimensions and sizes.

(1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide nor less than ten thousand (10,000) square feet in area.

(2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.

c. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.

d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

e. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building lines. Building lines shall be shown on all lots within the platted area. The governing body may require building lines in accordance with the needs of each subdivision.

14. Easements.

a. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

b. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.

15. Plat markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the governing body. The markers shall be of such material, size and length as may be approved by the governing body.

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS.

6-10-12 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the governing body, the subdivider and owner shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

6-10-13 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the City Clerk. The conference should be attended by the City Clerk and such other City or utility representatives as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

6-10-14 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6-10-15 PRESENTATION TO PLANNING COMMISSION OR CITY COUNCIL. The subdivider may present the sketch plan to the governing body for review, prior to incurring significant costs preparing the preliminary or final plat.

6-10-16 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. Means any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel.

2. Major Subdivision. Any subdivision that, in the opinion of the governing body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

6-10-17 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

(Code of Iowa, Sec. 354.6)

6-10-18 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk four (4) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.

4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.

5. Building setback or front yard lines.

6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.

7. Present and proposed easements, showing locations, widths, purposes and limitation.

8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.

9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.

10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.

11. Existing and proposed zoning of the proposed subdivision and adjoining property.

12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the City Council waives this requirement.

6-10-19 REFERRAL OF PRELIMINARY PLAT. The City Clerk shall forthwith refer two (2) copies of the preliminary plat to the City Engineer and (2) copies to the governing body.

6-10-20 ACTION BY THE CITY ENGINEER. The City Engineer shall carefully examine said preliminary plat as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Kensett, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City engineer's findings in duplicate to the governing body together with one (1) copy of the plat received.

(Code of Iowa, Sec. 354.8)

6-10-21 ACTION BY THE GOVERNING BODY. The governing body shall, upon receiving the report of the City Engineer, as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the governing body does not act within thirty (30) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the governing body or it disapproves of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.

2. If approved, the governing body shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.

3. The action of the governing body shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the governing body.

4. The "Conditional Approval" by the governing body shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

6-10-22 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

6-10-23 REFERRAL FINAL PLAT. The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the governing body prepare and file four (4) copies of the final plat and other required documents with the City Clerk as hereafter set forth, and upon the subdivider's failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the governing body. Upon receipt of the final plat and other required documents, the City Clerk shall transmit two (2) copies of the final plat to the governing body for its recommendations and approval.

Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the governing body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

At its discretion the governing body may refer the final plat to the City Engineer pursuant to the procedure established in 6-10-18.

6-10-24 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of chapter 355, Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing material. It shall show:
(Code of Iowa, Sec. 354.8 and 355.8)

1. The title under which the subdivision is to be recorded.

2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.

3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan.

4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.

5. The signature and acknowledgment of the subdivision land owner and the subdivision land owner's spouse.

6. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

6-10-25 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.

(Code of Iowa, Sec. 354.6(2))

2. A certificate by the owner and the owner's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.

(Code of Iowa, Sec. 354.11(1))

3. A complete abstract of title and an Attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.

(Code of Iowa, Sec. 354.11(3))

4. A certificate from the County Treasurer that the subdivision land is free from taxes.

5. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the Clerk's office.

6. A certificate from the County Recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.

(Code of Iowa, Sec. 354.11(2))

7. A certificate of dedication of streets and other public property.

(Code of Iowa, Sec. 354.11(1))

8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolution and certificate for approval by the governing body and for signatures of the Mayor and Clerk.

(Code of Iowa, Sec. 354.11(4))

10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the City Clerk or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Clerk, or that the governing body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.
(Code of Iowa, Sec. 354.11(2) and 354.12)

6-10-26 ACTION BY THE GOVERNING BODY. Upon receipt of the plat, but not more than sixty (60) days following submission of the final plat to the Clerk as stated in 6-10-23 the governing body shall either approve or disapprove the final plat.

(Code of Iowa, Sec. 354.8)

1. In the event that said plat is disapproved by the Governing Body, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

2. In the event that said plat is found to be acceptable and in accordance with this Ordinance, the governing body shall accept the same.

3. The passage of a resolution by the governing body accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Worth, County, Iowa, and shall file satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

OTHER PROVISIONS

6-10-27 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the governing body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Governing Body.

6-10-28 CHAIN SUBDIVIDING. No more than two building permits for each separate tract existing at the effective date of this Ordinance shall be issued unless the tract has been platted in accordance with this Ordinance; except that this provision shall not limit the number of building permits that may be issued for accessory buildings, or additions or improvements to a main or accessory building already legally located upon said tract.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 TREES

- | | | | |
|--------|-----------------------|--------|---------------------------------|
| 6-11-1 | Purpose | 6-11-4 | Trimming Trees to be Supervised |
| 6-11-2 | Definitions | 6-11-5 | Removal of Trees |
| 6-11-3 | Planting Restrictions | | |

6-11-1 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees.

6-11-2 DEFINITIONS. For the use in this chapter, the following terms are defined:

1. Parking. Shall mean that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

2. Superintendent. Shall mean the City Superintendent or other person as may be designated by the Council.

6-11-3 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter planted in any streets shall be planted in the parking midway between the outer line of 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 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, or Chinese elm.

4. Prohibited Locations. Trees shall not be planted above water lines, sewer lines, or in alleyways, or within twenty (20) feet of a fire hydrant.

6-11-4 TRIMMING OF TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

6-11-5 REMOVAL OF TREES. The Superintendent shall remove, on the order of the Council, any tree on the streets of the City which interfere with the making of improvements or with travel thereon. Additionally, any trees shall be removed 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 12 NUMBERING OF BUILDINGS

6-12-1 Purpose

6-12-2 Buildings to be Numbered

6-12-3 Numbering System

6-12-4 Type of Numbers, Size

6-12-1 PURPOSE. The purpose of numbering of buildings is so emergency personnel can locate any building in an emergency.

6-12-2 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.

6-12-3 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The numbers are to be placed at the door of the building which faces the street on which they live.

6-12-4 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, clearly legible and the numerals shall be not less than four inches in height.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 VACATION AND DISPOSAL

- | | | | |
|--------|-------------------------------|--------|----------------------------|
| 6-13-1 | Power to Vacate | 6-13-5 | Disposal by Gift Limited |
| 6-13-2 | Notice of Vacation Hearing | 6-13-6 | Vacated Streets and Alleys |
| 6-13-3 | Findings Required | | |
| 6-13-4 | Disposal of Streets or Alleys | | |

6-13-1 **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.

6-13-2 **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.

6-13-3 **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.

6-13-4 **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.

6-13-5 **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.

6-13-6 **VACATED STREETS AND ALLEYS.** Resolutions of all vacated streets and alleys is maintained in the office of the City Clerk.

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 TELEPHONE FRANCHISE

The Telephone Franchise Ordinance granted to Winnebago Cooperative Telephone Association is contained in its entirety in the Office of the City Clerk in City Hall, Kensett, Iowa, and is hereby included by reference.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 ELECTRIC FRANCHISE

The Electric Franchise Ordinance granted to Interstate Power and Light Company is contained in its entirety in the Office of the City Clerk in City Hall, Kensett, Iowa, and is hereby included by reference.

The twenty-five (25) year electric franchise ordinance was passed and adopted on August 2, 2010.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 GAS FRANCHISE

The Gas Franchise Ordinance granted to Interstate Power and Light Company is contained in its entirety in the Office of the City Clerk in City Hall, Kensett, Iowa, and is hereby included by reference.

The twenty-five (25) year electric franchise ordinance was passed and adopted on August 2, 2010.

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 CABLE TELEVISION FRANCHISE

The Cable Television Franchise Ordinance granted to Mediacom is contained in its entirety in the Office of the City Clerk in City Hall, Kensett, Iowa, and is hereby included by reference.

(The Ordinance adopting a Cable Television Franchise for Kensett expires on January 13, 2015).

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 CABLE TELEVISION FRANCHISE

The Cable Television Franchise Ordinance granted to Winnebago Cooperative Telephone Association is contained in its entirety in the Office of the City Clerk in City Hall, Kensett, Iowa, and is hereby included by reference.

(The Ordinance adopting a Cable Television Franchise for Kensett expires on August 9, 2029).

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 URBAN REVITALIZATION AREAS

7-6-1 Purpose

7-6-2 Legal Description

7-6-3 Benefits

7-6-4 Repealer

7-6-5 Severability

7-6-1 PURPOSE. Chapter 404 of the Code of Iowa, 1995, provides that a city may designate areas as revitalization areas eligible for property tax exemptions and authorizes cities to issue revenue bonds for improvements made within those revitalization areas.

On August 5, 1996, the City of Kensett adopted Resolution No. 327 finding that the rehabilitation and redevelopment of certain areas of the City of Kensett would be desirable and that said areas qualify under Section 404.1 of the Code of Iowa, 1995, for designation as a Revitalization Area.

The City of Kensett has deemed it appropriate to utilize the incentives of the Revitalization Act as contained in Chapter 404 of the Code of Iowa, 1995, to promote rehabilitation and redevelopment.

The City Council of the City of Kensett has complied with all of the provisions of Chapter 404 of the Code of Iowa, 1995, relating to the designation of certain areas of cities as revitalization areas and has heretofore adopted a revitalization plan covering specific areas of the City of Kensett as described below.

7-6-2 LEGAL DESCRIPTION. The following described real estate is hereby designated as the Kensett Urban Revitalization Area:

The boundaries for the Kensett Urban Revitalization Area shall include all land area located within the corporate limits of the City and legally described as:

Beginning at the NW corner of the SW SW of Section 28-99-20, thence running east on the quarter section line to the NE corner of the SE SE, thence south on the section line to the SE corner of SE SE all in Section 28-99-20; thence continuing south on the east line of Section 33-99-20 to the SE corner of NE SE, thence west on the quarter section line to the SW corner of the NW SW, thence running north on the west line of Section 33 and Section 28 respectively to the point of beginning.

7-6-3 BENEFITS. The benefits of revitalization shall be only to the extent provided by the revitalization plan as heretofore adopted by the City Council of the City of Kensett, and that any person, firm, corporation, or other entity seeking to utilize the benefits of revitalization shall comply with the requirements set forth in that revitalization plan as hereby adopted.

7-6-4 REPEALER. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

7-6-5 SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.