

CODE OF ORDINANCES
OF THE
CITY OF
NORTHWOOD, IOWA

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Adopted March 13, 2012, by Ordinance No. 145

[illegible]

Place in the front of the Code of Ordinances along with the Adopting Ordinance and Table of Contents.

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ORDINANCE NO. 145

AN ORDINANCE ADOPTING THE "CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA"

BE IT ORDAINED by the City Council of the City of Northwood, Iowa, that:

SECTION 1. Pursuant to published notice and following public hearing on the 13th day of March, 2012, so required by Sections 362.3 and 380.8, Code of Iowa, there is hereby adopted by the City of Northwood, Iowa, the "CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA."

SECTION 2. All of the provisions of the "CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA," shall be in force and effect on and after the effective date of this ordinance.

SECTION 3. All ordinances or parts thereof in force on the effective date of this ordinance are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of "THE CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA"; nor shall it affect the following ordinances specifically saved from repeal:

STREET AND ALLEY VACATION ORDINANCES:

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
124	11-8-16	248	10-10-78
174	6-12-51	252	10-14-80
181	8-11-51	257	8-24-82
192	9-13-60	259	3-26-85
206	5-28-63	261	11-26-85
223	9-10-68	8	10-25-94
227	4-21-70	30	9-24-96
229	11-14-72	37	7-22-97
245	12-9-75	94	10-14-03
247	3-28-78	138	7-13-10

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council or any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance.

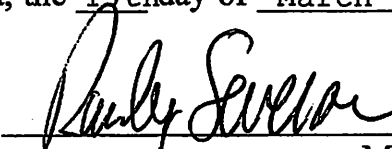
SECTION 5. The following ordinances, passed subsequent to the preparation of this code but prior to adoption of this code, are hereby adopted and made a part of this code. These are ordinances none, _____, _____. Said ordinances shall be codified and incorporated in published copies of this code as supplements thereto following adoption of this ordinance.

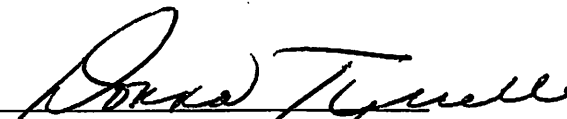
SECTION 6. An official copy of the "CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA," adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk, and shall be kept available for public inspection.

SECTION 7. The City Clerk shall furnish a copy of the "CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA," to the Judicial Magistrates serving the City of Northwood.

SECTION 8. This ordinance shall be in full force and effect from and after the publication of this ordinance, as required by law.

Passed by the Council of the City of Northwood, Iowa, the 13th day of March, 2012.


MAYOR

ATTEST: 
CITY CLERK

First Reading: March 13, 2012

Second Reading: waived

Third Reading: waived

CLERK'S CERTIFICATE

State of Iowa)
) SS
County of Worth)

I, Donna Tyrrell, City Clerk of the City of Northwood, Iowa, hereby certify that the "CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA," was adopted by the City Council of the City of Northwood, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Northwood, Iowa, and that Ordinance No. 145 adopting said Code of Ordinances was passed by the City Council of the City of Northwood, Iowa, on the 13th day of March, 2012, signed by the Mayor on the 13th day of March, 2012; duly recorded and published as provided by law, and that the effective date of said Code is March 21, 2012.

Witness my hand and official seal of the City of Northwood, Iowa, this 26th day of March, 2012.

SIGNED: _____


CITY CLERK

CITY OF NORTHWOOD, IOWA

Place in the front of the Code of Ordinances along with the Adopting Ordinance and Table of Contents.

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P. O. Box 141
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Clear Lake, Iowa 50428

CODE OF ORDINANCES

CITY OF NORTHWOOD, IOWA

TABLE OF CONTENTS

GENERAL CODE PROVISIONS

CHAPTER 1 - CODE OF ORDINANCES.....	1
CHAPTER 2 - CHARTER.....	9
CHAPTER 3 - BOUNDARIES	11
CHAPTER 4 - MUNICIPAL INFRACTIONS	13
CHAPTER 5 - OPERATING PROCEDURES	21
CHAPTER 6 - CITY ELECTIONS	29
CHAPTER 7 - FISCAL MANAGEMENT	35
CHAPTER 8 - URBAN REVITALIZATION	39

ADMINISTRATION, BOARDS AND COMMISSIONS

CHAPTER 15 - MAYOR.....	75
CHAPTER 16 - MAYOR PRO TEM.....	81
CHAPTER 17 - CITY COUNCIL.....	83
CHAPTER 18 - CITY CLERK.....	89
CHAPTER 19 - CITY TREASURER	93
CHAPTER 20 - CITY ATTORNEY	95
CHAPTER 21 - LIBRARY BOARD OF TRUSTEES.....	97
CHAPTER 22 - PLANNING AND ZONING COMMISSION	101

TABLE OF CONTENTS

ADMINISTRATION, BOARDS AND COMMISSIONS (continued)

CHAPTER 23 - PARKS AND RECREATION BOARD	105
CHAPTER 24 - AIRPORT COMMISSION	107
CHAPTER 25 - CEMETERY BOARD	109
CHAPTER 26 - HISTORIC PRESERVATION COMMISSION	111

POLICE, FIRE AND EMERGENCIES

CHAPTER 30 - POLICE DEPARTMENT	145
CHAPTER 35 - HAZARDOUS SUBSTANCE SPILLS	161

PUBLIC OFFENSES

CHAPTER 40 - PUBLIC PEACE	185
CHAPTER 41 - PUBLIC HEALTH AND SAFETY	195
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY	201
CHAPTER 43 - DRUG PARAPHERNALIA	207
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION	235
CHAPTER 46 - MINORS	241
CHAPTER 47 - PARK REGULATIONS	245

NUISANCES AND ANIMAL CONTROL

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE	265
CHAPTER 51 - INOPERABLE VEHICLES AND JUNK	275
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL	291
CHAPTER 56 - MOSQUITO SPRAYING SERVICES	301

TABLE OF CONTENTS

TRAFFIC AND VEHICLES

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE.....	325
CHAPTER 61 - TRAFFIC CONTROL DEVICES	331
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS.....	333
CHAPTER 63 - SPEED REGULATIONS	343
CHAPTER 64 - TURNING REGULATIONS.....	349
CHAPTER 65 - STOP OR YIELD REQUIRED	353
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS.....	375
CHAPTER 67 - PEDESTRIANS.....	381
CHAPTER 68 - ONE-WAY TRAFFIC	383
CHAPTER 69 - PARKING REGULATIONS.....	385
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES.....	405
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES	425
CHAPTER 76 - BICYCLE REGULATIONS	429
CHAPTER 80 - ABANDONED VEHICLES.....	445
CHAPTER 81 - RAILROAD REGULATIONS.....	449

WATER

CHAPTER 90 - WATER SERVICE SYSTEM.....	475
CHAPTER 91 - WATER METERS.....	483
CHAPTER 92 - WATER RATES	487
CHAPTER 93 - WELL ABANDONMENT.....	493
CHAPTER 94 - WATER WELL PROTECTION.....	495

TABLE OF CONTENTS

SANITARY SEWER

CHAPTER 95 - SANITARY SEWER SYSTEM.....	515
CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS.....	521
CHAPTER 97 - USE OF PUBLIC SEWERS.....	527
CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS.....	535
CHAPTER 99 - SEWER SERVICE CHARGES.....	537

GARBAGE AND SOLID WASTE

CHAPTER 105 - SOLID WASTE CONTROL.....	551
CHAPTER 106 - COLLECTION OF SOLID WASTE	561
CHAPTER 107 - RECYCLING	565

FRANCHISES AND OTHER SERVICES

CHAPTER 110 - NATURAL GAS FRANCHISE	585
CHAPTER 111 - ELECTRIC FRANCHISE	591
CHAPTER 112 - REGULATION OF CABLE TELEVISION RATES.....	601

REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS	651
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS.....	661
CHAPTER 122 - PEDDLERS.....	665
CHAPTER 123 - ADULT ENTERTAINMENT	671

STREETS AND SIDEWALKS

CHAPTER 135 - STREET USE AND MAINTENANCE	701
CHAPTER 136 - SIDEWALK REGULATIONS	709

TABLE OF CONTENTS

STREETS AND SIDEWALKS (continued)

CHAPTER 137 - VACATION AND DISPOSAL OF STREETS.....	715
CHAPTER 138 - STREET GRADES.....	717
CHAPTER 139 - NAMING OF STREETS.....	719
CHAPTER 140 - DRIVEWAYS	721

BUILDING AND PROPERTY REGULATIONS

CHAPTER 145 - DANGEROUS BUILDINGS.....	745
CHAPTER 146 - STORAGE OF FLAMMABLE LIQUIDS	749
CHAPTER 147 - PROPERTY MAINTENANCE REQUIREMENTS	755
CHAPTER 148 - LICENSING AND INSPECTION OF RENTAL PROPERTIES	759
CHAPTER 150 - BUILDING NUMBERING	775
CHAPTER 151 - TREES	777
CHAPTER 160 - FLOOD PLAIN MANAGEMENT.....	801

ZONING AND SUBDIVISION

CHAPTER 165 - ZONING REGULATIONS.....	851
CHAPTER 170 - SUBDIVISION REGULATIONS.....	975

INDEX

APPENDIX:

USE AND MAINTENANCE OF THE CODE OF ORDINANCES.....	1
---	----------

SUGGESTED FORMS:

DANGEROUS BUILDINGS - FIRST NOTICE.....	7
DANGEROUS BUILDINGS - NOTICE OF HEARING.....	8
DANGEROUS BUILDINGS - RESOLUTION AND ORDER.....	9
NOTICE TO ABATE NUISANCE	10
NOTICE OF REQUIRED SEWER CONNECTION.....	11
NOTICE OF HEARING ON REQUIRED SEWER CONNECTION.....	12
RESOLUTION AND ORDER FOR REQUIRED SEWER CONNECTION	13

GENERAL CODE PROVISIONS

TABLE OF CONTENTS

CHAPTER 1 - CODE OF ORDINANCES.....1

CHAPTER 2 - CHARTER.....9

CHAPTER 3 - BOUNDARIES11

CHAPTER 4 - MUNICIPAL INFRACTIONS.....13

CHAPTER 5 - OPERATING PROCEDURES21

CHAPTER 6 - CITY ELECTIONS.....29

CHAPTER 7 - FISCAL MANAGEMENT35

CHAPTER 8 - URBAN REVITALIZATION.....39

CHAPTER 1

CODE OF ORDINANCES

1.01 Title
1.02 Definitions
1.03 City Powers
1.04 Indemnity
1.05 Personal Injuries
1.06 Rules of Construction
1.07 Extension of Authority

1.08 Amendments
1.09 Catchlines and Notes
1.10 Altering Code
1.11 Severability
1.12 Warrants
1.13 General Standards for Action
1.14 Standard Penalty

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

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined in the *Code of Iowa*, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Northwood, Iowa.
3. "Clerk" means the city clerk of Northwood, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Northwood, Iowa.
6. "Council" means the city council of Northwood, Iowa.
7. "County" means Worth County, Iowa.
8. "May" confers a power.
9. "Measure" means an ordinance, amendment, resolution or motion.
10. "Must" states a requirement.
11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. "Ordinances" means the ordinances of the City of Northwood, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity,

and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

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

15. "Shall" imposes a duty.

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

17. "State" means the State of Iowa.

18. "Statutes" or "laws" means the latest edition of the *Code of Iowa*, as amended.

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the

power shall be exercised in light of the following standard: The discretionary power to grant, deny, or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least sixty-five dollars (\$65.00) but not to exceed six hundred twenty-five dollars (\$625.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.

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

[The next page is 9]

CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties of City Officers

2.04 Number and Term of Council
2.05 Term of Mayor
2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Northwood, Iowa.[†]

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

[†] **EDITOR'S NOTE:** Ordinance No. 1.2 adopting a charter for the City was passed and approved by the Council on August 13, 1974.

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CHAPTER 3

BOUNDARIES

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

Commencing at the northwest corner of the East Half of the Northwest Quarter of Section 29, extending west along the north line of Sections 29, 28, and 27 to the northeast corner of the Northwest Quarter of the Northwest Quarter of Section 27; thence south along the Quarter corner line of the West Half of Sections 27 and 34 to the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 34; thence west along the south line of Sections 34, 33, and 32 to the southwest corner of the Southeast Quarter of Southwest Quarter of Section 32; thence north along the Quarter corner line of the West Half of Sections 32 and 29 to the point of beginning, all being in Township 100 North of Range 20 West of the 5th P.M., Worth County, Iowa.

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties

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

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

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

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

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

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

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

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

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

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

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

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

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

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

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

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

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

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

4.06 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are

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

(Code of Iowa, Sec. 364.22[11])

[The next page is 21]

CHAPTER 5

OPERATING PROCEDURES

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

5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Vacancies
5.11 Gifts
5.12 Authority to Buy, Sell, and Lease Real Estate Located
Within the City Limits of the City of Northwood
for the Purpose of Future Development

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after such officer is certified as elected, no later than noon of the first day that is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

— *(Code of Iowa, Sec. 64.23[6])*

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of twenty-five hundred dollars (\$2,500.00) in a fiscal year.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

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

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

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

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

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

5.12 AUTHORITY TO BUY, SELL, AND LEASE REAL ESTATE LOCATED WITHIN THE CITY LIMITS OF THE CITY OF NORTHWOOD FOR THE PURPOSE OF FUTURE DEVELOPMENT. The City of Northwood, Iowa is hereby authorized to buy, sell, and lease real estate located within the City limits of the City of Northwood, Iowa for purposes of providing vacant lots for future development in furtherance of the City's economic development objectives. It is further provided that the authorization granted in this section is hereby declared to be in satisfaction of Section 23.A.2 of the *Code of Iowa*.

(Ord. 159 – Apr. 14 Supp.)

[The next page is 29]

CHAPTER 6

CITY ELECTIONS

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

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

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the *Code of Iowa*.
(*Code of Iowa, Sec. 376.3*)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (10) eligible electors, residents of the City.
(*Code of Iowa, Sec. 45.1*)

6.03 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.
(*Code of Iowa, Sec. 45.2*)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Nomination papers shall include a petition and an affidavit of candidacy. The petition and affidavit shall be substantially in the form prescribed by the State Commissioner of Elections, shall include information required by the *Code of Iowa*, and shall be signed in accordance with the *Code of Iowa*.
(*Code of Iowa, Sec. 45.3, 45.5 & 45.6*)

6.05 FILING; PRESUMPTION; WITHDRAWALS; OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the *Code of Iowa*.
(*Code of Iowa, Sec. 45.4*)

6.06 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.
(*Code of Iowa, Sec. 376.8[3]*)

[The next page is 35]

CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

CHAPTER 8

URBAN REVITALIZATION

8.01 DESIGNATION OF REVITALIZATION AREA. In accordance with Chapter 404 of the *Code of Iowa*, a revitalization area is established for the City. The area consists of all property located within the corporate boundaries of the City and is known as the Northwood Revitalization Area.

[The next page is 75]

ADMINISTRATION, BOARDS AND COMMISSIONS

TABLE OF CONTENTS

CHAPTER 15 - MAYOR.....	75
CHAPTER 16 - MAYOR PRO TEM	81
CHAPTER 17 - CITY COUNCIL.....	83
CHAPTER 18 - CITY CLERK	89
CHAPTER 19 - CITY TREASURER	93
CHAPTER 20 - CITY ATTORNEY	95
CHAPTER 21 - LIBRARY BOARD OF TRUSTEES.....	97
CHAPTER 22 - PLANNING AND ZONING COMMISSION.....	101
CHAPTER 23 - PARKS AND RECREATION BOARD	105
CHAPTER 24 - AIRPORT COMMISSION	107
CHAPTER 25 - CEMETERY BOARD	109
CHAPTER 26 - HISTORIC PRESERVATION COMMISSION	111

CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.03 APPOINTMENTS. The Mayor shall appoint the Mayor Pro Tem and the Mayor also appoints, with Council approval, the following officials:

(Code of Iowa, Sec. 372.4)

1. City Attorney
2. Police Chief
3. Library Board of Trustees
4. Parks and Recreation Board
5. Cemetery Board
6. Zoning Board of Adjustment
7. Historic Preservation Commission

15.04 COMPENSATION. The salary of the Mayor is \$3,000.00 per year.

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

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

(Code of Iowa, Sec. 372.4)

[The next page is 81]

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 17

CITY COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. City Clerk
2. Planning and Zoning Commission
3. Airport Commission

17.06 COMPENSATION. The salary of each Council member is \$25.00 for each regular or special meeting of the Council and each workshop attended.

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

[The next page is 89]

CHAPTER 18

CITY CLERK

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

18.08 Records
18.09 Attendance at Meetings
18.10 Issue Licenses and Permits
18.11 Notify Appointees
18.12 Elections
18.13 City Seal
18.14 Cemetery

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January following the regular City election, the Council shall appoint by majority vote a City Clerk to serve for a term of two years. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) or more than twenty (20) days before the date of the election, hearing, or other action, unless otherwise provided by law.

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

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

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "NORTHWOOD, IOWA" and around the margin of which are the words "TOWN SEAL."

18.14 CEMETERY. The Clerk is responsible for collecting the purchase price and issuing deeds for the sale of cemetery lots and for keeping records with regard to the cemetery.

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

19.01 APPOINTMENT. The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION. The Clerk receives no additional compensation for performing the duties of the Treasurer.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:
(Code of Iowa, Sec. 372.13[4])

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money, or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

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CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation
20.05 Review and Comment

20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents
20.09 Representation of City Employees

20.01 APPOINTMENT AND COMPENSATION. The Mayor shall appoint a City Attorney to serve at the discretion of the Mayor. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal for the purely

private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

CHAPTER 21

LIBRARY BOARD OF TRUSTEES

21.01 Public Library
21.02 Library Trustees
21.03 Qualifications of Trustees
21.04 Organization of the Board
21.05 Powers and Duties
21.06 Contracting with Other Libraries

21.07 Nonresident Use
21.08 Expenditures
21.09 Annual Report
21.10 Injury to Books or Property
21.11 Theft
21.12 Notice Posted

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

21.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven resident members. All members are to be appointed by the Mayor with the approval of the Council.

21.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City. Members shall be over the age of eighteen (18) years.

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

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Library Director, and authorize the Library Director to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Library Director, assistants, and

employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

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

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

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

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

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

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

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

(Code of Iowa, Ch. 661)

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable

attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

CHAPTER 22

PLANNING AND ZONING COMMISSION

22.01 Planning and Zoning Commission
22.02 Term of Office
22.03 Vacancies

22.04 Compensation
22.05 Powers and Duties

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

(Code of Iowa, Sec. 414.6 & 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof

until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

[The next page is 105]

CHAPTER 23

PARKS AND RECREATION BOARD

23.01 Parks and Recreation Board Created
23.02 Board Organization
23.03 Duties of the Board

23.04 Reports
23.05 Rules and Regulations
23.06 Penalty

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

23.02 BOARD ORGANIZATION. The Board shall consist of five members, appointed by the Mayor with the approval of the Council, for overlapping terms of three years, each term commencing January 1 of each year. The Board shall choose its Chairperson and Vice Chairperson every two years. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as the original appointment.

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

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

23.05 RULES AND REGULATIONS. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

23.06 PENALTY. Violation of a Board rule that has been approved by the Council and adopted by ordinance may be cause for denial of use of the facility or participation in a program, but such denial that extends more than one day may be appealed to the Board or to the Council for a hearing. The violation may be prosecuted as a simple misdemeanor.

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CHAPTER 24

AIRPORT COMMISSION

24.01 Airport Commission
24.02 Appointment and Term
24.03 Vacancies
24.04 Compensation

24.05 Officers
24.06 Powers and Duties
24.07 Annual Report

24.01 AIRPORT COMMISSION. There is hereby created an Airport Commission consisting of five members. Three members shall be residents of the City of Northwood, and two members shall be residents of a county or a city served by the airport.

(Code of Iowa, Sec. 330.20)

24.02 APPOINTMENT AND TERM. Commissioners shall be appointed by the Council for staggered terms of three years, each commencing July 1.

(Code of Iowa, Sec. 330.20)

24.03 VACANCIES. Vacancies shall be filled by appointment of the Council to fill out the unexpired term for which the appointment was made.

(Code of Iowa, Sec. 330.20)

24.04 COMPENSATION. Members of the Commission shall serve without compensation but may receive their actual expenses.

(Code of Iowa, Sec. 330.20)

24.05 OFFICERS. The Commission shall elect from its own members a Chairperson and Secretary who shall serve for such term as the Commission shall determine.

(Code of Iowa, Sec. 330.20)

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

1. General. The Commission has all the powers in relation to airports granted to cities under State law except powers to sell the airport.

(Code of Iowa, Sec. 330.21)

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

(Code of Iowa, Sec. 330.21)

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

(Code of Iowa, Sec. 330.21)

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

(Code of Iowa, Sec. 330.22)

CHAPTER 25

CEMETERY BOARD

25.01 Board Created
25.02 Organization
25.03 Duties
25.04 Reports to Council

25.05 Rules and Regulations
25.06 Sale of Interment Rights
25.07 Perpetual Care
25.08 Beautification Fund

25.01 BOARD CREATED. A Cemetery Board is hereby created to advise the Council on the facilities, rules, regulations, and the manner of operation of the Sunset Rest Cemetery. The Board shall also plan and oversee expansion and improvement of the Cemetery. Pursuant to Section 523I.502 of the *Code of Iowa*, the Board hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.501 and Sec. 523I.502)

25.02 ORGANIZATION. The Board shall consist of five (5) members, appointed by the Mayor, with the approval of the Council, for overlapping three-year terms, each term commencing January 1 of each year. The Board shall choose its Chairperson and Vice Chairperson every two years. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as the original appointment.

25.03 DUTIES. In addition to its duty to make a plan for utilization and management of the Cemetery, the Board shall have authority over the properties constituting the Northwood Cemetery, subject to the limitation of expenditures set forth in the annual budget provided by the Council for Cemetery operations. The Board shall cooperate with the Mayor in the allotment of time of City employees for Cemetery purposes. The Chairperson shall order supplies by the procedures established by the Council for all departments of the City, and payments will be made by warrant/check written by the Clerk for invoices submitted and approved by the Board.

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

25.05 RULES AND REGULATIONS. The Board shall have the power to make rules and regulations for the cemetery, subject to the approval of the rules by the Council. The rules may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism. The rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery.

(Code of Iowa, Sec. 523I.304)

25.06 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as set out in the rules and regulations then in effect as adopted by the Board with Council approval.

(Code of Iowa, Sec. 523I.310)

25.07 PERPETUAL CARE. The Board, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Board, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the *Code of Iowa*.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

25.08 BEAUTIFICATION FUND. A portion of the sale price of lots as specified by the rules and regulations shall be set aside and deposited in a Beautification Fund. The assets of such fund shall be invested as permitted by State law and the Board shall use the principal and income of such fund for the purchase of items for the beautification of the Cemetery, such as shrubs, trees and fountains, as desired by the Board and approved by the Council.

CHAPTER 26

HISTORIC PRESERVATION COMMISSION

26.01 Purpose and Intent
26.02 Definitions

26.03 Structure of the Commission
26.04 Powers of the Commission

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

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

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

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

3. "Historic landmark" means a site including archaeological sites, object, structure or building which:

- A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Is associated with the lives of persons significant in our past; or
- C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history.

26.03 STRUCTURE OF THE COMMISSION.

1. The Commission consists of not less than three (3) members who are residents of the City.
2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
3. The Commission members are appointed for staggered terms of three years, beginning January 1 following the year of such appointment or until a successor is appointed.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Members may serve for more than one term and each member shall serve until the appointment of a successor.
6. Vacancies shall be filled by the City according to the original selection as aforesaid.
7. Members shall serve without compensation.
8. A simple majority of the Commission shall constitute a quorum for the transaction of business.
9. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission's proceedings.
10. The Commission shall meet at least three (3) times a year.

26.04 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this chapter. The Commission shall maintain records of all studies and inventories for public use.

2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of an historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.
3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic landmarks and historic districts if they qualify as defined herein.
4. Provide information for the purpose of historic preservation to the governing body.
5. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
6. Other Powers. In addition to those duties and powers specified above, the Commission may, with Council approval,
 - A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;
 - B. Acquire, by purchase, bequest or donation, free and lesser interests in historic properties, including properties adjacent to or associated with historic properties;
 - C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;
 - D. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
 - E. Contract, with the approval of the governing body, with State or Federal government or other organizations;
 - F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation.

[The next page is 145]

POLICE, FIRE AND EMERGENCIES

TABLE OF CONTENTS

CHAPTER 30 - POLICE DEPARTMENT	145
CHAPTER 35 - HAZARDOUS SUBSTANCE SPILLS	161

CHAPTER 30

POLICE DEPARTMENT

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

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

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

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

30.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

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

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

*(Code of Iowa, Sec. 80B.11[2])
(IAC, 501-3 and 501-8)*

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief, subject to the consent of a majority of the Council, and, based on the recommendations of the Police Chief, the Mayor shall select the other members of the department.

(Code of Iowa, Sec. 372.4)

30.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.

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

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

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

(Code of Iowa, Sec. 321.266)

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 804.17)

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

(Code of Iowa, Sec. 804.18)

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

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

[The next page is 161]

CHAPTER 35

HAZARDOUS SUBSTANCE SPILLS

35.01 Purpose
35.02 Definitions
35.03 Cleanup Required
35.04 Liability for Cleanup Costs

35.05 Notifications
35.06 Police Authority
35.07 Liability

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

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

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

(Code of Iowa, Sec. 455B.381[1])

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

(Code of Iowa, Sec. 455B.381[4])

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

(Code of Iowa, Sec. 455B.381[5])

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

(Code of Iowa, Sec. 455B.381[7])

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

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

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

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

35.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Police Department, which shall then notify the Department of Natural Resources.

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

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

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

35.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 35.02(4).

[The next page is 185]

PUBLIC OFFENSES

TABLE OF CONTENTS

CHAPTER 40 - PUBLIC PEACE	185
CHAPTER 41 - PUBLIC HEALTH AND SAFETY	195
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY	201
CHAPTER 43 - DRUG PARAPHERNALIA.....	207
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION.....	235
CHAPTER 46 - MINORS.....	241
CHAPTER 47 - PARK REGULATIONS.....	245

CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

[The next page is 195]

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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|--|---|
| 41.01 Distributing Dangerous Substances | 41.09 Barbed Wire and Electric Fences |
| 41.02 False Reports to or Communications with Public Safety Entities | 41.10 Discharging Weapons |
| 41.03 Providing False Identification Information | 41.11 Throwing and Shooting |
| 41.04 Refusing to Assist Officer | 41.12 Hunting and Shooting |
| 41.05 Harassment of Public Officers and Employees | 41.13 Urinating and Defecating |
| 41.06 Interference with Official Acts | 41.14 Fireworks |
| 41.07 Abandoned or Unattended Refrigerators | 41.15 Removal of an Officer's Communication or Control Device |
| 41.08 Antenna and Radio Wires | |

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

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

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.10 DISCHARGING WEAPONS.

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

41.11 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

41.12 HUNTING AND TRAPPING.

1. Definition. For the purposes of this section, "hunting" is defined as pursuing, killing, trapping, snaring, netting, searching for or shooting at, stalking or lying in wait for any game, animal, or bird protected by the State laws or rules adopted by the

Department of Natural Resources, whether or not such animal is then subsequently captured, killed or injured.

2. Prohibition. It is unlawful for a person to hunt or trap within the City limits or to use any weapons, including snares, traps, pits or other devices capable of killing an animal. In addition, it is unlawful for a person to construct or use a stand or blind on City property.

3. Special Permits. Special permits by order of the Council may be issued from time to time to allow hunting in the City limits.

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

41.14 FIREWORKS. The sale, use and exploding of fireworks within the City are subject to the following:

(Code of Iowa, Sec. 727.2)

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

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

- A. Personal Injury:..... \$250,000 per person
- B. Property Damage: \$50,000
- C. Total Exposure:..... \$1,000,000

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

41.15 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the

scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Ord. 152 – Sep. 13 Supp.)

(Code of Iowa, Sec. 708.12)

[The next page is 201]

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

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

42.05 Fraud
42.06 Theft
42.07 Other Public Property Offenses

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

(Code of Iowa Sec. 716.7 and 716.8)

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 21 – Library
 - A. Section 21.10 – Injury to Books or Property
 - B. Section 21.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.07 – Littering Prohibited
 - B. Section 105.08 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.15 – Fires or Fuel on Sidewalks
 - C. Section 136.16 – Defacing
 - D. Section 136.17 – Debris on Sidewalks

- E. Section 136.18 – Merchandise Display
- F. Section 136.19 – Sales Stands

[The next page is 207]

CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose

43.02 Controlled Substance Defined

43.03 Drug Paraphernalia Defined

43.04 Determining Factors

43.05 Possession of Drug Paraphernalia

43.06 Manufacture, Delivery, or Offering For Sale

43.07 Advertisement

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

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

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

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

8. **Mixing Devices.** Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

9. **Containers.** Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

10. **Storage Containers.** Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

11. **Injecting Devices.** Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

12. **Ingesting-Inhaling Device.** Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- B. Water pipes;
- C. Carburetion tubes and devices;
- D. Smoking and carburetion masks;
- E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
- F. Miniature cocaine spoons and cocaine vials;
- G. Chamber pipes;
- H. Carburetor pipes;
- I. Electric pipes;
- J. Air driven pipes;
- K. Chillums;
- L. Bongs;
- M. Ice pipes or chillers.

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

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

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

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

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

43.07 ADVERTISEMENT. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing (or under circumstances

where one reasonably should know) that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

[The next page is 235]

CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

D. "School" means a public or private school or that portion of a public or private school that provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

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

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

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *[See Section 62.01(49) and (50) of this Code of Ordinances.]*

[The next page is 241]

CHAPTER 46

MINORS

46.01 Curfew
46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

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

1. Definitions. For use in this section, the following terms are defined:

A. "Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility through an objective test. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

B. "Minor" means any unemancipated person under the age of seventeen (17) years.

C. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interview room which is not designated, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

D. "Public place" includes shopping areas, parking lots, parks, playgrounds, schools except during normal school hours or during school sponsored activities, religious institutions, streets, alleys and sidewalks dedicated to public use.

E. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

F. "Unemancipated" means unmarried and/or still under the custody or control of a responsible adult.

2. Curfew Established. No minor under seventeen (17) years of age shall be in any public place during the following times:
 - A. Sunday – Thursday: 11:00 p.m. through 5:00 a.m. each day
 - B. Friday – Saturday: 1:00 a.m. through 5:00 a.m. each day
3. Exceptions. The following are exceptions to the curfew:
 - A. The minor is accompanied by a responsible adult.
 - B. The minor is traveling to or returning from employment or a religious, political, economic or cultural assembly.
 - C. The minor is traveling by the most direct route to or from home and a school or recreational or social event that the minor attended with the approval of the minor's parents.
 - D. The minor is traveling interstate for lawful purpose and with the consent of the minor's parents.
 - E. The minor is on the sidewalk or property immediately adjoined to where the minor resides.
 - F. The minor is on an emergency life, property or medical errand for a responsible adult.
 - G. The minor's business, trade or occupation, in which the minor is permitted by law to be engaged, requires the presence of the minor in the public place.
4. Responsibility of Adults. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business or amusement or other public places within the time periods prohibited by this Subsection 46.01(2), except as otherwise provided in Subsection 46.01(3).
5. Enforcement Procedures.
 - A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall, in the first instance, use his or her best judgment in determining age.
 - B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation, unless pursuant to an order of the court.
 - C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult

responsible for the minor upon the promise of such person to produce the minor in court at such time as the court may direct. If the minor is issued a citation to appear for violation of this section, a law enforcement officer shall notify the adult responsible for the minor as soon as possible, within twenty-four (24) hours of the violation.

6. Penalties.

A. Responsible Adult's/Minor's First Violation – Warning. In the case of a first violation by a minor, the Police Chief or designee shall, by certified mail, send to the adult responsible for the minor, or by personal service upon the adult responsible for the minor, written notice of the violation with warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

B. Responsible Adult's/Minor's Second Violation – Simple Misdemeanor. Any violation of the provisions of this section by a minor person under seventeen (17) years of age or responsible adult, the minor and responsible adult shall be guilty of a simple misdemeanor. Upon conviction, the persons shall be punished by a fine, as fixed by the court, and/or may be required to perform community service as ordered by the court.

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

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

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

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

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires
47.04 Littering

47.05 Parks Closed
47.06 Camping Areas
47.07 Alcoholic Beverages

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

(Code of Iowa, Sec. 364.12)

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

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

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

47.05 PARKS CLOSED. No person shall enter or remain within Swensrud and Hurd Parks between the hours of 10:30 p.m. and 5:30 a.m.

47.06 CAMPING AREAS. No person shall camp in any park unless approval has been granted by the Police Chief.

47.07 ALCOHOLIC BEVERAGES. No person shall possess or consume beer or other alcoholic beverages in any City park, except in Hurd Park and Swensrud Park.

[The next page is 265]

NUISANCES AND ANIMAL CONTROL

TABLE OF CONTENTS

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE	265
CHAPTER 51 - INOPERABLE VEHICLES AND JUNK.....	275
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL.....	291
CHAPTER 56 - MOSQUITO SPRAYING SERVICES.....	301

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

50.05 Nuisance Abatement
50.06 Abatement of Nuisance by Written Notice
50.07 Municipal Infraction Abatement Procedure

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (See also Section 62.06)
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. (See also Chapter 51)
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.

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

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

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

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

1. Inoperable Vehicles and Junk (See Chapter 51)
2. Dangerous Buildings (See Chapter 145)
3. Property Maintenance Requirements (See Chapter 147)
4. Storage and Disposal of Solid Waste (See Chapter 105)
5. Trees (See Chapter 151)

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

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

[†] **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

- B. Location of Nuisance. The location of the nuisance.
- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A reasonable time within which to complete the abatement.
- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.
(Code of Iowa, Sec. 364.12[3h])
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.
(Code of Iowa, Sec. 364.12[3h])
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.
(Code of Iowa, Sec. 364.12[3h])
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.
(Code of Iowa, Sec. 364.12[3h])
7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.
(Ord. 149 – Mar. 13 Supp.)
(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.

[The next page is 275]

CHAPTER 51

INOPERABLE VEHICLES AND JUNK

51.01 Definitions

51.02 Parking and Storage

51.03 Notice to Abate

51.04 Duty of Owner to Remove or Repair

51.05 Abatement

51.06 Auction Sale

51.07 Collection of Costs

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

1. "Inoperable Vehicle" means any motor vehicle, recreational vehicle, boat, snowmobile, trailer or semi-trailer which lacks a current registration or component part which renders the vehicle unfit for legal use or is unable to propel itself. All motor vehicles that can be operated upon a highway of this state shall have proof of financial responsibility.
2. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered to be junk.

51.02 PARKING AND STORAGE. No person shall park, place, keep or store or permit the parking, placing, keeping or storage of a stock car, racing car, inoperable vehicle, vehicular component parts or miscellaneous junk and debris on any public or private property within the corporate limits of the City unless it is within a completely enclosed building. This section does not apply to legitimate businesses operating in a lawful place and manner on the effective date of the ordinance codified in this chapter, provided, however, that any business which begins, enlarges or otherwise extends business operations after such effective date shall screen outside areas from the public view. If a violation of this section occurs upon private property, the owner or person in control of said property shall be prima facie liable for said violation.

51.03 NOTICE TO ABATE. Upon discovery of any inoperable vehicle or junk upon any property within the corporate limits of the City, the Police Chief shall notify in writing the owner of said vehicle or junk or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored that:

1. The vehicle or junk constitutes a nuisance under the provisions of this chapter;
2. The owner must remove or repair the vehicle or junk in accordance with the terms of Section 51.04 of this chapter; and
3. Failure to remove or repair will be sufficient cause for its removal by the City.

51.04 DUTY OF OWNER TO REMOVE OR REPAIR. The owner of an inoperable vehicle or junk who violates the provisions of this chapter or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored, must, within ten (10)

days after receipt of a written notice from the Police Chief, remove the inoperable vehicle or junk or repair the defects which cause such inoperable vehicle or junk to be in violation of the provisions of this chapter.

51.05 ABATEMENT. If said owner or property owner fails to remove or repair the inoperable vehicle or junk in accordance with the terms of Section 51.04 of this chapter, the Police Chief or other delegated officer shall abate such nuisance, remove said vehicle or junk and the cost of the removal shall be charged to said owner or property owner.

51.06 AUCTION SALE. All inoperable vehicles removed and impounded by the Police Chief or other delegated officer pursuant to this chapter shall be sold to the highest bidder at a public auction, the time and place of which shall be duly published in a newspaper of general circulation within the City not less than seven (7) days before said auction. All revenues derived from such sale shall accrue to the City for the purpose of recovering its costs of removal and sale. Any excess revenue from such sale shall be paid to the owner of the vehicle.

51.07 COLLECTION OF COSTS. After removal and sale of an inoperable vehicle or removal of junk, the City shall first bill the person liable for the unrecovered costs. If not paid within 30 days, the Clerk shall give to the owner of the property upon which the inoperable vehicle or junk was located five days' notice of the proposed assessment of the costs of work done, together with the costs of serving the notice and all other costs connected therewith, which notice shall be signed by the Clerk. The notice may be served personally, by certified mail or by publishing said notice one time in a newspaper of general circulation in the City. If the owner does not protest the assessment or pay said assessment within said five days, the Council, at its next regular meeting, shall, by resolution, assess the costs thereof to and against the property owner for collection in the same manner as a property tax.

[The next page is 291]

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions
55.02 Animal Neglect
55.03 Livestock Neglect
55.04 Abandonment of Cats and Dogs
55.05 Livestock
55.06 At Large Prohibited
55.07 Damage or Interference
55.08 Annoyance or Disturbance
55.09 Rabies Vaccination
55.10 Owner's Duty

55.11 Confinement
55.12 At Large: Impoundment
55.13 Disposition of Animals
55.14 Sunset Rest Cemetery
55.15 Vicious Dogs at Large
55.16 Vicious Dog Permits
55.17 Confinement of Vicious Dogs
55.18 Seizure, Impoundment and Disposition of Vicious Dogs
55.19 Pet Awards Prohibited

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

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(*Code of Iowa, Sec. 717B.1*)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(*Code of Iowa, Sec. 717.1*)
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.

9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

10. "Vicious dog" means:

- A. Any dog which has attacked a human being or domestic animal one or more times, without provocation.
- B. Any dog with a history, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals.
- C. Any dog that snaps, bites or manifests a disposition to snap or bite.
- D. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

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

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

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of an animal to allow or permit an animal to disrupt the peace and good order of the community, to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling,

yelping, barking, or otherwise; or, by running after or chasing persons, bicyclers, automobiles or other vehicles.

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

55.12 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

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

(Code of Iowa, Sec. 351.37, 351.41)

55.14 SUNSET REST CEMETERY. It is unlawful for any owner to allow an animal under any circumstances in Sunset Rest Cemetery, Northwood, Iowa, unless restrained within a motor vehicle.

55.15 VICIOUS DOGS AT LARGE. A vicious dog which is found at large and not confined as required by this chapter shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal under this section shall be destroyed.

55.16 VICIOUS DOG PERMITS. It is unlawful for any person to harbor or keep a vicious dog within the City without first obtaining a vicious dog permit in accordance with the following:

1. Application. The application for a vicious dog permit must include the following:

A. Certificate of Insurance issued by an insurance company licensed to do business in the State of Iowa, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$200,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in the event the underlying policy of insurance is canceled for any reason.

B. The insurance policy or certificate of insurance referred to in this section shall provide that it cannot be cancelled or terminated until ten days notice by registered mail of such cancellation or termination shall have been received by the City Clerk.

C. The cancellation or other termination of any insurance policy, issued in compliance with this section, shall automatically revoke and terminate the license issued under this section, unless another policy, complying with this section, shall be provided and in effect at time of such cancellation or termination. The City Clerk shall immediately issue written notification of revocation of such certificate and all licenses issued under this section.

2. Photos. The application must be presented to the City Clerk with two color photos of the dog.

3. Notification of Changes. The owner of the vicious dog shall be required to notify the City within 24 hours of any transfer of ownership of the dog, the dog's escape or death, any change of address by the owner or birth of offspring to the dog. Violation of this section is a simple misdemeanor.

55.17 CONFINEMENT OF VICIOUS DOGS. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided below. Such pen, kennel, or structure must have secure sides and secure top attached to the sides or in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure. All pens or other structures designed, constructed, or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom and floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined dog. The Police Department is empowered to inspect such pens at least once per year. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the dog and leash are under the actual physical control of a person eighteen

(18) years of age or older. Such dogs may not be leashed to inanimate objects such as trees, post, buildings or any other object or structure. Violation of this section is a simple misdemeanor.

55.18 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS.

1. The Mayor in his discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may initiate proceedings to declare such dog a vicious dog. If the owner contests said designation, a hearing on the matter shall be conducted by the Mayor. The person owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner may be required to obtain a vicious dog permit and confine the dog as required by this chapter. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service. If a complaint is the initiation for the hearing, the complainant shall be present and/or submit a written complaint.
2. If after a hearing, the Mayor determines that an dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the Mayor shall order the person owning sheltering, harboring or keeping the animal to obtain a vicious dog permit and confine the dog as required by this chapter, or remove it from the City. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Mayor is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the Mayor was issued has not appealed such order to the Council, or has not complied with the order, the Mayor shall cause the animal to be destroyed.
3. The order to obtain the required permit, confine or remove a vicious dog from the City issued by the Mayor may be appealed to the City Council. In order to appeal such an order, written notice of appeal must be filed with the City Clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the City Council.
4. The notice to appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within 20 days of receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the Mayor. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the Mayor and the arguments of the parties or their representatives, but no additional evidence shall be taken. If the City Council holds a special meeting for said hearing, the appellant shall be responsible for all costs relating to a special meeting, including Council member pay.
5. If the City Council affirms the action of the Mayor, the City Council shall order in its written decision that the person sheltering, harboring or keeping such vicious dog, shall obtain a vicious dog permit and confine such dog as required by this

chapter or remove such dog from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as notice set out in subsection 1 of this section. If the original order of the Mayor is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days, the Chief of Police is authorized to seize and impound such vicious dog. A dog seized shall be impounded for a period of seven days. If at the end of the impounded period, the person against whom the decision and order of the Mayor or the City Council was issued has not petitioned the Worth County District Court for a review of said order, or has not complied with the order, the Mayor shall cause the dog to be destroyed in a humane manner.

6. Failure to comply with an order of the Mayor issued pursuant hereto and not appealed or of the City Council after appeal, is a simple misdemeanor.

7. Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All cost of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog is not determined to be vicious, all cost shall be paid by the City except cost attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

55.19 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

- A. A prize for participating in a game.
- B. A prize for participating in a fair.
- C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
- D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

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

[The next page is 301]

CHAPTER 56

MOSQUITO SPRAYING SERVICES

56.01 Purpose
56.02 Payment of Bills

56.03 Lien for Nonpayment
56.04 Annual Fee Determination

56.01 PURPOSE. The purpose of this chapter is to establish a method to control the growth of mosquitoes for the enhancement of the health and safety of the residents in the City and for the billing and collection of fees for mosquito spraying services provided by the City of Northwood, Iowa.

56.02 PAYMENT OF BILLS. All mosquito spraying service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Utility services may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

56.03 LIEN FOR NONPAYMENT. The owner of the premises served and the occupant thereof and the user of the mosquito spraying service provided by the City shall be jointly and severally liable for the fees for the mosquito spraying services provided to the premises being served. Fees and penalties remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes.

56.04 ANNUAL FEE DETERMINATION. The City Council shall annually determine the fee to be charged for mosquito spraying in order to reasonably reflect the anticipated cost, as approved by motion or resolution of the Council.

[The next page is 325]

TRAFFIC AND VEHICLES

TABLE OF CONTENTS

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE.....	325
CHAPTER 61 - TRAFFIC CONTROL DEVICES	331
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS	333
CHAPTER 63 - SPEED REGULATIONS	343
CHAPTER 64 - TURNING REGULATIONS.....	349
CHAPTER 65 - STOP OR YIELD REQUIRED	353
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS.....	375
CHAPTER 67 - PEDESTRIANS.....	381
CHAPTER 68 - ONE-WAY TRAFFIC	383
CHAPTER 69 - PARKING REGULATIONS	385
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES.....	405
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES	425
CHAPTER 76 - BICYCLE REGULATIONS	429
CHAPTER 80 - ABANDONED VEHICLES	445
CHAPTER 81 - RAILROAD REGULATIONS.....	449

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers
60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Northwood Traffic Code."

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including the following designated streets:

Central Avenue from 4th Street to 11th Street;
1st Avenue North from 5th Street to 11th Street;
1st Avenue South from 8th Street to 10th Street;
5th Street from Central Avenue to 1st Avenue North;
6th Street from Central Avenue to 1st Avenue North;
7th Street from Central Avenue to 1st Avenue North;
8th Street from 1st Avenue South to 2nd Avenue North;
9th Street from 1st Avenue South to 2nd Avenue North;
10th Street from 1st Avenue South to 2nd Avenue North;
11th Street from Central Avenue to 2nd Avenue North.

2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a schoolhouse.
6. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. "Stop" means when required, the complete cessation of movement.

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

9. "Suburban district" means all other parts of the City not included in the business, school, or residence districts.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or

manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Approval Required. No parade shall be conducted without first obtaining approval from the City. The person organizing or sponsoring the parade shall provide information concerning the time and date for the parade and the streets or general route therefor, and any approval given to such person includes all participants in the parade, provided they have been invited to participate.

3. Parade Not A Street Obstruction. Any parade for which approval has been given and the persons lawfully participating therein shall not be deemed an obstruction of the streets, notwithstanding the provisions of any other ordinance to the contrary.

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

[The next page is 331]

CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

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

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

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

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

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

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

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

62.05 Quiet Zones
62.06 Obstructing View at Intersections
62.07 Excessive Acceleration and Noise
62.08 Engine Brakes and Compression Brakes

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

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

23. Section 321.216C – Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.
24. Section 321.218 – Operating without valid driver's license or when disqualified.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Radar jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Damage to vehicle.
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.
47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.
53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.

55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal of train.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.
88. Section 321.344B – Immediate safety threat; penalty.

89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver's view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.
120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.
122. Section 321.408 – Back-up lamps.

123. Section 321.409 – Mandatory lighting equipment.
124. Section 321.415 – Required usage of lighting devices.
125. Section 321.417 – Single-beam road-lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
130. Section 321.422 – Red light in front.
131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
148. Section 321.450 – Hazardous materials transportation.
149. Section 321.454 – Width of vehicles.
150. Section 321.455 – Projecting loads on passenger vehicles.
151. Section 321.456 – Height of vehicles; permits.
152. Section 321.457 – Maximum length.
153. Section 321.458 – Loading beyond front.
154. Section 321.460 – Spilling loads on highways.
155. Section 321.461 – Trailers and towed vehicles.
156. Section 321.462 – Drawbars and safety chains.
157. Section 321.463 – Maximum gross weight.

158. Section 321.465 – Weighing vehicles and removal of excess.

159. Section 321.466 – Increased loading capacity; reregistration.

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

(Code of Iowa, Sec. 321.255)

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

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

62.05 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

62.06 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

62.07 EXCESSIVE ACCELERATION AND NOISE. It is unlawful for any person to drive or operate any motor vehicle on the streets, alleys, public grounds, parking lots or parks in the City in such a manner as to cause the “peeling” and/or “burning” of the tires of said motor vehicle or in such a manner as to cause loud, noisy or unusual engine sounds or disturbances.

62.08 ENGINE BRAKES AND COMPRESSION BRAKES. It is 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. Violations of this section will be considered a non-moving violation.

[The next page is 343]

CHAPTER 63

SPEED REGULATIONS

63.01 General
63.02 State Code Speed Limits
63.03 Parks, Cemeteries, and Parking Lots

63.04 Special Speed Zones
63.05 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

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

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 10 MPH Speed Zones. A speed in excess of ten (10) miles per hour is unlawful on any alley in the City.
2. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On U.S. Highway #65 from 3rd Avenue South to 3rd Avenue North;
 - B. On Central Avenue from 13th Street to 4th Street;
 - C. On all other streets and roads in the City unless otherwise provided herein.

3. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On U.S. Highway #65 from 3rd Avenue South to 8th Avenue South;
 - B. On U.S. Highway #65 from 3rd Avenue North to 9th Avenue North;
 - C. On Central Avenue from 13th Street to 200 feet east of 18th Street North.
4. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On U.S. Highway #65 from 8th Avenue South to 200 feet north of 12th Avenue South;
 - B. On U.S. Highway #65 from 9th Avenue to north City limits;
 - C. On Central Avenue from 18th Street to Enterprise Drive.
5. Special 55 MPH Speed Zones. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On U.S. Highway #65 from 200 feet north of intersection of 10th Street South and 12th Avenue South;
 - B. On Central Avenue from bridge west of 4th Street North and Central Avenue to west City limits;
 - C. On Central Avenue from Enterprise Drive to east City limits.

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

(Code of Iowa, Sec. 321.294)

[The next page is 349]

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-Turns

64.03 Left Turn for Parking

64.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

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

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

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

1. At the intersection of 4th Street and Central Avenue;
2. At the intersection of 5th Street and Central Avenue;
3. At the intersection of 6th Street and Central Avenue;
4. At the intersection of 7th Street and Central Avenue;
5. At the intersection of 8th Street and Central Avenue;
6. At the intersection of 11th Street and 1st Avenue North;
7. At the intersection of 12th Street and 1st Avenue North;
8. At the intersection of 13th Street and 1st Avenue North.

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on any street within the Business District.

[The next page is 353]

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets – Stop
65.02 Stop Required
65.03 Four-Way Stop Intersections
65.04 Yield Required
65.05 School Stops

65.06 Stop Before Crossing Sidewalk
65.07 Stop When Traffic Is Obstructed
65.08 Yield to Pedestrians in Crosswalks
65.09 Official Traffic Controls

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

(Code of Iowa, Sec. 321.345)

1. Central Avenue from west City limits to east City limits;
2. 8th Street North from Central Avenue to north City limits;
3. 3rd Avenue North from 9th Street to 12th Street;
4. 10th Street South from Central Avenue to south City limits.

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

(Code of Iowa, Sec. 321.345)

1. 6th Street North. Vehicles traveling on 6th Street North shall stop at 3rd Avenue North.
2. 7th Street North. Vehicles traveling on 7th Street North shall stop at 3rd Avenue North.
3. 2nd Avenue North. Vehicles traveling on 2nd Avenue North shall stop at 5th Street North.
4. 5th Street North. Vehicles traveling on 5th Street North shall stop at 1st Avenue North.
5. 7th Avenue North. Vehicles traveling west on 7th Avenue North shall stop at 7th Street North.
6. 4th Avenue North. Vehicles traveling west on 4th Avenue North shall stop at 7th Street North.
7. 2nd Avenue South. Vehicles traveling west on 2nd Avenue South shall stop at 8th Street South.
8. 9th Street North. Vehicles traveling on 9th Street North shall stop at 1st Avenue North.
9. 2nd Avenue North. Vehicles traveling on 2nd Avenue North shall stop at 16th Street North.
10. 6th Avenue North. Vehicles traveling on 6th Avenue North shall stop at 7th Street North.

11. 2nd Avenue North. Vehicles traveling on 2nd Avenue North shall stop at 7th Street North.
12. 4th Street North. Vehicles traveling on 4th Street North shall stop at 1st Avenue North.
13. 4th Street North. Vehicles traveling on 4th Street North shall stop at 2nd Avenue North.
14. 6th Street North. Vehicles traveling on 6th Street North shall stop at 1st Avenue North.
15. Exit from Northwood-Kensett Junior/Senior High School Parking Lot. Vehicles traveling east on the exit from Northwood-Kensett High School parking lot shall stop at 7th Street North.
16. Main Exit from Northwood-Kensett Junior/Senior High School. Vehicles traveling east on the exit from Northwood-Kensett Junior/Senior High School shall stop at 7th Street North.
17. Exit from Northwood-Kensett Elementary School Parking Lot. Vehicles traveling north on the exit from Northwood-Kensett Elementary School Parking Lot shall stop at 2nd Avenue North.
18. Main Exit from Northwood-Kensett Elementary School. Vehicles traveling west on the exit from Northwood-Kensett Elementary School shall stop at 11th Street North.
19. Alley Running East/West Through the Center of Block 79, Original Town of Northwood, Iowa (also described as the alley directly to the south of Central Avenue located between 8th Street South and 9th Street South). Vehicles traveling east or west shall stop.
20. Alley Running East/West Through the Center of Block 66, Original Town of Northwood, Iowa (also described as the alley directly to the north of Central Avenue located between 7th Street North and 8th Street North). Vehicles traveling east or west shall stop.
21. Alley Running East/West Through the Center of Block 65, Original Town of Northwood, Iowa (also described as the alley directly to the north of Central Avenue located between 8th Street North and 9th Street North). Vehicles traveling east or west shall stop.
22. Alley Running North/South Through the Center of Block 65, Original Town of Northwood, Iowa (also described as the alley directly to the north of Central Avenue located between 8th Street North and 9th Street North). Vehicles traveling north shall stop.
23. 5th Avenue North. Vehicles traveling on 5th Avenue North shall stop at 5th Street North.
24. 5th Street North. Vehicles traveling on 5th Street North shall stop at 5th Avenue North.
25. 2nd Avenue South. Vehicles traveling on 2nd Avenue South shall stop at 4th Street South.
26. 2nd Avenue North. Vehicles traveling on 2nd Avenue North shall stop at 10th Street North.

27. 1st Avenue North. Vehicles traveling on 1st Avenue North shall stop at 14th Street North.

(Subsections 26-27 Added by Ord. 154 – Sep. 13 Supp.)

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

(Code of Iowa, Sec. 321.345)

1. Intersection of 3rd Avenue North and 5th Street North.
2. Intersection of 1st Avenue North and 10th Street North.
3. Intersection of 2nd Avenue North and 11th Street North.
4. Intersection of 1st Avenue North and 11th Street North.
5. Intersection of 2nd Avenue North and 13th Street North.
6. Intersection of 1st Avenue North and 13th Street North.
7. Intersection of 5th Avenue North and 7th Street North.
8. Intersection of 1st Avenue North and 7th Street North.
9. Intersection of 2nd Avenue North and 7th Street North.
10. Intersection of 2nd Avenue North and 12th Street North.
11. Intersection of 6th Avenue North and 12th Street North.

(Subsections 9-11 Added by Ord. 154 – Sep. 13 Supp.)

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

(Code of Iowa, Sec. 321.345)

1. 1st Avenue South. Vehicles traveling on 1st Avenue South shall yield at 9th Street South.
2. 13th Street North. Vehicles traveling north on 13th Street North shall yield at 3rd Avenue North.

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

(Code of Iowa, Sec. 321.249)

1. At the corner of 8th Street North (U.S. #65) and 2nd Avenue North, which school stop is in effect on all school days from 8:00 a.m. to 8:45 a.m. and from 3:00 p.m. to 3:45 p.m.;
2. At the corner of East Central Avenue and 12th Street North, which is in effect at the same times as shown in subsection 1;
3. At the corner of 2nd Avenue North and 12th Street North, which is in effect at the same times as shown in subsection 1.

In the event of the change of school hours, the Police Department shall place the school stop signs so as to coincide with the modified school hours.

65.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.07 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

65.08 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

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

(Code of Iowa, Sec. 321.256)

1. Intersection of Central Avenue and 8th Street.

[The next page is 375]

CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.02 Load Limits/One Lane Traffic on Bridges

66.03 Permits for Excess Size and Weight

66.04 Employer's Responsibility

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

(Code of Iowa, Sec. 321.471 & 472)

66.02 LOAD LIMITS/ONE LANE TRAFFIC ON BRIDGES. In the interest of public safety where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the City Council of the City of Northwood, Iowa, may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits and of one lane traffic if necessary, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

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

(Code of Iowa, Sec. 321.473 & 321E.1)

66.04 EMPLOYER'S RESPONSIBILITY. The owner or any other person employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street or bridge in any manner contrary to this chapter.

(Code of Iowa, Sec. 321.473)

[The next page is 381]

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use of Sidewalks

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

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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

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CHAPTER 68

ONE-WAY TRAFFIC

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

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

1. The alley running east/west through the center of Block 89, County Auditor's Plat to Northwood, Iowa, also described as the alley directly to the south of Central Avenue located at 8th Street South and Central Avenue, is westbound only, except access is allowed from the west end of the alley to the parking lot located south of the alley.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Park Adjacent to Curb – One-Way Street
69.03 Angle Parking
69.04 Angle Parking – Manner
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited

69.07 Persons With Disabilities Parking
69.08 All Night Parking Prohibited
69.09 Parking Limited
69.10 Snow Emergency
69.11 Fire Lanes
69.12 Truck Parking Limited

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. 7th Street North on the east side from Central Avenue to 1st Avenue North;
2. 9th Street North on the west side from the alley to Central Avenue;
3. 8th Street South on the east side from Central Avenue to 1st Avenue South.
4. 9th Street South on the east side from Central Avenue to south line of City-owned property.

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

(Code of Iowa, Sec. 321.361)

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

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

1. Sale. Displaying such vehicle for sale;

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

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

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

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

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

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

(Code of Iowa, Sec. 321.360)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69.08 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the streets within the Business District between the hours of 3:00 a.m. and 6:00 a.m. of any day between November 1 and March 31. In addition, no person shall park a vehicle for longer than 24 hours on any of the streets within the Business District and no person shall park a vehicle for longer than 48 hours in any public parking lot.

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

69.09 PARKING LIMITED. It is unlawful to park any vehicle in violation of the parking limited signs posted within the Business District. Any member of the Northwood City Council or Mayor may recommend limited parking zones within the Business District and the areas will be so determined by resolution adopted by the City Council from time to time.

69.10 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 snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley, or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the 48-hour period after cessation of the storm except as above provided upon streets that have been fully opened. The ban shall be of uniform application and the Police Chief is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Police Chief shall inform the news media to publicize the proclamation and the parking rules under the emergency. The emergency may be extended or shortened when conditions warrant.

69.11 FIRE LANES. No person shall stop, stand, or park a vehicle in a fire lane as provided herein.

(Code of Iowa, Sec. 321.236)

1. **Fire Lanes Established.** The Police Chief may designate fire lanes on any private road or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.

2. **Signs and Markings.** Wherever a fire lane has been designated, the Police Chief shall cause appropriate signs and markings to be placed identifying such fire lanes and the parking prohibition established by this section.

3. **Exception.** The provisions of this section do not apply to authorized emergency vehicles.

69.12 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached for a period of longer than one hour on any street,

except in designated area on Enterprise Drive, or in any City parking lot within the City limits. This provision does not apply to pickup, light delivery or panel delivery trucks, motor trucks, semi-trailers, or other motor vehicles with a trailer attached when any such vehicle is actually loading or unloading merchandise or cargo, or when being used for ongoing construction project. When such vehicle is receiving or delivering merchandise or cargo or being used for construction project, the vehicle shall be stopped or parked in a manner which will not interfere with other traffic. Truck tractors may be parked off traveled part of any City street.

[The next page is 405]

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 & 321.485)

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

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

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

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

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

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

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

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

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

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

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

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

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

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

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

[The next page is 425]

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose
75.02 Definitions
75.03 General Regulations
75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles
75.06 Negligence
75.07 Accident Reports

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

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

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

(Ord. 150 – Mar. 13 Supp.)

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

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

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

3. "Off-road utility vehicle" means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than two thousand (2,000) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Ord. 150 – Mar. 13 Supp.)

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

4. "Snowmobile" means a motorized vehicle that weighs less than one thousand (1,000) pounds, that uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code*

of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

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

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

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

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

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

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

- (2) The snowmobile is brought to a complete stop before crossing the street;

- (3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

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

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

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

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or

property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

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

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

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

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

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

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking."

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

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

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

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CHAPTER 76

BICYCLE REGULATIONS

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

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

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

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

(Code of Iowa, Sec. 321.234)

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

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

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

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

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

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

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

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

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

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

76.08 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the handlebars.

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

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

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

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

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

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

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

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

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

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

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

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

76.13 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. **Lamps Required.** Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from fifty (50) feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

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

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

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of this

Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

[The next page is 445]

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)

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

A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.

B. A vehicle that has remained illegally on public property for more than 24 hours.

C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.

D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.

E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. "Demolisher" means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

4. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or

hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

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

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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

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

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

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions
81.02 Warning Signals
81.03 Obstructing Streets

81.04 Crossing Maintenance
81.05 Speed

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

1. "Operator" means any individual, partnership, corporation or other association that owns, operates, drives, or controls a railroad train.
2. "Railroad train" means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

81.02 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

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

81.03 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten (10) minutes except:

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

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

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

81.04 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

81.05 SPEED. It is unlawful to operate any railroad train through any street crossing within the platted areas of the City at a speed greater than thirty (30) miles per hour.

(Girl vs. United States R. Admin., 194 Iowa 1382, 189 N.W. 834, [1923])

[The next page is 475]

WATER

TABLE OF CONTENTS

CHAPTER 90 - WATER SERVICE SYSTEM.....	475
CHAPTER 91 - WATER METERS.....	483
CHAPTER 92 - WATER RATES.....	487
CHAPTER 93 - WELL ABANDONMENT.....	493
CHAPTER 94 - WATER WELL PROTECTION	495

CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.12 Responsibility for Water Service Pipe
90.02 Superintendent's Duties	90.13 Failure to Maintain
90.03 Mandatory Connections	90.14 Inspection During Repairs or Reconstruction
90.04 Abandoned Connections	90.15 Curb Valve
90.05 Permit	90.16 Interior Valve
90.06 Connection Charge	90.17 Inspection and Approval
90.07 Compliance with Plumbing Code	90.18 Completion by the City
90.08 Plumber Required	90.19 Shutting Off Water Supply
90.09 Excavations	90.20 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	90.21 Control of Water Supply
90.11 Installation of Water Service Pipe	90.22 Requirements for New Wells

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

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

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight. One foot of pipe, crimped twice, must be left.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 CONNECTION CHARGE. There shall be a connection charge in the amount of three hundred dollars (\$300.00) paid to reimburse the City for costs borne by the City in making water service available to the property served. This charge includes the saddle, corporation stop, and curb box supplied by the City. In the event the new service entails cutting a street, the applicant shall pay the cost of the street replacement.

(Code of Iowa, Sec. 384.84)

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

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber or insured excavator/contractor. In the event the applicant utilizes City services consisting of backhoe work, the applicant shall reimburse the City at the hourly rate prescribed by the Council.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

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

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.

2. Sizes and Location of Taps. All mains four (4) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be set at the top of the pipe, at a 45-degree

angle, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper or 140 pound test P.V.C. buried with tracer wire. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

90.14 INSPECTION DURING REPAIRS OR RECONSTRUCTION. In the event of repair or reconstruction of public works and water lines, the City shall inspect and approve all property-owned services for safety and suitability. In the event that the City's engineer deems any water line to be in need of repair or replacement, said engineer shall have the authority to order or direct such work at the property owner's expense. In the event of the failure of any property owner to perform such repairs or replacements, the City may elect to order the work performed by an approved plumber and add the cost thereof to the water billing of that property so serviced.

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

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

90.17 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water

system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.18 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

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

90.20 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.21 CONTROL OF WATER SUPPLY. Whenever in the judgment of the Council it becomes necessary to conserve the water supply in the public interest, a resolution may be adopted to:

1. Regulate during certain hours or on certain days of the week the water that may be used for car and vehicle washing, watering lawns, gardens or other similar uses or prohibit the use of water for any such purposes for such time as the Council may determine;
2. Regulate the amount of water that any customer may use on any particular day or for any period of time and specify the purposes for which water may be used by any customer;
3. Make additional rate charges for special uses.

90.22 REQUIREMENTS FOR NEW WELLS. No wells may be constructed or drilled within the City limits without a permit. Permit applications shall be obtained from the office of Worth County Public Health Environmental Division. The Superintendent shall receive a copy of the approved permit application and may present to the City Council regarding permit approval. The City Council reserves the right to deny any permit that does not meet DNR regulation. The Council shall consider whether the property is furnished with pure and wholesome water and other considerations which the Council deems appropriate. If any person fails to comply with this section for more than 10 days after receiving written notice of the violation, the City may impose a penalty and cause well abandonment to be performed and the expense to be assessed as a special tax against the property. In addition, the Superintendent may at any time revoke the permit for any violation of this Code of Ordinances and may require that the work be stopped.

[The next page is 483]

CHAPTER 91

WATER METERS

91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems; Exception
91.04 Location of Meters

91.05 Meter Setting
91.06 Meter Costs
91.07 Meter Repairs
91.08 Right of Entry

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by a plumber.

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

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing. All homes are required to have a radio remote reading device installed.

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

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City. Customers may also have installed at their own expense a water meter to an outside faucet or extension providing exterior water that is not directed through the sanitary sewer outlet, as provided in Chapter 99.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

[The next page is 487]

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Billing for Water Service
92.04 Service Discontinued
92.05 Lien for Nonpayment

92.06 Lien Exemption
92.07 Lien Notice
92.08 Customer Deposits
92.09 Temporary Vacancy

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

(Code of Iowa, Sec. 384.84)

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

(Code of Iowa, Sec. 384.84)

1. For customers using 100 gallons or less per month, minimum bill of \$4.00.
2. For customers using more than 100 gallons per month, first 3,000 gallons used per month @ \$8.00 (minimum bill).
3. Each next 1,000 gallons used per month @ \$2.85 per 1,000 gallons.

There shall be a service charge for each separate sprinkler system at the rate of \$20.00 per diameter inch of pipe per year based on the total inches in diameter of the pipe supplying the sprinkler system. The total charges shall be determined on the yearly basis and then prorated and added to the monthly water bill of the user.

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

(Code of Iowa, Sec. 384.84)

1. **Bills Issued.** The Clerk shall prepare and issue bills for combined service accounts. Bills shall be deemed issued as of the date indicated on the bills.
2. **Bills Payable.** Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth (15th) day of the month. If the 15th of the month falls on Saturday or Sunday, bills shall be due by 4:00 p.m. Monday.
3. **Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.
4. **Customer Relocation.** If any customer moves to a new location or residence in the community but has an unpaid balance (or if any family member also residing in the home has an unpaid balance), service at the new location shall not be provided until the balance is paid.

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

(Code of Iowa, Sec. 384.84)

1. Notice. The City shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

(Ord. 151 – Mar. 13 Supp.)

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Clerk shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the Clerk finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of ten dollars (\$10.00) shall be charged for the disconnect notice and a fee of eighty dollars (\$80.00) shall be charged before service is restored to a delinquent customer. No fees shall be charged for the usual or customary trips in the regular changes in occupancies of property.

5. Dishonored Check, Draft, or Automatic Bank Debit. If a water customer's check, draft, or automatic bank debit is not honored by the customer's financial institution for any reason when presented for the first time, the customer's account shall immediately be deemed unpaid and delinquent, the same as if the customer had attempted no payment at all. The customer shall be notified by ordinary mail that the customer's account is in default in the amount of the dishonored check, draft, or automatic bank debit and the water service will be disconnected as of the date specified in the notice. The notice shall also state the fees that will be due for the dishonored check, draft, or automatic bank debit, the disconnect notice and the disconnection/reconnection charge of service. After such notice, only payment in cash/certified check or money order in the delinquent amount shall be accepted. To prevent disconnection, such payment shall be delivered to the Clerk's office no later than the time stated on the notice. The Clerk reserves the right to pursue all other remedies available under the law.

92.05 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.06 LIEN EXEMPTION.*(Code of Iowa, Sec. 384.84)*

1. **Water Service Exemption.** The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

(Ord. 153 – Sep. 13 Supp.)

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

(Code of Iowa, Sec. 384.84)

92.08 CUSTOMER DEPOSITS. There shall be required from every customer an \$80.00 deposit intended to guarantee the payment of bills for service. Upon disconnection of the water service, any balance of the deposit shall be returned to the customer without interest.

(Code of Iowa, Sec. 384.84)

92.09 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant. The City will not drain pipes or pull meters for temporary vacancies. During a period when service is temporarily discontinued as provided herein or the premises is vacated, there shall be a monthly minimum service charge. However, if the property owner pays a fee of eighty dollars (\$80.00) for the disconnect/reconnect service (with the exception of inside valve replacement completed within three days), there will be no monthly bill issued.

[The next page is 493]

CHAPTER 93

WELL ABANDONMENT

93.01 Purpose
93.02 Applicability
93.03 Definitions

93.04 Abandonment Required
93.05 Well Operation Permit
93.06 Abandonment Procedures

93.01 PURPOSE. The purpose of this chapter is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the City water system are properly abandoned.

93.02 APPLICABILITY. This chapter applies to all wells located on premises served by the City water system.

93.03 DEFINITIONS.

1. "City water system" means a system for the provision to the public of piped water for human consumption.
2. "Non-complying" refers to a well or pump installation that does not comply with provisions of this chapter in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.
3. "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pit sampling faucets, and well seals or caps.
4. "Unsafe" refers to a well or pump installation that produces water that is bacteriologically contaminated or contaminated with substances in exceedance of the standards for drinking water established by the *Code of Iowa*, or for which a Health Advisory has been issued by the Iowa Department of Natural Resources.
5. "Unused" refers to a well or pump installation that is not in use or does not have a functional pumping system.
6. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
7. "Well abandonment" means the filling and sealing of a well according to the provisions of the *Code of Iowa*.

93.04 ABANDONMENT REQUIRED. All wells located on the premises served by the City water system shall be abandoned in accordance with the terms of this chapter by no later than one year after the date of connection to the City water system, unless a well operation permit has been obtained by the well owner from the system.

93.05 WELL OPERATION PERMIT. The City may grant a permit to a private well owner to operate a well for a period not to exceed five years, provided the conditions of this

section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The City may conduct inspections or have water quality test conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. The following conditions must be met for issuance or renewal of a well permit:

1. The well and pump installation meet or are upgraded to meet the requirements of the *Code of Iowa*.
2. The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samples taken a minimum of two weeks apart.
3. There are no cross-connections between the well and the pump installation and the City water system.
4. The purposed use of the well and pump installation can be justified as being necessary in addition to water provided by the City water system.

93.06 ABANDONMENT PROCEDURES.

1. All wells abandoned under the jurisdiction of this chapter or rule shall be abandoned according to the procedures and methods of the *Code of Iowa*. All debris, pump, piping, unsealed liners, and any other obstructions, which may interfere with sealing operations, shall be removed prior to abandonment.
2. The owner of the well (or the owner's agent) shall notify the City at least forty-eight (48) hours prior to commencement of any well abandonment activities. The Superintendent of the City water system shall observe the abandonment of the well.

CHAPTER 94

WATER WELL PROTECTION

94.01 Purpose
94.02 Establishment of Separation Distances
94.03 Designation of Wells
94.04 Definitions
94.05 Separation Distances

94.06 Shallow Well Protection
94.07 Deep Well Protection
94.08 Exception
94.09 Nonconforming Uses

94.01 PURPOSE. The purpose of this chapter is to establish separation distances from wells from all structures and uses, to protect the public, and to preserve the health and welfare of the community by protecting water purity.

94.02 ESTABLISHMENT OF SEPARATION DISTANCES. The distances for separating uses and construction around all wells within the City, including old and new wells, have been established by State requirements relative to possible pollutants and their distances from wells, and the Council has found that the said State requirements shall be adopted as the minimum acceptable requirements for separation distances from wells, and no construction or use shall be allowed within said minimum distances to City wells as set forth herein.

94.03 DESIGNATION OF WELLS. The Council shall designate each water well within the City as being a "shallow well" or a "deep well" for the purposes of this chapter.

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

1. "Animal enclosure" means a lot, yard, corral, or similar structure in which the concentration of livestock or poultry is such that a vegetative cover is not maintained.
2. "Animal pasturage" means a fenced area where vegetative cover is maintained and in which the animals are enclosed.
3. "Animal waste" means animal waste consisting of excreta, leachings, feed losses, litter, wash water, or other associated waste.
4. "Animal waste stockpiles" means stacking, composting, or containment of animal wastes.
5. "Animal waste storage basin or lagoon" means fully or partially excavated or diked earthen structure including earthen side slopes or floor.
6. "Animal waste storage tank" means a completely fabricated structure, with or without a cover, either formed in place or transported to the site, used for containing animal waste.
7. "Aquifer" means a rock formation, group of rock formations, or part of a rock formation that contains enough saturated permeable materials to yield significant quantities of water.
8. "Cistern" means a covered tank in which rain water from roof drains is stored.
9. "Contamination" means the presence of any harmful or deleterious substances in the water supply.

10. "Deep public well" means a public well located and constructed in such a manner that there is a continuous layer of low permeable soil or rock at least five (5) feet thick located at a depth of at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is to be drawn.

11. "Low permeability" means an unconsolidated soil layer of well sorted fine grain-sized sediments that under normal hydrostatic pressures would not be significantly permeable. Low permeability soils may include homogeneous clays below the zone of weathering, mudstone, claystone and some glacial till.

12. "Privy" means a structure used for the deposition of human body wastes.

13. "Sanitary sewer pipe" means a sewer pipe complying with the standards of sewer construction of the Department of Natural Resources.

14. "Septic tank" means a watertight tank which receives sewage.

15. "Shallow public well" means a public well located and constructed in such a manner that there is not a continuous layer of low permeable soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is to be drawn.

16. "Water main pipe" means a water main complying with the Department of Natural Resources standards for water main construction.

17. "Well" means a pit or hole sunk into the earth to reach a resource supply such as water.

94.05 SEPARATION DISTANCES. No building or use shall be allowed within the separation distances from City wells as set out in this chapter. A building permit is required for all construction within 1,000 feet of municipal wells. No building permit shall be issued which is in violation of the separation distances from municipal wells if in violation of this chapter or a source of contamination for said well. Any use or construction in violation of this chapter is a nuisance as defined in Chapter 50 of this Code of Ordinances and prohibited pursuant to Section 50.04; and the notice requirements regarding abatement of nuisances and prohibited conditions and all provisions of this Code of Ordinances in regard to abatement, costs of collection, hearings and penalties for maintaining a nuisance or prohibited condition as set forth herein are applicable. Specifically, and in addition to any other remedies allowed by ordinance or at law, the City shall recover any costs for water treatment which are created by any source of contamination which is identified, where said source is in violation of this chapter.

94.06 SHALLOW WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth after each structure or facility from a shallow public well within the City.

1. Well house floor drains – 5 feet;
2. Water treatment plant wastes – 50 feet;
3. Sanitary and industrial discharges – 400 feet;
4. Floor drains from pump house to surface:
 - A. None within 5 feet;
 - B. 5 to 10 feet – water main materials enclosed in concrete permitted;

- C. 10 to 25 feet – must be water main material;
- D. 25 to 75 feet – must be watertight sewer pipe;
- 5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
 - A. None permitted within 25 feet;
 - B. 25 to 75 feet, must be water main material;
 - C. 75 to 200 feet, must be watertight sewer pipe;
- 6. Force mains:
 - A. None permitted within 75 feet;
 - B. 75 to 200 feet, must be water main materials;
- 7. Land application of solid waste – 400 feet;
- 8. Irrigation of wastewater – 400 feet;
- 9. Concrete vaults and septic tanks – 200 feet;
- 10. Mechanical wastewater treatment plants – 400 feet;
- 11. Cesspools and earth pit privies – 400 feet;
- 12. Soil absorption fields – 400 feet;
- 13. Lagoons – 1,000 feet;
- 14. Chemicals:
 - A. Application to ground surface – 200 feet;
 - B. Above ground storage – 200 feet;
 - C. On or underground storage – 400 feet;
- 15. Animal pasturage – 50 feet;
- 16. Animal enclosure – 400 feet;
- 17. Animal wastes:
 - A. Land application of solids – 400 feet;
 - B. Land application of liquid or slurry – 400 feet;
 - C. Storage tank – 400 feet;
 - D. Solids stockpile – 400 feet;
 - E. Storage basin or lagoon – 1,000 feet;
- 18. Earthen silage storage trench or pit – 200 feet;
- 19. Basements, pits, sumps – 10 feet;
- 20. Flowing streams or other surface water bodies – 50 feet;
- 21. Cisterns – 100 feet;
- 22. Cemeteries – 200 feet;
- 23. Private wells – 400 feet;
- 24. Solid waste disposal sites – 1,000 feet.

94.07 DEEP WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth after each structure or facility from a deep public well within the City.

1. Well house floor drains – 5 feet;
2. Water treatment plant wastes – 50 feet;
3. Sanitary and industrial discharges – 400 feet;
4. Floor drains from pump house to surface:
 - A. None within 5 feet;
 - B. 5 to 10 feet – water main materials enclosed in concrete permitted;
 - C. 10 to 25 feet – must be water main material;
 - D. 25 to 75 feet – must be watertight sewer pipe;
5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
 - A. None permitted within 25 feet;
 - B. 25 to 75 feet – must be water main material;
 - C. 75 to 200 feet – must be watertight sewer pipe;
6. Force mains:
 - A. None permitted within 75 feet;
 - B. 75 to 200 feet – must be water main materials;
7. Land application of solid waste – 200 feet;
8. Irrigation of wastewater – 200 feet;
9. Concrete vaults and septic tanks – 100 feet;
10. Mechanical wastewater treatment plants – 200 feet;
11. Cesspools and earth pit privies – 200 feet;
12. Soil absorption fields – 200 feet;
13. Lagoons – 400 feet;
14. Chemicals:
 - A. Application to ground surface – 100 feet;
 - B. Above ground storage – 100 feet;
 - C. On or underground storage – 200 feet;
15. Animal pasturage – 50 feet;
16. Animal enclosure – 200 feet;
17. Animal wastes:
 - A. Land application of solids – 200 feet;
 - B. Land application of liquid or slurry – 200 feet;
 - C. Storage tank – 200 feet;

- D. Solids stockpile – 200 feet;
- E. Storage basin or lagoon – 400 feet;
- 18. Earthen silage storage trench or pit – 100 feet;
- 19. Basements, pits, sumps – 10 feet;
- 20. Flowing streams or other surface water bodies – 50 feet;
- 21. Cisterns – 50 feet;
- 22. Cemeteries – 200 feet;
- 23. Private wells – 200 feet;
- 24. Solid waste disposal sites – 1,000 feet.

94.08 EXCEPTION. Proscriptions as set forth in Sections 94.06 and 94.07 apply to all public water wells existing within the City except public water wells formerly abandoned for use by resolution of the Council.

94.09 NONCONFORMING USES. The use of structures or facilities existing at the time of enactment of this chapter may be continued even though such use may not conform with the regulations of this chapter. However, such structures or facilities may not be enlarged, extended, reconstructed or substituted subsequent to the date of adoption of such ordinance.

[The next page is 515]

SANITARY SEWER

TABLE OF CONTENTS

CHAPTER 95 - SANITARY SEWER SYSTEM	515
CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS.....	521
CHAPTER 97 - USE OF PUBLIC SEWERS.....	527
CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS	535
CHAPTER 99 - SEWER SERVICE CHARGES.....	537

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Superintendent
95.04 Prohibited Acts
95.05 Sewer Connection Required

95.06 Service Outside the City
95.07 Right of Entry
95.08 Use of Easements
95.09 Special Penalties

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

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal

of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.

14. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.

18. "Sewer" means a pipe or conduit for carrying sewage.

19. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

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

21. "Storm drain" or "storm sewer" means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. "Superintendent" means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

23. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.

24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

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

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

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

[The next page is 521]

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Connection Charge
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements

96.06 Interceptors Required
96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 CONNECTION CHARGE. There shall be a connection charge in the amount of \$300.00 paid to reimburse the City for costs borne by the City in making sewer service available to the property served. The City provides the saddle for connection into the main. In the event the new service entails cutting a street, the applicant shall pay the cost of the street replacement.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber or insured excavator/contractor.

96.04 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. **Separate Building Sewers.** A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. **Installation.** The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code* and applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
4. **Water Lines.** When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. **Size.** Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. **Alignment and Grade.** All building sewers shall be laid to a straight line to meet the following:
 - A. Recommended grade at one-fourth (1/4) inch per foot.
 - B. Minimum grade of one-eighth (1/8) inch per foot.
 - C. Minimum velocity of 2.00 feet per second with the sewer half full.
 - D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.
7. **Depth.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
8. **Sewage Lifts.** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
9. **Pipe Specifications.** Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
 - A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
 - B. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
 - C. Ductile iron water pipe – A.W.W.A. C-151.
 - D. P.V.C. – SDR26 – A.S.T.M. D-3034.
10. **Bearing Walls.** No building sewer shall be laid parallel to or within three (3) feet of any bearing wall that might thereby be weakened.
11. **Jointing.** Fittings, type of joint and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.
12. **Unstable Soil.** No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings.

Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. **Preparation of Basement or Crawl Space.** No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. **Design and Location.** All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. **Construction Standards.** The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. **Maintenance.** All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" or "T" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance of the building sewer, from the main to the building served, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines, whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time, the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

[The next page is 527]

CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be the best interests of the sewer system.

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

1. **Flammable or Explosive Material.** Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. **Toxic or Poisonous Materials.** Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. **Corrosive Wastes.** Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. **Solid or Viscous Substances.** Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. **Excessive B.O.D., Solids or Flow.** Any waters or wastes having (i) a five-day biochemical oxygen demand greater than 300 mg/l, or (ii) total Kjeldahl nitrogen (TKN) containing more than 20 mg/l, or (iii) containing more than 350 mg/l of total suspended solids, or (iv) having an average daily flow greater than two percent of the

average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (i) reduce the biochemical oxygen demand to 300 mg/l, or (ii) reduce the total Kjeldahl nitrogen to 20 mg/l, or (iii) reduce the total suspended solids to 350 mg/l, or (iv) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32° F and 150° F (0° to 65° C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials that exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES – POWERS. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing

facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

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

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

[The next page is 535]

CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rates for Service
99.03 Adjustment
99.04 Special Rates
99.05 Private Water Systems

99.06 Payment of Bills
99.07 Lien for Nonpayment
99.08 Special Agreements Permitted
99.09 Surcharges

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATES FOR SERVICE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount and rate of water consumed as follows:

1. For customers using 100 gallons or less per month, minimum bill \$6.00.
2. For customers using more than 100 gallons per month, first 3,000 gallons used per month @ \$12.00 (minimum bill).
3. Each next 1,000 gallons used per month @ \$4.35 per 1,000 gallons.
4. Capital Improvement Fee of \$6.00 will be added to each bill.

(Ord. 157 – Feb. 14 Supp.)

99.03 ADJUSTMENT. A customer of the municipal water system who uses the water system for service of outside lawns or gardens may receive a credit against the scheduled charges herein attributable to that part of water usage solely for outside lawns and gardens and not utilizing the sanitary sewer system. In order to qualify for such a credit, the customer shall, at a cost to be determined from time to time as approved by motion or resolution of the City Council, secure and have installed a proper water meter in the form approved by the City to the outside faucet or extension providing exterior water that is not directed through the sanitary sewer outlet. This approved meter shall be so designed to accurately monitor that part of water usage that will not enter into or be a part of the sanitary sewer system. At the end of each usage season during the fall, at a time designated by the Council, all of such approved water meters shall be read by the customer and credits issued against the customer's sewer billing.

99.04 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution. Service to industrial establishments may be by contract if the City deems it to be in its best interests.

(Code of Iowa, Sec. 384.84)

99.05 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City

either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council. The minimum charge to such customers shall be \$25.00. (\$19.00 per billing period plus an additional Capital Improvement Fee of \$6.00.)

In no case shall the minimum service charge be less than \$12.00 per month, which is necessary for operating and maintenance and reserve for maintaining the sanitary sewer system.

(Ord. 157 – Feb. 14 Supp.)

99.06 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

99.07 LIEN FOR NONPAYMENT. Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Ord. 151 – Mar. 13 Supp.)

(Code of Iowa, Sec. 384.84)

99.08 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

99.09 SURCHARGES. For those customers who contribute wastewater of strength greater than normal domestic sewage, a surcharge will be collected in addition to the sewer service charge. Normal domestic sewage is defined as five-day biochemical oxygen demand (BOD) not to exceed 300 mg/l, total Kjeldahl nitrogen (TKN) not to exceed 20 mg/l, and total suspended solids (TSS) not to exceed 300 mg/l. The surcharge for operation and maintenance costs for treating wastewater with concentrations of constituents in excess of normal domestic sewage including replacement are:

\$0.15 per pound TSS

\$0.15 per pound CBOD

\$0.40 per pound TKN

[The next page is 551]

GARBAGE AND SOLID WASTE

TABLE OF CONTENTS

CHAPTER 105 - SOLID WASTE CONTROL.....	551
CHAPTER 106 - COLLECTION OF SOLID WASTE.....	561
CHAPTER 107 - RECYCLING	565

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted
105.06 Separation of Yard Waste Required

105.07 Littering Prohibited
105.08 Open Dumping Prohibited
105.09 Toxic and Hazardous Waste
105.10 Waste Storage Containers
105.11 Prohibited Practices

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. "Collector" means any person authorized to gather solid waste from public and private places.
2. "Discard" means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361[2])
3. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
4. "Garbage" means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.
(IAC, 567-100.2)
5. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
(IAC, 567-20.2[455B])
6. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.
(Code of Iowa, Sec. 455B.361[1])
7. "Owner" means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
8. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.
(IAC, 567-100.2)

9. "Residential premises" means a single-family dwelling and any multiple-family dwelling.

10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

(IAC, 567-100.2)

12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. "Sanitary disposal project" means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301)

14. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

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, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. 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.

(IAC, 567-23.2[3c])

4. Landscape Waste. The disposal by open burning, after 4:00 p.m., 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-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. No burning shall be done on the seal-coat portion of a public street. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

5. 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. Should the recreational fire cause dense smoke, or noxious fumes, or fire ash, or interfere with any neighbors' quiet enjoyment of their indoor or outdoor environment, it shall be considered a nuisance and be subject to nuisance restrictions found in Chapter 50 of the City's Code. Any type of litter, refuse, yard waste, building materials, or rubber tires cannot be burned within what is considered a recreational fire. Recreational/open fires shall be attended at all times by at least one responsible person with an appropriate means of distinguishing the fire when it is no longer being used.

(IAC, 567-23.2[3e])

6. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

7. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

8. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises, burned on the premises in accordance with Section 105.05, or collected or disposed of as follows:

1. Grass clippings and leaves shall be collected from April 1 through November 30 of each year, provided that said items are placed in approved biodegradable containers so as to prevent the dispersal of such waste upon the premises served or upon adjacent property or public rights-of-way. Yard waste containers shall be approved biodegradable bags and shall not exceed 30 gallons or 50 pounds. Removal shall be by an approved collector at the expense of the resident, who shall make his or her own contract with the collector for the removal of grass clippings and leaves described in this section.
2. Any resident of the City may take grass clippings and leaves to the Landfill of North Iowa at no charge or such other landfill as may be subsequently designated by the City as the receiving agency, and if hauled in bulk or if emptied by the individual on the site, during specified times, in accordance with rules and regulations adopted by the agency.
3. Brush and tree limbs shall be collected once a week at the curb of residences from April 1 to November 30 of each year. Tree limbs are to be cut no more than ten feet (10') in length. Tree limbs and brush shall not be combined with refuse or garbage for collection. Residents may haul larger sized material to the Landfill of North Iowa as provided in subsection 2.
4. Christmas trees, wreaths and ropings will be collected once a week for two weeks after the holidays at the curb of the residences being served. All materials must be free of wire and hardware. Flocked trees may contain wire, nails or other metals which will require special handling prior to mulching; therefore, they will NOT be picked up. Individuals will be responsible for hauling them to a designated site.

Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar

inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water in a floodplain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. **Container Specifications.** Waste storage containers or recycling bags used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be in the manner and form as may be prescribed by the City Council from time to time, designed to be leakproof, durable, and accomplish the goals of this chapter and the landfill to expedite collection of waste. The City may authorize the use of specially designed garbage "bags" and shall provide for sale of the same to residents by motion duly adopted, which will set forth cost, manner of sale, and manner in which the same will be available to City residents, all of which may be amended from time to time to conform to landfill waste rules and regulations.
2. **Storage of Containers.** Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. **Location of Containers for Collection.** Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Yard waste shall be placed three to six feet from garbage or other refuse. Containers or other solid waste placed at the curb line shall not be so placed more than 24 hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection. During the winter season, access to the containers as well as the containers themselves shall be cleared from snow by the owner within a reasonable time after a snowfall.

4. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

[The next page is 561]

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Collection Fees
106.08 Lien for Nonpayment
106.09 Customer Deposits

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial, or institutional premises shall provide for the collection of solid waste produced upon such premises. The owners or occupants of residential premises shall individually contract for the collection of yard waste.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises on a weekly basis or other basis as may be determined by resolution or motion of the Council based upon the needs of the community residents.

106.05 BULKY RUBBISH. Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Fees. The fees for solid waste collection and disposal service, used or available, including recycling fee shall be determined from time to time, as approved by motion or resolution of the City Council. In addition, residents shall pay the cost

of bags described in Section 105.10(1) of this Code of Ordinances, which fees will be set and adjusted from time to time to reflect the cost of collection services described in 106.01 of this chapter.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

106.08 LIEN FOR NONPAYMENT. Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Ord. 151 – Mar. 13 Supp.)

(Code of Iowa, Sec. 384.84)

106.09 CUSTOMER DEPOSITS. There shall be required from every customer who is billed only for garbage (including recycling) collection a deposit equal to three times the current monthly garbage (including recycling) rate, intended to guarantee the payment of bills for service. Upon discontinuation of the garbage service due to vacating residence, any balance of the deposit shall be returned to the customer without interest.

[The next page is 565]

CHAPTER 107

RECYCLING

107.01 Definitions
107.02 Recycling Required
107.03 Collections
107.04 Containers

107.05 Scavenging Prohibited
107.06 Disposal
107.07 Prohibited Materials
107.08 Violations

107.01 DEFINITIONS. For use in this chapter, the following words are defined:

1. "Family" means any number of person living together in a room or rooms comprising a single household unit.
2. "Non-recyclable materials" means and includes solid waste, refuse, construction debris, and other materials for which there are no existing recycling markets.
3. "Recyclable materials" means and includes aluminum cans and containers, tin cans, glass bottles and jars (made of clear, green or brown glass), plastic bottles and jugs, newspapers, and such materials as the City may by resolution designate or delete from time to time.
4. "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.
5. "Source separation" means to divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.

107.02 RECYCLING REQUIRED. Every person living in a dwelling unit and all commercial and industrial premises within the City 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. Place all recyclable materials at the curb side by 7:00 a.m. on the designated day of pickup. Collection from commercial and industrial premises may be made either from streets or alleys, at the discretion of the City. All containers are to be placed within five feet of the commercial or industrial premises.

107.03 COLLECTIONS. Recyclable materials shall be made available for collection on a regular basis in accordance with a schedule for collection as may be set by the Council on motion or resolution.

107.04 CONTAINERS. Recyclable material shall be placed for collection only in containers purchased from the City. The containers shall be labeled as Recycling Containers or shall have the appropriate recycling logo as designated by the City.

1. All persons shall maintain the recycling containers in a sanitary condition and shall replace lost or damaged containers at their own expense within ten days of receiving writing notice to do so from the City's designated collector of recyclable materials.
2. No person shall place yard waste or any other non-recyclable material in a recycling container.
3. The containers shall be the property of the owner of the dwelling unit, but shall not be removed from the site of the dwelling unit except for repair or replacement.

Distribution of containers to owners of commercial and industrial premises for recycling purposes shall be arranged for and agreed upon by the City-designated collector and the owner.

107.05 SCAVENGING PROHIBITED. 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 does preclude all persons other than the City-designated collector from conducting drives for the collection of recyclable materials.

107.06 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 that is contrary to applicable law, statute, ordinance, rule, or regulation.

107.07 PROHIBITED MATERIALS. No person within the City shall dispose of appliances, used oil, batteries, tires, hypodermic needles and syringes, liquid paint and household hazardous materials except pursuant to rules established by the City. Yard waste, as defined in Chapter 105, shall be disposed of as required in Section 105.06.

107.08 VIOLATIONS. Each day a violation of the provisions of this chapter continues is considered a separate violation.

[The next page is 585]

FRANCHISES AND OTHER SERVICES

TABLE OF CONTENTS

CHAPTER 110 - NATURAL GAS FRANCHISE	585
CHAPTER 111 - ELECTRIC FRANCHISE	591
CHAPTER 112 - REGULATION OF CABLE TELEVISION RATES.....	601

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted
110.02 Mains and Pipes; Indemnification
110.03 Excavations
110.04 Construction and Maintenance
110.05 Service Requirements

110.06 Franchise Fees
110.07 Management Fees
110.08 Nonexclusive
110.09 Term of Franchise
110.10 Entire Agreement

110.01 FRANCHISE GRANTED There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of the ordinance codified by this chapter,[†] to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*. The term "gas" as used in this franchise shall be construed to mean natural gas only.

110.02 MAINS AND PIPES; INDEMNIFICATION. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

110.03 EXCAVATIONS. In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

110.04 CONSTRUCTION AND MAINTENANCE. The Company shall, at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing

[†] **EDITOR'S NOTE:** Ordinance No. 147 adopting a natural gas franchise for the City was passed and adopted by the Council on April 10, 2012.

facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation process. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

110.05 SERVICE REQUIREMENTS. Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

110.06 FRANCHISE FEES.

1. In its monthly billing the Company shall include a franchise fee of zero percent (0%) on the gross receipts from the sale of natural gas to the Company's natural gas customers located within the corporate limits of the City.
2. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.
3. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list. The Company shall not commence assessing the franchise fee until it has received written approval of its amended tax rider tariff from the Iowa Utilities Board.
4. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that the Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.
5. Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee.

6. The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail: such final and unappealable orders or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customer service address list for the annexed area.

7. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

8. The Company shall remit franchise fee revenues, minus uncollectible amounts, to the City no more frequently than on or before the last business day of the month following each calendar year quarter. Company shall notify City at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

9. The City shall give the Company a minimum six-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to subsection 1 hereof. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. When any such Ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the City Council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law.

10. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law.

11. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

12. Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the end of the Ordinance term.

A. The obligation to collect and remit the fee imposed by this chapter is modified if:

(1) Any other person is authorized to sell natural gas to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this chapter, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate; or

(2) The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling natural gas to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of natural gas within the City; or

(3) The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, "Final Franchise Fee Action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this chapter can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee Ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

B. The obligation to collect and remit the fee imposed by this chapter is repealed, effective as of the date specified below with no liability therefor, if:

(1) The imposition, collection or remittance of a franchise fee is judicially determined to be unlawful by a court of competent jurisdiction within the State of Iowa. Such determination shall be effective only after all available appeals have either been exhausted or have expired; or

(2) The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or

(3) The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

13. Said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said pipes, mains, and other conductor and appliances in, along and under the streets, avenues, alleys and public places in the said City for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof shall be exempt from any special tax, assessment, license or rental charge during the entire term of this chapter.

110.07 MANAGEMENT FEES. The City shall not, pursuant to Chapter 480A.6 of the *Code of Iowa*, impose or charge right-of-way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

110.08 NONEXCLUSIVE. The franchise granted by this chapter shall not be exclusive.

110.09 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights thereunder shall continue for the period of twenty-five (25) years from the after its acceptance by the Company, as herein provided.

110.10 ENTIRE AGREEMENT. This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this chapter shall supersede, abrogate and repeal the prior gas system ordinance between the Company the City as of the date this franchise ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees that create additional burdens upon the Company or which delay utility operations.

(Chapter 110 – Ord. 147 – Apr. 12 Supp.)

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted	111.07 Nonexclusive
111.02 Poles and Wires; Indemnification	111.08 Continuous Service
111.03 Excavations	111.09 Franchise Fee
111.04 Construction and Maintenance	111.10 Management Fees
111.05 Meters	111.11 Term of Franchise
111.06 System Requirements	111.12 Entire Agreement

111.01 FRANCHISE GRANTED There is hereby granted to INTERSTATE POWER & LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, avenues, alleys and public places in the said City to supply individuals, corporations, communities and municipalities both inside and outside of the City with electric light, heat and power for the period of twenty-five (25) years; [†] also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.

111.02 POLES AND WIRES; INDEMNIFICATION. The poles, lines, wires, circuits and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

111.03 EXCAVATIONS. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical.

111.04 CONSTRUCTION AND MAINTENANCE. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public

[†] **EDITOR'S NOTE:** Ordinance No. 146, adopting an electric franchise for the City, was passed and adopted on April 10, 2012.

works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

111.05 METERS. The Company, its successors and assigns shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

111.06 SYSTEM REQUIREMENTS. The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and the inhabitants thereof and shall be kept in a modern and up-to-date condition.

111.07 NONEXCLUSIVE. The franchise granted by this chapter shall not be exclusive.

111.08 CONTINUOUS SERVICE. Service to be rendered by the Company under this chapter shall be continuous unless prevented from so doing by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

111.09 FRANCHISE FEE.

1. In its monthly billing the Company shall include a franchise fee of zero percent (0%) on the gross receipts from the sale of electricity to the Company's electric customers located within the corporate limits of the City.
2. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.
3. The Company shall commence collecting the franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list.
4. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that the Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.
5. Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the

corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee. The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail: such final and unappealable orders or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customer service address list for the annexed area.

6. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

7. The Company shall remit franchise fee revenues, minus uncollectible amounts, to the City no more frequently than on or before the last business day of the month following each calendar year quarter. Company shall notify City at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

8. The City shall give the Company a minimum 6-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to this section. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. When any such ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the City Council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law.

9. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law.

10. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

11. Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the end of the franchise term.

A. The obligation to collect and remit the fee imposed by this chapter is modified if:

(1) Any other person is authorized to sell electricity to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this chapter, in which case the obligation of Company to

collect and remit franchise fee shall be modified to zero or the lesser rate; or

(2) The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or

(3) The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, "Final Franchise Fee Action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this chapter can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

B. The obligation to collect and remit the fee imposed by this chapter is repealed, effective as of the date specified in the franchise ordinance with no liability therefor, if:

(1) Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court; or

(2) The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or

(3) The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

12. The franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power shall be exempt from any special tax, assessment, license or rental charge during the entire term of this chapter.

111.10 MANAGEMENT FEES. The City shall not, pursuant to Chapter 480A.6 of the *Code of Iowa*, impose or charge right-of-way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

111.11 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights thereunder shall continue for the period of twenty-five (25) years from the after its acceptance by the Company, as herein provided.

111.12 ENTIRE AGREEMENT. This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon written acceptance by the Company, this franchise ordinance shall supersede, abrogate and repeal the prior electric system ordinance between the Company and the City as of the date this franchise ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, other than those approved and accepted by the Company with this chapter, that create additional burdens upon the Company or which delay utility operations.

(Chapter 111 – Ord. 146 – Apr. 12 Supp.)

[The next page is 601]

CHAPTER 112

REGULATION OF CABLE TELEVISION RATES

112.01 Authority
112.02 Rate Regulation Proceedings
112.03 Certification

112.04 Notice of Rate Change
112.05 Delegation of Power

112.01 AUTHORITY. The City has the legal authority to administer and shall enforce against any non-municipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission (FCC), concerning Cable Rate Regulation, 47 C.F.R. §§76.900 *et. seq.*, as they currently read and hereafter may be amended, which are herewith incorporated by reference.

112.02 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted hereunder shall provide a reasonable opportunity for consideration of the views of any interested party, including but not limited to, the City or its designee, the Cable Operator, subscribers, and residents of the franchise area. In addition to all other provisions required by the laws of the State of Iowa and by the City, and in order to provide for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

1. The City shall publish notice as provided in Section 362.3 of the *Code of Iowa* and shall mail, by certified mail, to the Cable Operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.
2. The public notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the Rules and Regulations of the FCC; and that the decision of the City is subject to review by the FCC.
3. The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increases are reasonable. The City may delegate the responsibility to conduct the proceeding to any duly qualified and eligible individual or entity. If the City or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may announce the effective date of the proposed rates for an additional period of time as permitted by the FCC Rules and Regulations, and issue any other necessary or appropriate order and give public notice accordingly.
4. In the course of the rate regulation proceeding, the City may request additional information from the Cable Operator that is reasonably necessary to determine the reasonableness of the basic service tier rates and equipment charges. Any such additional information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

5. The City may request proprietary information, provided that the City shall consider a timely request from the Cable Operator that said proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, said proprietary information may be used only for the purpose of determining the reasonableness of the rates and charges or the appropriate rate level based on a cost-of-service showing submitted by the Cable Operator.

6. The City may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the State of Iowa and by the City to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents, and deposition.

7. Upon termination of the rate regulation proceeding, the City shall adopt and release a written decision as to whether or not the rate or proposed rate increase is reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription, and refunds.

8. The City may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.

9. Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.

10. The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

112.03 CERTIFICATION. The City shall file with the FCC the required certification form (FCC Form 328) on September 1, 1993, or as soon thereafter as appropriate. Thirty days later, or as soon thereafter as appropriate, the City shall notify the Cable Operator that the City has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges.

112.04 NOTICE OF RATE CHANGE. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, and over which the City is not empowered to exercise rate regulation, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

112.05 DELEGATION OF POWER. The City may delegate its powers to enforce this chapter to municipal employees or officers (the "cable official"). The cable official will have the authority to:

1. Administer oaths and affirmations;
2. Issue subpoenas;
3. Examine witnesses;

4. Rule upon questions of evidence;
5. Take or cause depositions to be taken;
6. Conduct proceedings in accordance with this chapter;
7. Exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
8. Hold conferences for the settlement or simplification of the issues by consent of the parties; and
9. Take actions and make decisions or recommend decisions in conformity with this chapter.

[The next page is 651]

REGULATION OF BUSINESS AND VOCATIONS

TABLE OF CONTENTS

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS	651
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS	661
CHAPTER 122 - PEDDLERS.....	665
CHAPTER 123 - ADULT ENTERTAINMENT	671

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine, or beer.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine, or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer, or wine on Sunday may

sell or dispense alcoholic liquor, beer, or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine, or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Ord. 148 – Mar. 13 Supp.)

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee, or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

120.06 AMUSEMENT DEVICES. The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and that is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

[The next page is 661]

CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

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

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

1. "Carton" means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. "Package" or "pack" means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
4. "Place of business" means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.
6. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes within the City without a valid permit for each place of business.

The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under

this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

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CHAPTER 122

PEDDLERS

122.01 License Required
122.02 Applications
122.03 Revocation
122.04 Renewal; License Fee

122.05 Requirements for Issuance
122.06 Exemptions
122.07 Religious and Charitable Organizations

122.01 LICENSE REQUIRED. It is unlawful for any person who is not a permanent resident of the City, without an established local address in the City, to conduct door-to-door sales in the City without first procuring a license therefor as hereinafter provided.

122.02 APPLICATIONS. All applications for licenses under the provisions of this chapter shall be made to the Clerk and shall be issued by the Clerk following approval by the Police Chief.

122.03 REVOCATION. Any and all licenses granted pursuant to the provisions of this chapter may be revoked for cause by the Mayor or Council at any time.

122.04 RENEWAL; LICENSE FEE. Any and all licenses granted hereunder shall be valid for six (6) months and may be renewed by making a new application therefor as provided for the granting of the original license. The amount of license fee shall be fifty dollars (\$50.00) and there shall be no refund in the event of discontinuance of the purpose for which it was granted originally and thereafter renewed.

122.05 REQUIREMENTS FOR ISSUANCE. A license shall be issued by the Clerk after receipt of the following items:

1. Completion of an application form which shall state the full name, residence and telephone number of the applicant, the type of material or items to be sold, information as to where the items will be shipped from and the time of shipment.
2. If any business addresses other than the residential home of the applicant are available, these shall be set forth in the application.
3. Two references with names, addresses, and telephone numbers, which can be verified by the Clerk, shall be submitted with the applications.
4. There shall also be submitted evidence as to the validity of an Iowa sales tax permit as required by the laws of the State.

122.06 EXEMPTIONS. The following are excluded from the requirements of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.

4. Students. Students representing the surrounding the Northwood-Kensett Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.07 RELIGIOUS AND CHARITABLE ORGANIZATIONS. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature are exempt from the operation of this chapter.

[The next page is 671]

CHAPTER 123

ADULT ENTERTAINMENT

123.01 Definitions

123.02 Regulations

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

1. "Adult amusement or entertainment" means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.
2. "Adult book store or gift shop" is an establishment having as a substantial and significant portion of its stock in trade books, magazines, and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.
3. "Adult hotel or motel" means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the individuals therein.
4. "Adult photo studio" is an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or specified sexual activities, as defined herein.
5. "Adult theater" is a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the patrons therein.
6. "Adult uses" includes adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater, and massage parlor.
7. "Massage parlor" means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician's direction, physical therapist, podiatrist, registered speech pathologist or physical or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic, or nursing home, duly licensed beauty parlors or barber shops.

8. "Specified anatomical areas" means less than completely and opaquely covered human genitalia, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. "Specified sexual activities" means patently offensive acts, exhibitions, representations, depictions or descriptions of:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
 - C. Intrusion, however slight, actual or simulated, by an object, of any part of an animal's body or any part of a person's body into the genital or anal openings of any person's body;
 - D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
 - E. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

123.02 REGULATIONS.

1. Location. An adult use shall not be located within 1,000 feet of another adult use, nor shall the adult use be located within 1,000 feet of any public or parochial school, regularly scheduled school bus stop, licensed day care facility, church, public park, or any dwelling (one-family, two-family or multiple dwelling) or within 1,000 feet of City Hall. The 1,000-foot restriction shall be computed by measurement from the nearest property line of the land used for another adult use or in the case of any regularly scheduled school bus stop, public or parochial school, licensed day care facility, church, public park, dwelling or City Hall, by measurement to the nearest entrance of the building in which adult uses are to occur, using a route of direct horizontal distance.
2. Concealment. All building openings, entries, windows, etc., of an adult use shall be covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or from other public or semi-public areas.
3. Minors. No minor shall be permitted in any establishment in which adult uses are permitted.
4. Alcohol. No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to the *Code of Iowa*. This prohibition applies equally to the proprietor and the patrons of the establishment involved.
5. Public Exposure. Except as hereinafter provided, no person shall expose those parts of his or her body which are hereinafter listed to another in any public place, in any privately owned place open to the public, or in any place where such exposure is seen by another person or persons located in any public place:
 - A. A woman's nipple, the areola thereof, or full breast, except as necessary in the breast-feeding of a baby.

B. The pubic hair, pubes, perineum or anus of a male or female, the penis or scrotum of a male or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

This subsection does not apply to limited or minimal exposures incident to the use of public rest rooms or locker rooms or such other places where such exposures occur incident to the prescribed use of those facilities. This subsection also does not apply to exposures occurring in live stage plays, live theatrical performances or live dance performances conducted in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

[The next page is 701]

STREETS AND SIDEWALKS

TABLE OF CONTENTS

CHAPTER 135 - STREET USE AND MAINTENANCE	701
CHAPTER 136 - SIDEWALK REGULATIONS	709
CHAPTER 137 - VACATION AND DISPOSAL OF STREETS	715
CHAPTER 138 - STREET GRADES	717
CHAPTER 139 - NAMING OF STREETS	719
CHAPTER 140 - DRIVEWAYS.....	721

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling on Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Maintenance of Parking or Terrace

135.11 Failure to Maintain Parking or Terrace

135.12 Dumping of Snow

135.13 Driveway Culverts

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate, or in any manner disturb any street, parking or alley except in accordance with the following:

1. **Permit Required.** No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. **Public Convenience.** Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. **Barricades, Fencing and Lighting.** Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. **Insurance Required.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
5. **Restoration of Public Property.** Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
6. **Inspection.** All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
7. **Completion by the City.** Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

8. **Responsibility for Costs.** All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

9. **Notification.** At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

10. **Permit Issued.** Upon approval of the application and filing of insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

11. **Permit Exemption.** Utility companies are exempt from the permit application requirement of this section.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.

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

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except snow from properties in the business district may be moved to the street where it will be removed by the City.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

[The next page is 709]

CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice, and Accumulations	136.13 Encroaching Steps
136.04 Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Defacing
136.07 Permit Required	136.17 Debris on Sidewalks
136.08 Sidewalk Standards	136.18 Merchandise Display
136.09 Barricades and Warning Lights	136.19 Sales Stands
136.10 Failure to Repair or Barricade	

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee of five dollars (\$5.00).

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. **Cement.** Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. **Construction.** Sidewalks shall be of one-course construction.
3. **Sidewalk Base.** Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. **Sidewalk Bed.** The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. **Length, Width and Depth.** Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.
 - C. Driveway areas shall be not less than six (6) inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on a level with the centerline of the street, which is the established grade. If there is no curb, elevation is established by the City.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-eighth ($\frac{1}{8}$) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

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

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining approval from the Council.

[The next page is 715]

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate

137.02 Planning and Zoning Commission

137.03 Notice of Vacation Hearing

137.04 Findings Required

137.05 Disposal of Vacated Streets or Alleys

137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. **Public Use.** The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. **Abutting Property.** The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] & 364.7[3])

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
124	11-8-16		
174	6-12-51		
181	8-11-51		
192	9-13-60		
206	5-28-63		
223	9-10-68		
227	4-21-70		
229	11-14-72		
245	12-9-75		
247	3-28-78		
248	10-10-78		
252	10-14-80		
257	8-24-82		
259	3-26-85		
261	11-26-85		
8	10-25-94		
30	9-24-96		
37	7-22-97		
94	10-14-03		
138	7-13-10		
156	11-12-13		
161	6-23-14		

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Northwood, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

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CHAPTER 140

DRIVEWAYS

140.01 Definitions

140.02 Permit

140.03 Fee for Permit

140.04 Driveway Requirements

140.05 Sidewalks

140.06 Excavations

140.07 Revocation of Permit

140.08 Inspection and Approval

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

1. "Driveway" means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
2. "Paving" includes any kind of hard surfacing, including (but not limited to) Portland cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. Paving does not include surfacing with oil, gravel, oil and gravel or chloride.
3. "Superintendent" means the City Street Superintendent or any duly authorized representative.

140.02 PERMIT. Before any person constructs or repairs a driveway, said person shall obtain a written permit from the Superintendent. A written application for the permit shall be filed with the Superintendent. The application shall include the 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 proposed plan of construction or repair, which shall include the depth, width, and type of surfacing material to be used. No other plan shall be followed except by written permission of the Superintendent, who may allow amendments to the application or permit which do not conflict with this chapter. The Superintendent shall sign and issue the permit, bearing the date of issuance, if the proposed plan meets all of the requirements of this chapter, if the fee required under this chapter has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire six (6) months after the date of issuance, if not constructed within that time.

140.03 FEE FOR PERMIT. Before any permit is issued, the person who makes the application shall pay five dollars (\$5.00) to the Superintendent. The Superintendent shall give the applicant a written receipt showing the sum received and the date. These fees shall be deposited in the City treasury no later than the tenth day of the month following the month in which they were collected, with a written report to the Clerk of the amounts and sources.

140.04 DRIVEWAY REQUIREMENTS. All driveways shall be of paving of a depth of not less than six inches and shall be at least eight feet in width. The driveway may be placed directly on compact and well-drained soil. Where soil is not well drained, a two- to four-inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The driveway shall slope not less than 1/8 inch per foot toward the roadway.

140.05 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

140.06 EXCAVATIONS. Excavations to do work under this chapter 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 excavations, the earth must be laid in layers and each layer tamped thoroughly. Any street, sidewalk, or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for three (3) months after refilling.

140.07 REVOCATION OF PERMIT. The Superintendent may at any time revoke a permit for any violation of this chapter and may require that the work be stopped.

140.08 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the Superintendent within thirty (30) days after completion of the work. The Superintendent shall keep a record of such approvals. If the work is not approved, it must be corrected immediately so that it meets with the Superintendent's approval. If the work has been done improperly, the Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

[The next page is 745]

BUILDING AND PROPERTY REGULATIONS

TABLE OF CONTENTS

CHAPTER 145 - DANGEROUS BUILDINGS.....	745
CHAPTER 146 - STORAGE OF FLAMMABLE LIQUIDS	749
CHAPTER 147 - PROPERTY MAINTENANCE REQUIREMENTS.....	755
CHAPTER 148 – LICENSING AND INSPECTION OF RENTAL PROPERTIES.....	759
CHAPTER 150 - BUILDING NUMBERING	775
CHAPTER 151 - TREES	777
CHAPTER 160 - FLOOD PLAIN MANAGEMENT.....	801

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish; Municipal Infraction
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Mayor is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement

officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[†]

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF NORTHWOOD, IOWA." Such notice shall remain posted until the required demolition, removal or repairs are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 146

STORAGE OF FLAMMABLE LIQUIDS

146.01 Annual Inspection Required

146.02 Approval of Plans Required

146.01 ANNUAL INSPECTION REQUIRED. An annual inspection of all above-ground flammable liquid storage tanks is required by the State Fire Marshal's office, and the Clerk is responsible for requesting said inspection.

146.02 APPROVAL OF PLANS REQUIRED. There shall be no construction or installation of any above-ground flammable liquid storage facilities until such time as, in advance of the commencement of any proposed construction, the owner of the premises upon which such facilities shall stand submits to the Council, in triplicate, plans and specifications showing the proposed types of installations, details of construction, and all other pertinent information so that the Council may give due consideration to the advisability of the proposed installation, and approve or disapprove the same, taking into consideration the general safety aspects of said proposed installation, the proximity of the proposed installation to residential and business areas of the City, together with an evaluation of the safety of such installation as affecting any residential area.

[The next page is 755]

CHAPTER 147

PROPERTY MAINTENANCE REQUIREMENTS

147.01 Purpose
147.02 Applicability
147.03 Nuisances

147.04 Notice to Abate
147.05 Emergency Abatement Measures

147.01 PURPOSE. The purpose of this chapter is to designate the responsibilities of persons for maintenance of structures, equipment, and exterior property within the City, to define nuisances as a result of the failure to perform such maintenance, and to provide for the abatement of such nuisances in order to provide for the safety and preserve the health and welfare of the citizens of the City.

147.02 APPLICABILITY. Every residential, nonresidential, or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy, shall comply with the provisions of this chapter, whether or not such building has been constructed, altered, or repaired before or after the enactment of this chapter.

147.03 NUISANCES. A failure to satisfy any of the following provisions shall constitute a nuisance:

1. **General.** 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.
2. **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 approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and vermin re-infestation.
3. **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.
4. **Protective Treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Excessive peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.

5. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the infestation of rodents and vermin.
6. Exterior Walls. All exterior walls shall be maintained plumb; free from open cracks, holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
7. 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.
8. 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.
9. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
10. 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.

147.04 NOTICE TO ABATE. Upon discovery of any violation of Section 147.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

147.05 EMERGENCY ABATEMENT MEASURES. Notwithstanding any other provisions of this chapter, whenever in the judgment of the Property Maintenance Official any nuisance is an immediate and imminent threat to life and property, the Property Maintenance Official may, with or without prior notice as required within, order the nuisance abated and costs assessed against the property for collection in the same manner as a property tax. However, prior to such assessment, the City shall give the property owner notice as provided by the *Code of Iowa* and this Code of Ordinances.

[The next page is 759]

CHAPTER 148

LICENSING AND INSPECTION OF RENTAL PROPERTIES

148.01 Purpose	148.08 Revocation of Permit
148.02 Definitions	148.09 Inspection upon Complaint
148.03 Registration of Rental Properties	148.10 Required Abatement of Nonconforming Condition
148.04 Rental Permit Required	148.11 Property Standards
148.05 Consent to Inspection	148.12 Fees
148.06 Inspection of Real Property and Issuance of Rental Permit	148.13 Appeal
148.07 Rental Permit Effectiveness	148.14 Implementation of Chapter
	148.15 Violations

148.01 PURPOSE. The purpose of this chapter is to provide for the inspection of residential rental properties within the corporate limits of the City of Northwood, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

148.02 DEFINITIONS. For the purpose of interpreting this chapter, the following definitions shall apply:

1. "Dwelling" means any house, building or mobile home, or portion thereof, occupied or intended to be occupied as the place of habitation of human beings, either permanently or transiently.
2. "Dwelling unit" means one or more rooms within a dwelling intended to be occupied by human beings for living purposes. If a common area and facilities for cooking and eating are provided in a dwelling for the use of the occupants of units therein, such common area and facilities shall constitute a part of each dwelling unit for the purpose of inspection and compliance with this chapter, notwithstanding the fact that cooking is not allowed in individual units.
3. "Manager" means a person or entity designated by the owner as the owner's agent in supervising the operation and leasing of the owner's rental property and authorized to act on behalf of the owner with the City concerning compliance with the requirements of this chapter.
4. "Owner" means any person, persons, entity or entities that have legal title, individually or collectively, to rental property.
5. "Rental permit" means the permit issued by the City of Northwood authorizing occupancy of a rental property.
6. "Rental property" means any dwelling or dwelling unit which is being held out or being offered for rent or is currently being let for rent and/or occupied by any person who is not the owner of the premises, except that the following properties shall not be regarded as rental properties:

- A. Dwelling units owned by the United States of America, the State of Iowa, or the City of Northwood, Iowa.

B. Hotels and Bed and Breakfast Inns as defined by Chapter 137 of the Iowa Code.

C. All facilities that are licensed or certified by the Iowa Department of Inspections and Appeals.

148.03 REGISTRATION OF RENTAL PROPERTIES. The owner of a rental property is required to register the owner's rental property with the City by filing a completed registration form (as provided by the City) with the City Clerk accompanied by a fee for each dwelling or dwelling unit described in the registration form and in an amount as established from time to time by the City Council by appropriate resolution and which fee shall be set out in an appendix to the Northwood Municipal Code of Ordinances. Each owner must thereafter renew its registration bi-annually, occurring every two years, by filing a completed registration form (as provided by the City) with the City Clerk on or before the anniversary date of the last registration filing, accompanied by payment of the fee as described above. Registration forms shall be available at the office of the City Clerk during regular business hours or on the City website. Upon receipt of the completed registration form and payment of the registration/inspection fees, upon completion of the inspection certifying compliance with the property standards described in this ordinance, a rental permit will be issued to the owner.

148.04 RENTAL PERMIT REQUIRED. Except as otherwise provided herein, no owner shall rent or offer for rent any dwelling or dwelling unit for use in whole or in part for human habitation unless a rental permit has been issued for each dwelling unit. If a completed registration form, together with the required fee, has been received by the City, but the inspection cannot be completed within a reasonable time or prior to the expiration of the existing permit, then the City Clerk is authorized to issue a temporary rental permit pending completion of the inspection of the dwelling unit by the City, and which will thereby authorize occupancy of the dwelling unit for the period designated in the temporary permit. No person shall occupy a dwelling unit unless a valid rental permit has been issued for the dwelling unit.

148.05 CONSENT TO INSPECTION. By filing a registration form with the City, the owner is granting its consent to an inspection of the rental property by the City for the purpose of determining compliance with the property standards set forth in this chapter.

148.06 INSPECTION OF RENTAL PROPERTY AND ISSUANCE OF RENTAL PERMIT. Rental properties shall be inspected and permits authorizing occupancy shall be issued as follows:

1. **Inspection.** Upon receiving a registration form and registration fee, the City Inspector will arrange to inspect each dwelling unit described in the registration form by contacting the owner or the manager to arrange for inspection within a reasonable period of time, not to exceed two weeks from the date of the City request for an inspection. The owner or manager shall be present at the time set for inspection and shall accompany the inspector during each inspection. The owner shall advise the occupant of these arrangements and of the occupant's right to also be present during the inspection.
2. **Issuance/Denial of the Rental Permit.** If the City inspector finds that the dwelling unit substantially conforms to the minimum standards as set forth in this chapter, then the rental permit shall thereupon be issued to the owner. If the inspection determines that the dwelling unit does not substantially conform with the standards, then the City will notify the owner of the specific findings of nonconformity and of the date by which abatement of these nonconforming conditions

must be completed. In the event that the period for abatement extends beyond the expiration of the rental permit, then the City may issue a temporary rental permit for this abatement period unless the nonconforming conditions are deemed to be an immediate threat to the health and safety of the occupants. The City will re-inspect the property following expiration of the abatement deadline to confirm compliance with the property standards.

3. **Transfer of Ownership.** Upon transfer of ownership of the property for which the rental permit has been issued, the new owner or manager of the property shall apply for a transfer of the rental permit within 30 days after the date of transfer of ownership of the residential rental property. If application for transfer is timely made, then the rental permit will be transferred to the new owner or operator without charge or without further inspection and the rental permit will expire on the expiration date of the previous rental permit. If the application for transfer is not timely filed, then the City may cancel the rental permit and require registration of the unit and re-inspection before a rental permit is issued.

148.07 RENTAL PERMIT EFFECTIVENESS. Except as otherwise provided herein, a rental permit issued by the City pursuant to this chapter shall remain effective for a period of two years from the date of issuance. Prior to the second anniversary of the original permit, the City will notify the owner or manager of the requirement for re-inspection of the property, and will make arrangements for the inspection within a reasonable time. In the event that the owner or manager of rental property does not file a registration form and pay the required fee within 30 days following the expiration of the rental permit in any year, the City may, in its discretion, require re-inspection of the property as a condition for renewal of the rental permit.

148.08 REVOCATION OF PERMIT. A rental permit will be subject to revocation at any time after 10 days' prior written notice to the owner or manager upon the following occurrences:

1. Failure to timely file a registration form or timely pay the required fees for registration and inspection. Failure to cure this default within 10 days following receipt of the notice of noncompliance by the owner or manager.
2. Discovery of nonconforming conditions on the property and which are not abated within the time period prescribed for abatement by the City in its notification to the owner or manager of nonconforming conditions.
3. Conviction or judgment by a judge or judicial magistrate of the Iowa District Court finding a violation of any provision of this chapter.

In the event that the City Inspector determines that the conditions of the rental property present an immediate threat to the health and safety of the occupants thereof or of neighboring properties, then the rental permit may be revoked immediately without prior notice to the owner or manager.

148.09 INSPECTION UPON COMPLAINT. In addition to the inspections conducted by the City in conjunction with the issuance or renewal of rental permits, the City is authorized to inspect any rental property for compliance with the standards set forth in this chapter upon receiving a complaint from an occupant of the rental property concerning conditions on the property. The complaint shall be filed with the City Clerk on a form provided by the City. This form shall include a provision requiring the complainant to certify that he or she has registered a complaint with the landlord by certified mail at least fourteen (14) days prior to

filing the complaint with the City and without receiving a satisfactory response from the owner or manager.

148.10 REQUIRED ABATEMENT OF NONCONFORMING CONDITION. Any owner who fails to abate nonconforming conditions, after receiving notice of noncompliance and within the time period prescribed by the City for abatement of these nonconforming conditions, is in violation of this Code of Ordinances.

148.11 PROPERTY STANDARDS. All rental properties must substantially conform to the following provisions of Chapter 147 Property Maintenance Requirements and the *International Property Maintenance Code*, 2012 as published by the International Code Council, Inc., the provisions of which are by this reference adopted and made part of this chapter:

1. Section 301.2 pertaining to Responsibility
2. Section 302.5 pertaining to Rodent Harborage
3. Section 304.1.1 pertaining to Unsafe Conditions, Exterior Structure
4. Section 304.3 pertaining to Premises Identification
5. Section 304.12 pertaining to Handrails and Guards
6. Section 304.13 pertaining to Window, Skylight and Door Frames
7. Section 304.15 pertaining to Doors
8. Section 304.18 pertaining to Building Security
9. Section 305 pertaining to Unsafe Conditions, Interior Structure
10. Section 306 pertaining to Unsafe Conditions, Component Serviceability
11. Section 307 pertaining to Handrails and Guardrails
12. Section 309 pertaining to Pest Elimination
13. Section 402.2 pertaining to Common Halls and Stairways
14. Section 403.1 pertaining to Habitable Spaces
15. Section 403.2 pertaining to Bathrooms and Toilet Rooms
16. Section 403.5 pertaining to Clothes Dryer Exhaust
17. Section 502.1 pertaining to Dwelling Units
18. Section 504 pertaining to Plumbing Systems and Fixtures
19. Section 505 pertaining to Water Supply
20. Section 506.1 pertaining to Sanitary Drainage System, General
21. Section 506.2 pertaining to Maintenance
22. Section 602 pertaining to Heating Facilities (dates for heat being November 1 through April 1, inclusive)
23. Section 603 pertaining to Mechanical Equipment
24. Section 604 pertaining to Electrical Facilities
25. Section 605 pertaining to Electrical Equipment

26. Section 606.2 pertaining to Elevators
27. Section 702.1 pertaining to Means of Egress, General
28. Section 702.3 pertaining to Means of Egress, Locked Doors
29. Section 704 pertaining to Fire Protection Systems

148.12 FEES. The following fees will be assessed to and paid by rental property owners in an amount as established from time to time by the City Council by appropriate resolution and which fees shall be set out in an appendix to the Northwood Municipal Code of Ordinances:

1. **Registration/Inspection Fee.** Due upon filing initial and subsequent annual registration of rental properties with the City Clerk.
2. **Additional Inspection Fee.** Due and payable for each inspection of a dwelling or dwelling unit that is in addition to an inspection required by this chapter and one follow-up inspection.
3. **Complaint Inspection Fee.** Due and payable for each inspection conducted by the City pursuant to a complaint filed with the City Clerk. If the property is not in compliance the property owner will be liable for the inspection Fee. If found to be in compliance the tenant will be liable for the inspection fee.
4. **Failure to Appear Fee.** Due and payable upon failure of the owner or manager to appear at a scheduled inspection of a dwelling or dwelling unit.

Permits will not be issued nor inspections made until the fees required by this section have been received by the City Clerk.

148.13 APPEAL. Any person aggrieved by a decision of the City in its administration of this chapter may file a request with the City Clerk, on a form provided by the City Clerk, and directed to the City Inspector requesting reconsideration of the contested decision. The City Inspector will notify the applicant, in writing, within five days after its receipt by the City Clerk, of his decision. If the aggrieved party is not satisfied with the response of the City Clerk, the aggrieved party may, within 10 days following the date of the City Clerk's response, file a written appeal to the City Council, on a form provided by the City Clerk, requesting reconsideration of the contested decision. This written appeal shall be filed with the City Clerk. The City Clerk will thereupon notify the aggrieved party of the date, time and place of hearing before the City Council and at such hearing the aggrieved party may present testimony and evidence in support of his/her position. The City Council will render an opinion on this appeal within 10 days following the date of hearing.

148.14 IMPLEMENTATION OF CHAPTER. The City may implement the registration and inspection of rental properties in stages in order to facilitate an orderly inspection of all rental properties requiring rental permits. The City may issue temporary rental permits to owners pending inspection of rental properties for which registration forms have been filed.

148.15 VIOLATIONS. The violation of any provision of this chapter shall constitute a violation of the City of Northwood Code of Ordinances and subjecting the violator to the following penalties:

1. **Criminal Penalties.** Any owner who violates provision of this chapter shall be guilty of a simple misdemeanor.

2. Civil Penalties. Any violation of this chapter or failure to perform any act or duty or requirement of this chapter shall constitute a municipal infraction under Chapter 4 of this Code of Ordinances.
3. Other Code Provisions. The foregoing provisions concerning enforcement of this chapter are not exclusive but are cumulative to any other remedies available under State law or local ordinance.

(Ch. 148 – Ord. 160 – Jul. 14 Supp.)

[The next page is 775]

CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. "Owner" means the owner of the principal building.
2. "Principal building" means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

TREES

151.01 Definition
151.02 Planting Restrictions
151.03 Duty to Trim Trees
151.04 Trimming Trees to be Supervised

151.05 Disease Control
151.06 Inspection and Removal
151.07 Appeal Process

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. **Alignment.** All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. **Spacing.** Trees shall not be planted on any parking that is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. **Prohibited Trees.** No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, or black walnut.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased, or damaged tree or shrub that may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. **City Property.** If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. **Private Property.** If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

151.07 APPEAL PROCESS. Any abutting property owner who receives a statement for tree trimming/removal costs and objects to all or a part thereof, may, within ten (10) days of receipt thereof, notify the City Council, in writing, of the nature of the objection and request a hearing thereon. The hearing shall be held at the next regular scheduled meeting of the City Council. Within ten (10) days after such hearing, the Mayor shall notify the appellant, in writing, of the final decision. If it is determined that payment from the appellant is due to the City, payment shall be made within ten (10) days from date of notice of final decision or costs may be assessed for collection in the same manner as a property tax.

[The next page is 801]

CHAPTER 160

FLOOD PLAIN MANAGEMENT

160.01 Statutory Authority, Findings of Fact and Purpose	160.05 Administration
160.02 Definitions	160.06 Nonconforming Uses
160.03 General Provisions	160.07 Penalties for Violation
160.04 Flood Plain Management Standards	160.08 Amendments

160.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Statutory Authority. The Legislature of the State of Iowa has in Chapter 414, *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
2. Findings of Fact.
 - A. The flood hazard areas of the City of Northwood are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 2(A) of this section with provisions designed to:
 - A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - B. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Base flood" means the flood having one percent chance of being equaled or exceeded in any given year. (See 100-year flood).
2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
3. "Development" means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Development does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.
4. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first flood plain management regulations adopted by the community. May also be referred to as "existing structure."
5. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first flood plain management regulations adopted by the community.
6. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. "Factory-built home" means any structure, designed for residential use which is wholly (or in substantial part) made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes and also include "recreational vehicles" that are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
10. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

11. "Flood Insurance Rate Map (FIRM)" means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.
13. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
14. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
15. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.
16. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. "Historic structure" means any structure that is:
 - A. Listed individually in the National Register of Historic Places maintained by the Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
18. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.04(4)(A) of this chapter; and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and

D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "Minor projects" means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

20. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first flood plain management regulations adopted by the community.

21. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first flood plain management regulations adopted by the community.

22. "One-hundred-year flood" means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

23. "Recreational vehicle" means a vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

C. Basement sealing;

D. Repairing or replacing damaged or broken window panes;

E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

25. "Special flood hazard area" means the land within a community subject to the "100-year flood." This land is identified as Zone A on the community's Flood Insurance Rate Map.

26. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

27. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

28. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

29. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a "historic structure," provided the alteration will not preclude the structure's designation as a "historic structure."

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the first flood plain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

30. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

31. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

160.03 GENERAL PROVISIONS.

1. **Lands to Which Chapter Apply.** The provisions of this chapter apply to all areas having special flood hazards within the jurisdiction of the City. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map (FIRM) for Worth County and Incorporated Areas, City of Northwood, Panels 19195C0055C and 0065C, dated August 2, 2012, which is hereby adopted and made a part of this chapter.
2. **Rules for Interpretation of Flood Hazard Boundaries.** The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the Official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.
3. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.
4. **Abrogation and Greater Restrictions.** It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
5. **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
6. **Warning and Disclaimer of Liability.** The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
7. **Severability.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.04 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where floodway data and 100-year flood elevations have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. **All Development.** All development within the special flood hazard areas shall:
 - A. Be consistent with the need to minimize flood damage.

- B. Use construction methods and practices that will minimize flood damage.
- C. Use construction materials and utility equipment that are resistant to flood damage.
- D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. **Residential Buildings.** All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill, which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. **Nonresidential Buildings.** All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. **All New and Substantially Improved Structures:**

A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. **Factory-Built Homes:**

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. **Utility and Sanitary Systems:**

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. **Storage of Flammable Materials.** Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters; or (ii) be readily removable from the area within the time available after flood warning.

8. **Structural Works.** Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of

three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. **Watercourses.** Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. **Subdivisions.** Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. **Accessory Structures.**

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. **Recreational Vehicles.**

A. Recreational vehicles are exempt from the requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by

quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes.

13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.05 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Flood Plain Administrator.

A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.

B. Duties of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.

(2) Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

(3) Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

(4) Record and maintain a record of the elevation (in relation to North American Vertical Datum) to which all new or substantially improved structures have been floodproofed.

(5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

2. Flood Plain Development Permit.

A. Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Indication of the use or occupancy for which the proposed work is intended.
- (4) Elevation of the 100-year flood.
- (6) Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
- (7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
- (8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

3. Variance.

A. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

- (1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

(2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (ii) such construction increases risks to life and property.

B. Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for variances, the Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other land or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a flood plain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities

(sewer, gas, electrical and water systems), facilities, streets and bridges.

(13) Such other factors which are relevant to the purpose of this chapter.

C. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

- (1) Modification of waste disposal and water supply facilities.
- (2) Limitation of periods of use and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.
- (4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
- (5) Floodproofing measures.

160.06 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.07 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Nothing herein contained shall prevent the City of Northwood from taking such other lawful action as is necessary to prevent or remedy violation.

160.08 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

[The next page is 851]

ZONING AND SUBDIVISION

TABLE OF CONTENTS

CHAPTER 165 - ZONING REGULATIONS.....	851
CHAPTER 170 - SUBDIVISION REGULATIONS.....	975

CHAPTER 165

ZONING REGULATIONS

165.01 Purpose	165.11 Map
165.02 Definitions	165.12 District Boundaries
165.03 Zoning Administrator	165.13 LD-1 Limited Development District
165.04 Zoning Permit Required	165.14 AG-1 Agricultural District
165.05 Compliance Required	165.15 R-1 Single-Family Residential District
165.06 Qualifying or Supplemental Regulations	165.16 R-2 General Residential District
165.07 Nonconforming Uses	165.17 C-1 Central Business District
165.08 Board of Adjustment; Variances and Conditional Uses	165.18 C-2 Highway Business District
165.09 Changes and Amendments	165.19 I-1 Light Industry District
165.10 Districts Established	165.20 I-2 Heavy Industry District

165.01 PURPOSE. This chapter is adopted for the purpose of promoting public health, safety, comfort, order, and general welfare to conserve and protect natural and manmade environment, to secure and provide the social and economic advantages resulting from an orderly, planned use of land, resources, and to facilitate adequate but economical provisions for public improvements, all in accordance with and as permitted by the provisions of Chapter 414 of the *Code of Iowa*.

165.02 DEFINITIONS. For the purpose of this chapter, the word "building" includes "structure" and the following terms and words are defined.

1. "Accessory building" means a subordinate building which is incidental to and customary in connection with the principal building or use of the premises.
2. "Accessory use" means a subordinate use which is incidental to and customary in connection with the principal building or use of the premises.
3. "Administrative officer" or "Zoning Administrator" means the individual designated to administer this chapter and who is responsible for the enforcement of the regulations imposed by this chapter.
4. "Apartment house" – see "dwelling, multiple."
5. "Basement" means a story having more than one-half of its height below grade.
6. "Block," unless otherwise determined, means those properties that have been assigned street numbers within the same hundred designation.
7. The "Board of Adjustment" created under this chapter acts on variances, special uses, and conditional usages consistent with provisions found in this chapter, all as provided for in Chapter 414 of the *Code of Iowa*.
8. "Building" means any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) or any movable device, such as furniture, machinery, or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.

9. "Building, height of" ("height of building") means the vertical distance from the grade to the highest point of the coping of a flat roof, or to deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
10. "Cellar" means a basement for purposes of this chapter.
11. "Clinic" means an establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
12. "Conditional use" means a use of property that will be permitted by the Board of Adjustment, subject to the applicant's meeting certain conditions and safeguards which will assure that the use will be in harmony with the general intent and purpose of this chapter.
13. "Dwelling" means any building or portion thereof which is designed and used exclusively for residential purposes.
14. "Dwelling, single-family" ("single-family dwelling") means a detached building arranged, designed, or intended to be occupied as the residence of a single family and having no party wall in common with an adjacent house or houses.
15. "Dwelling, two-family" ("two-family dwelling") means a detached building that is arranged, designed, or intended to be occupied as the residence of but two families or housekeeping units living independently of each other.
16. "Dwelling, multiple" ("multiple dwelling") means a building or buildings designed for or occupied exclusively by more than two families. This definition includes (but is not limited to) such buildings that are commonly referred to as apartment buildings, high-rises, and condominiums.
17. "Dwelling unit" means one or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
18. "Earth sheltered home" means a building designed to be used as a dwelling utilizing earth to shelter the building. The roof can be of conventional construction or covered with earth as a completed residential dwelling, as opposed to a basement with a temporary roof.
19. "Family" means a group of persons occupying a dwelling unit as an individual housekeeping organization. A family may include not more than four (4) persons not related by blood, marriage, adoption, or legal process.
20. "Farm" means an area of ten (10) acres or more which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. "Farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, the operation of the accessory uses shall be secondary to that of the normal farming activities and provided further, farming does not include the feeding of collected garbage or offal to swine or other animals.
21. "Filling station" means any building or premises used for the sale, at retail, or motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or

replacement of bodies or fenders of motor vehicles or painting motor vehicles and excluding public garages.

22. "Floor area" means the total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes other than storage, it is counted as floor area in computing off-street parking requirements.

23. "Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or, if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.

24. "Garage, private" ("private garage") means an accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business service or industry connected with motor vehicles is carried on.

25. "Garage, public" ("public garage") means any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term "repairing" does not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles.

26. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five feet from a street line. Then the elevation of the street at the center of the wall adjoining the street is the grade.

27. "Group home" means any building used for residential purposes for a group of people with a similar disadvantage such as physically handicapped, mentally handicapped, or elderly.

28. "Home occupation" means any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises. The following (but not limited to the following) are not deemed home occupations: clinics, doctor's offices, hospitals, barber shops, beauty parlors, dress shops, real estate offices, millinery shops, tea rooms, tourist or nursing homes, animal hospitals, and kennels.

29. "Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.

30. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

31. "Junk yard" means any area where wasted, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, or handled, including places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded, or salvaged materials as part of manufacturing operations.

32. "Lodging house" means a building or place where lodging and boarding are provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods) for compensation for five (5) or more but not exceeding twenty (20) individuals, not open to transient guests, in contradistinction to hotels open to transients.

33. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, open spaces, and parking spaces required by this chapter and having its principal frontage upon a street.

34. "Lot, corner" ("corner lot") means a lot abutting upon two or more streets at their intersection.

35. "Lot, depth of" ("depth of lot") means the mean horizontal distance between the front and rear lot lines.

36. "Lot, double frontage" ("double frontage lot") means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

37. "Lot, front of" ("front of lot") means that portion of a lot abutting on the street, or in the case of a corner lot, that side of the lot abutting the street in the same direction as the adjacent interior lot.

38. "Lot lines" means the lines bounding a lot as defined herein.

39. "Mobile home" means a manufactured re-locatable living unit designed to be used as a residence, as differentiated from a recreational vehicle.

40. "Mobile home lot" means a parcel of land for placement of a single mobile home and the exclusive use of its occupants.

41. "Mobile home park" means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

42. "Mobile home park development plan" means a custom-made design for a specific site or area consisting of drawings, maps, and engineering details setting forth the boundary, topography, and overall park design, including streets, parking facilities, mobile home lot locations, and service facilities.

43. "Motel," "motor court," "motor lodge," or "tourist court" means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of transients.

44. "Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of the zoning ordinance codified in this chapter or amendment thereto which does not conform after the passage of such zoning ordinance or amendment thereto with the use regulation of the district in which it is situated.

45. "Nursing home" means a home for the aged or infirm, in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions.

46. "Office" means a place where chattels or goods, wares, and merchandise are not commonly created, sold, or exchanged.

47. "Parking lot" means a parcel of land devoted to unenclosed parking spaces.
48. "Parking space" means an area of not less than 200 square feet plus necessary maneuvering for parking of a motor vehicle. Space for maneuvering, incidental to parking or leaving the parking space, shall not encroach upon any public right-of-way.
49. "Planning and Zoning Commission" or "Commission" means that commission appointed by the Council under the provisions of Chapter 414.6 of the *Code of Iowa*.
50. "Principal permitted uses" means those uses of property which may be approved by the Zoning Administrator if the other requirements of this chapter are met, as differentiated from a "conditional use" that can only be approved by the Board of Adjustment after they have set conditions which must be met by the applicant to ensure that the intent and purpose of this chapter will be met.
51. "Regulatory flood" means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.
52. "Regulatory flood protection elevation" means the elevation to which uses regulated by this chapter are required to be elevated or floodproofed.
53. "Right-of-way" means the land area the right to possession of which is secured or reserved by the contracting authority for road purposes.
54. "Setback line" means a line parallel with the street line and at a distance equal to the depth of the front yard as required by this chapter.
55. "Sign" means an identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.
56. "Special use" means "conditional use" for purposes of this chapter.
57. "Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it, or each 12 feet of height of the building.
58. "Story, half" ("half story") means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.
59. "Street" means a public way which affords the principal means of access to abutting property.
60. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and towers.
61. "Structural alteration" means any change except those required by law or ordinance, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls otherwise permitted.

62. "Trailer" means mobile home.
63. "Variance" means an exception to the distance and height requirements of this chapter, granted by the Board of Adjustment in appropriate cases and subject to appropriate conditions and safeguards.
64. "Yard" means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this chapter.
65. "Yard, front" ("front yard") means a yard extending across the full width of the lot and measured, using the least distance, between the front lot line and the building or any projection thereof, other than the projection of the usual steps. The narrow frontage on a corner lot is considered the front lot line, regardless of where the building entrance is located.
66. "Yard, rear" ("rear yard") means a yard extending across the full width of the lot and measured, using the least distance, between the rear lot line and the building or any projections other than steps. On corner lots, the rear yard is considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots, the opposite end of the lot from the front yard.
67. "Yard, side" ("side yard") means a yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.
68. "Zoning Administrator" means the administrative officer designated or appointed to administer and enforce the regulations contained in this chapter.
69. "Zoning permit" means a permit issued by the enforcing officer authorizing the use of land in the manner and for the purpose specified in the application.

165.03 ZONING ADMINISTRATOR. The Mayor shall designate a Zoning Administrator who shall act as administrative officer. It is the duty of said officer to administer and enforce the regulations contained in this chapter.

165.04 ZONING PERMIT REQUIRED. It is unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising, or moving of any building or structures, or any portion thereof, without first having applied in writing to the Zoning Administrator for a permit to do so and a permit has been granted therefor.

1. Application; Contents. Every application for a zoning permit shall be in writing and delivered to the Zoning Administrator and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the materials of which it is to be constructed, and the details and type of construction to be used. On the issuance of a permit, one set of the plans shall be retained by the Zoning Administrator as a permanent record, and one set shall be returned to the applicant. The Zoning Administrator may, at his or her own discretion, permit the substitution of a written statement covering the essential information required in place of the plans.
2. Application; Forms. Blank forms shall be provided by the Zoning Administrator for the use of those applying for permits as provided for in this chapter. Any permits issued by the Zoning Administrator shall be on standard forms for such purpose and furnished by the City.

3. Fees. The fees to be charged for zoning permits issued under this chapter are as follows:

- A. \$5.00 for a permit for proposed improvement valuation up to \$5,000.
- B. Plus \$1.00 per \$1,000 over \$5,000 up to a maximum permit charge of \$100.00.

4. Violation; Penalty. Any person, whether acting directly or through employees or agents, that violates, disobeys, omits or neglects provision of this chapter is deemed guilty of a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

165.05 COMPLIANCE REQUIRED. Except as herein otherwise provided, no building or premises shall hereafter be used, and no building shall be extended, erected, converted, moved, rebuilt or altered except in conformity with all the district regulations established by this chapter for the district in which it is to be located and until a zoning permit has been secured from the administrative officer as provided herein.

165.06 QUALIFYING OR SUPPLEMENTAL REGULATIONS. The regulations set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

1. Annexations; District. Any additions to the incorporated area of the City resulting from annexation by the City or otherwise shall be automatically classified as in the limited development district until otherwise classified by amendment; however, the Council may, on its own motion or on petition by residents located within the territory being annexed, after public notice and hearing as provided by this chapter, designate a new classification for said territory.

2. Street Vacations; District. Whenever any street, road or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, road or public way shall be extended automatically to the center of such vacation, and all area included in the vacation shall be subject to all the regulations of the extended district.

3. Mobile Homes. Mobile homes, except those converted to real estate and placed on permanent foundations, shall be located in mobile home parks. This shall not be construed to prohibit the storage of a mobile home, travel trailer, pickup coach, or motorized home for any one family, provided the same is not used for residence purposes or living quarters and further provided that the stored location of said unit is in compliance with the regulations of this chapter. However, no travel trailer, motorized home, or trailer of any type shall be stored in a front yard of a lot at any time. This subsection shall not be construed to prohibit the parking and use of one mobile home, travel trailer, pickup coach, or motorized home upon private property occupied or zoned for residence purposes for a period of time not exceeding seven (7) days when the same is used by the occupant of said property, said occupant's relatives, or friends, by permit from the City.

4. Mobile Home Parks. It is unlawful for any person to operate a mobile home park within the City without the owner or lessee first having obtained a one-time permit therefor from the City. Each yard abutting on a perimeter public right-of-way shall be considered a perimeter yard and shall be a minimum of 25 feet in depth. All other perimeter yards shall have a minimum depth of 20 feet. Yard requirements may be increased where the Board of Adjustment deems necessary. The Board of

Adjustment may require that an area with a minimum of 10 feet in width be reserved along the perimeter of the mobile home park and may require the erection of a decorative fence or wall six (6) feet in height within said area, to be constructed of a material which will provide a significant visual and sound barrier, and/or screen plantings to be provided and maintained with a minimum height of eight (8) feet at maturity or as otherwise required by the Board of Adjustment. This area may be included as a part of the perimeter yard depth. One permanent, low-illuminated identification sign may be permitted at any entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood, or other permanent matter and shall indicate only the name of the mobile home park. The sign shall not exceed 16 square feet in surface area. Parking areas shall be provided in all mobile home parks for use of park occupants and guests at the rate of at least two off-street car spaces for each mobile home lot. Required car parking spaces shall be located so as to provide convenient access to the mobile home, but shall not exceed a distance of 100 feet from the mobile home that it is intended to serve. All parking areas shall be constructed with hard, smooth, dust-free surfacing. Sufficient off-street parking and storage area may be provided to meet anticipated requirements of park occupants for storing of boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over $\frac{3}{4}$ ton pickup size, and similar items. Said area shall be in addition to parking required elsewhere in this section, and if designated areas for this use are insufficient, said areas shall be expanded. Parking and storage of vehicles and items listed in this subsection shall not be permitted in other than required parking areas. Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand; such temporary storage of a mobile home shall not exceed 72 hours or, if this 72-hour limit is exceeded, the owner of such stored mobile homes shall notify the Council.

5. Basement or Cellar Occupation. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

6. Home Occupations. Home occupations can be conducted entirely within a dwelling and carried on by the inhabitants thereof, provided that:

- A. Any such activity shall not occupy more than 50 percent of the floor area of one story of such buildings;
- B. Only the proprietor and one additional person shall be regularly employed;
- C. There may be only a small non-illuminated sign not exceeding two square feet in area; and
- D. There is no mechanical equipment except such as is normally used for domestic or household purposes.

7. Accessory Building in Rear Yard. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not occupy more than 35 percent of a rear yard.

8. Accessory Building Construction. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

9. **Unobstructed Yard Required.** Every part of a required yard shall be open to the sky, unobstructed by any structure except for the projection of sills, belt course, cornices, and ornamental features which are not to exceed 12 inches.

10. **Front Yard Projections.** No accessory building, garage, or structure shall be placed in any required front yard area.

11. **Projections Less Than Three Feet From Floor Level.** Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground story may project into a required yard, provided these projections are at least two feet from the adjacent side lot line.

12. **Two-Family or Multiple Dwelling Considered as One Building.** For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.

13. **More Than One Main Building on Lot or Tract – Farming, Commercial or Industrial Purpose.** Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when the buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

14. **More Than One Main Building on Lot – Multiple Dwelling, Institutional, Motel or Hotel Purposes.** In the event that a lot is to be occupied by a group of two or more related buildings to be used for multiple dwelling, institutional, motel, or hotel purposes, there may be more than one main building on the lot, provided, however, that the open space between buildings that are parallel or within 45 degrees of being parallel shall have a minimum dimension of 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for three- or four-story buildings.

15. **Side Yards – Dwellings Above Commercial and Industrial Structures.** No side yards are required where dwelling units are erected above commercial and industrial structures.

16. **Front Yards – Double Frontage Lots.** Where lots have double frontage, the required front yard shall be provided on both streets.

17. **Side Yard and Front Yard on Corner Lot.** The required side yard on the street side of a corner lot shall be one-half the required front yard on such street, provided that no adjacent lot fronts on the same street, in which case the entire required front yard must be provided, except that the building width shall not be reduced to less than 32 feet, and no accessory building shall project beyond the required front yard on either street.

18. **Side Yard Reduction.** Whenever a lot at the effective date of the zoning ordinance codified in this chapter has a width of less than 60 feet, the side yards may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than five (5) feet.

19. **Front Yard Adjustment.** The front yards heretofore established shall be adjusted in the following cases:

A. Where 40 percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five feet or less) a front yard greater in depth than required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.

B. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:

(1) Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side; or

(2) Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

20. R-1, R-2, or R-3 District Fence and Wall Height. In any R-1, R-2, or R-3 District, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four (4) feet in height is permitted within the limits of front yards. The portion of fences and walls over four (4) feet in height shall be 65 percent open. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment. On any corner lot in any R-1, R-2, or R-3 District, no fence, wall, or other structure shall be erected to a height of more than three (3) feet above the elevation of the established curb grade at the intersection of the streets on that part of any yard which is bounded by the street lines of the intersection streets and a line connecting two points on the street lines 20 feet from their point of intersection, and no planting of foliage which will obstruct the view of drivers of vehicles approaching the street intersection shall be placed or maintained within such area.

21. Lot to Provide Own Space Requirements. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot, and no yards or other open space about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building.

22. Construction of Progress. If actual construction has been started on any building at the time of passage of the ordinance codified in this chapter, nothing contained herein shall require any change in the plans, construction, or designated use of any such building or part thereof.

23. Building Height Limitation. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located. If said building is to be located in an area regulated by airport height zoning, any lower height requirement of that airport zoning regulation shall prevail.

24. Structures Considered Part of Building. Any portion of a building shall be considered a part of that building for purposes of yard requirements.

25. Small Animal Husbandry. The keeping or raising of poultry or livestock is prohibited except on premises containing two acres or more and except within an enclosure distant at least 250 feet from any residence now existing or hereafter erected.

26. Multi-Lot Building Site. Whenever more than one lot is used as a single building site for purposes of meeting yard requirements, that multi-lot building site

shall be considered as a single plot for zoning purposes and shall be so recorded on the property deed as a covenant.

27. **Planned Unit Developments.** "Planned unit development" means an area of land to be developed as a single entity for a number of dwelling units and uses ancillary thereto, the plan for which may not conform to the lot size, bulk or type of building, density, lot coverage, required open space, or other requirements in any district established by any other section in this chapter. Exceptions to provisions found in this chapter are hereby made for planned unit developments. Planned unit developments, for purposes of this chapter, are considered a type of subdivision and will require approval as delineated in the City's Subdivision Regulations contained in Chapter 170 of this Code of Ordinances.

28. **Curb and Gutter.** The installation of curb and/or gutter by any property owner shall be completed only after proper issuance of a building permit. Any property owner proposing to install curb or gutter shall submit preliminary plans to the Zoning Administrator with the application for a building permit, and all curbs and gutters shall be in accordance with uniform grades as established by the City Engineer and all improvements shall be installed with approval by the City Engineer so as to provide uniform and effective drainage.

29. **Single-Family Dwelling Standards.** All single-family dwelling units shall comply with the following:

- A. Minimum width of 22 feet for the entire length of the structure.
- B. Minimum area of 800 square feet of floor space.
- C. Must be attached to a permanent frost-free foundation.

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165.07 NONCONFORMING USES. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located. The lawful use of a building existing at the time of the adoption of the zoning ordinance codified in this chapter may be continued, although such use does not conform with the provisions hereof. Such use may be extended throughout the building, provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. If a nonconforming building is removed, the future use of such premises shall be in conformity with the provisions of this chapter. If the nonconforming use is discontinued for a period of one year, the use of the same shall thereafter conform to the provisions of the district in which it is located. When a nonconforming use has been changed to a nonconforming use or to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use. If, by amendment to this chapter, any property is hereafter zoned to a more restricted district by a change in district boundaries or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this chapter relating to the nonconforming use of buildings or land existing at the time of the enactment of the ordinance codified in this chapter shall apply to buildings or land occupied or used at the time of the passage of such amendment. No nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 65 percent of its value, shall be restored until a permit is secured from the Board of Adjustment.

165.08 BOARD OF ADJUSTMENT; VARIANCES AND CONDITIONAL USES.

1. **Creation and Membership.** A Board of Adjustment, to be hereinafter referred to as the Board, is established. The Board shall consist of five (5) members appointed by the Mayor, subject to the approval of the Council, for staggered five-year terms. Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. All members of the Board shall serve without compensation. The Board, subject to the approval of the Council, may employ such clerical and technical assistance as may be needed to carry on its work.
2. **Chairperson and Meetings.**
 - A. The Board shall adopt its own rules of procedure, not in conflict with this chapter or the *Code of Iowa*, to enable it to perform its functions and duties.
 - B. The Board shall elect its own Chairperson, who shall serve for one year. Such Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.
 - C. The Clerk or such other City employee as the Board may designate shall serve as the Secretary of the Board. In the absence of the Secretary, the Chairperson of the Board may appoint one of the members of the Board to act as Secretary Pro Tem for the meeting. The Board shall have the power to call on any City department for assistance in the performance of its duties, and it

shall be the duty of such department to render such assistance as may reasonably be required.

D. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board.

3. Appeals.

A. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing, with the officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. Each appeal shall be accompanied by a fee of \$50.00 to be paid by the appellant to the Clerk.

C. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

D. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer certifies to the Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in the opinion of the administrative officer, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application or notice to the administrative officer and on due cause shown.

4. Jurisdiction. The Board shall have the following powers.

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this chapter.

B. To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter.

C. Where the street or lot layout on the ground actually varies from the street and lot lines shown in the zoning map, the Board shall interpret the map and the provisions of this chapter in such a way as to carry out the intent and purposes of this chapter for the particular district or section in question.

D. To permit the reconstruction, within one year, and use as before of a nonconforming building destroyed or damaged to more than 65 percent of its value by explosion, fire, act of God, or public enemy or other calamity, where the Board finds that the public needs require a continuance of the nonconforming use and that such continuance would not primarily permit a continuation of a monopoly.

E. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which is determined reasonably necessary for the public convenience or welfare.

F. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions herein will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. The Board shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.

G. To determine, in cases of uncertainty, the classification of any use.

H. To permit the erection and use of any accessory building on a lot before the erection of a principal building on such lot as provided herein, provided such use is temporary and for a period of time not to exceed one year.

I. To permit the extension of an existing building or use into a more restricted district immediately adjacent, under such conditions as will safeguard the character of the more restricted district, provided that such extension shall not be permitted more than 50 feet beyond the boundary line of the district in which such building or use is authorized.

5. Powers. In exercising the above mentioned powers, the Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken.

6. Deciding Vote; Authority. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation in this chapter. It is not the intention to grant the Board the power or authority to alter or change the zoning ordinance codified herein or the zoning map. Such power and authority rests solely with the Council, in the manner herein provided.

7. Appeal From Decision of Board. Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of this chapter, or any taxpayer, officer, department, board, or bureau of the City may seek such relief through the courts as provided by statute.

8. Conditional Use Permits. The Board of Adjustment shall hold a hearing and consider any application for a conditional use permit. The Board may approve conditional use permits for any use that is in keeping with and appropriate to the uses authorized in that district. The Board shall give due consideration to the following requirements in the approval or denial of any conditional use permit application.

A. The conditional approval would meet the general purpose of this chapter of promoting public health, safety, comfort, order, and the general welfare of the community.

- B. The conditional approval would be in keeping with the general character of the surrounding area, the purpose as stated for that zoning district, and the land use plan of the City.
- C. The conditional approval would not result in any appreciable depreciation of adjacent property values or detract from the enjoyment and use of those adjacent properties.
- D. The conditional approval would not create any amounts or types of traffic that may be detrimental to others.
- E. The conditional approval would not create objectionable noise, dust, smoke, or odor for nearby properties.
- F. The conditional approval would provide adequate parking area so as not to create congestion of public streets and roadways.

The Board may require any appropriate conditions and stipulations as they deem necessary to assure that the preceding requirements will be fully complied with. Such conditions and stipulations attached to the approval shall be complied with, and a violation of those conditions shall be considered the same as any violation of the other provision of this chapter.

165.09 CHANGES AND AMENDMENTS. The Council may, on its own motion or on petition, after public notice and hearing as provided by law and after report by the Planning and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established. Any owner or owners of property may present a petition duly signed and verified requesting an amendment, supplement, or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least 50 percent of the area included in such proposed change and by the owners of 50 percent of the property within 200 feet therefrom, and said petition shall be filed with the Commission. The Commission shall make a report to the Council within 60 days from the date of receipt of such petition. In case of a protest against 20 percent or more, either of the area of lots included in such proposed change or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lot, such amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council.

[The next page is 871]

165.10 DISTRICTS ESTABLISHED. In order to classify, regulate, and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to limit and regulate the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such building, the City is hereby divided into districts of which there shall be eight (8) in number, known as:

- LD-1 Limited Development District
- AG-1 Agricultural District
- R-1 Single Family Residential District
- R-2 General Residential District
- C-1 General Business District
- C-2 Highway Business District
- I-1 Light Industry District
- I-2 Heavy Industry District

165.11 MAP. The boundaries of these districts are established and designated upon the map to be known as the zoning map of the City and which map, with all its designations and information, is made a part of this chapter as if the same were fully set forth herein. The zoning ordinance and the zoning map are on file in the office of the Clerk.[†]

165.12 DISTRICT BOUNDARIES. Where there is uncertainty as to the boundaries of districts as shown on the zoning map, the following rule shall apply: The boundaries of the various districts established by this chapter are street lines, alley lines, property lines, lot boundary lines, and flood plain hazard boundaries as established by the Department of Housing and Urban Development. Where the distance to any boundary line from a street line, property line, or lot line is indicated by the official zoning map, such measurement shall control.

[†] (See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)

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165.13 LD-1 LIMITED DEVELOPMENT DISTRICT. The Limited Development District is created to include those areas within the City which have extreme limitations for development and areas that are explicitly shown on the HUD Flood Hazard Boundaries Map. These limitations may include (but are not limited to) flood hazards and/or unstable soil conditions. Also, all lands that are hereafter annexed by the City and which have not been designated within any zoning district shall automatically be zoned as LD-1 until the Council has officially acted, by their own volition or upon request, to place said lands within the zoning district deemed appropriate. In no case shall this automatic classification of newly annexed property be in effect for more than one year from the effective date of annexation.

1. Principal Permitted Uses.
 - A. The raising of crops.
 - B. Temporary buildings.
2. Conditional Uses. These uses are subject to conditional approval of the Board of Adjustment.
 - A. Mining and extraction of minerals or raw minerals.
 - B. Railroads, streets and roads, bridges, power transmission lines, and public utilities.
 - C. Marinas, boat rentals, docks, and piers.
 - D. Public and private recreational uses such as parks, trails, golf courses, boat launching ramps, swimming areas, hunting and fishing areas, and wildlife preserves.
 - E. Single-family dwellings, when it can be shown that the proposed location of the dwelling is not subject to flood hazard, and that an acceptable private sewage system is possible on the site if so needed.
 - F. Accessory buildings and garages.
3. Height Regulations. Airport height regulations will prevail if applicable.
4. Prohibited Acts. It is unlawful to change or alter the floodway in any manner or to erect any type of permanent structure that may alter or impede the flow of water in the floodway.

[The next page is 885]

165.14 AG-1 AGRICULTURAL DISTRICT. The AG-1 Agricultural District is created to provide for those lands within the corporate limits of the City which are not planned for development in the immediate future and which are primarily used for farming purposes.

1. Principal Permitted Uses.
 - A. Farms, farm buildings other than those used for livestock, truck gardens, and orchards and nurseries.
2. Conditional Uses. These uses are subject to conditional approval of the Board of Adjustment.
 - A. Livestock raising facilities and the raising of livestock.
 - B. Extraction of minerals or raw material.
 - C. Transient enterprises such as carnival and circus rides and shows.
 - D. Veterinary establishments.
 - E. Home occupations.
 - F. Single-family residences, other than farm houses, which are a principal permitted use.
 - G. Public and private recreational uses such as parks, trails, golf courses, hunting and fishing areas, and wildlife preserves.
 - H. Cemeteries.
3. Height Regulations. Airport height regulation will prevail if applicable.
4. Yard Requirements. No building shall be located closer than 60 feet from the right-of-way of any public roadway or closer than 50 feet to any side yard line.

[The next page is 891]

165.15 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-1 Residential District is intended to provide for the traditional single-family residential neighborhood needs of the community.

1. Principal Uses Permitted.
 - A. Single-family dwellings.
 - B. Accessory storage buildings.
 - C. Private garages.
 - D. Private swimming pools, when enclosed by a non-climbable fence at least six (6) feet in height.
 - E. The raising of crops in undeveloped areas.
2. Conditional Uses.
 - A. Two-family dwellings.
 - B. Churches.
 - C. Public parks and buildings.
 - D. Public schools and private educational institutions having a curriculum approved by the State Department of Education or regulated by the Department of Social Services.
 - E. Temporary buildings.
 - F. Home occupations.
3. Minimum Lot Area. Except as may be otherwise provided, every dwelling hereafter erected in the R-1 District shall have a lot area of not less than 6,600 square feet for each single-family dwelling or 3,300 square feet per family for two-family dwellings.
4. Yard Requirements. Except as may be otherwise provided, the yard requirements for the R-1 District are as follows:
 - A. Front Yard. There shall be a front yard of not less than 25 feet.
 - B. Side Yard. There shall be a yard on each side of a lot of not less than eight feet in width, which side yard shall be increased in width at least three feet for each additional story in height. The required minimum width of side yards for a church, school, museum, hospital, or similar building shall be 50 percent more than the six-foot width formulation shown above.
 - C. Rear Yard. There shall be a rear yard of not less than 35 feet. An accessory building may occupy not more than 35 percent of a required rear yard area.
5. Height Regulations. Buildings and structures in the R-1 District shall not exceed 35 feet in height. If said building or structure is to be located in an area regulated by airport height zoning, any lower height regulation of that airport height regulation shall prevail.
6. Parking Requirements. Each single-family, two-family, and multiple-family dwelling shall provide parking space on the lot occupied by the main building or

garage space in the main building or in an accessory building sufficient to accommodate two motor cars for each family or dwelling unit. It is provided, however, that only one-half parking space is required for each family or dwelling unit in buildings to be used for federally subsidized housing for low income elderly or handicapped persons. Church, school, and college auditoriums, theaters, general auditoriums, stadiums, and other similar places of public assembly which are erected on new sites shall provide one off-street parking space for each 20 seats of the audience seating capacity provided in the main auditorium. Said parking space shall be provided on the same lot as the place of public assembly or on another lot within 500 feet of said place of public assembly. Hospitals, clinics, sanitariums, dispensaries, and welfare institutions shall provide at least one off-street parking space for each 500 square feet of floor area in said buildings, such space to be located within 300 feet of the buildings.

[The next page is 897]

165.16 R-2 GENERAL RESIDENTIAL DISTRICT. The R-2 Residential District is intended to provide for general residential neighborhoods consisting primarily of single- or two-family dwellings.

1. Principal Permitted Uses.
 - A. Single- or two-dwellings.
 - B. Public playgrounds and parks.
 - C. Municipal, State, or Federal buildings.
 - D. Accessory buildings.
 - E. Swimming pools, when enclosed by a non-climbable fence of at least six feet in height.
 - F. Home occupations.
2. Conditional Uses.
 - A. Group homes.
 - B. Churches.
 - C. Public schools and private educational institutions having a curriculum approved by the State Department of Education or regulated by the Department of Social Services.
 - D. Public garages.
 - E. Offices or studios of professional persons.
 - F. Nurseries and greenhouses.
 - G. Public libraries or public museums, clubs, lodges, or social or community center buildings.
 - H. Funeral parlors and mortuaries.
 - I. Neighborhood grocery stores.
 - J. Mobile home parks.
 - K. Multiple dwellings.
 - L. Hospitals, clinics, and nursing homes.
 - M. Other uses such as above when there is clear evidence that such uses would not seriously affect the value and character of the surrounding development.
3. Minimum Lot Area. Except as may be otherwise provided, every dwelling hereafter erected in the R-2 District shall have a lot area of not less than 6,600 square feet for each single-family dwelling, 3,300 square feet per family for two-family dwellings, or 2,500 square feet per family for multiple dwellings.
4. Yard Requirements. Except as may otherwise be provided, the yard requirements for the R-2 District are as follows:
 - A. Front Yard. There shall be a front yard of not less than 25 feet. Whenever 30 percent or more of the frontage on one side of a street in any

block has been built up with buildings having a front yard, then the building line of buildings to be erected shall not be less than that of the natural building line of the block as determined by existing buildings.

B. Side Yard. There shall be a yard on each side of not less than eight feet in width, which side yard shall be increased in width at least three feet for each additional story, or fraction thereof, that a building exceeds one story in height. The required minimum width of side yards for a church, school, museum, hospital, or similar building shall be 50 percent more than the six-foot formulation shown above.

C. Rear Yard. There shall be a rear yard of not less than 35 feet, except in any block where there is an inner court not less than 65 feet square, there shall be no rear yard required for any lot, the full width of which abuts on such court. An accessory building may occupy not more than 35 percent of a required rear yard area.

5. Height Regulations. Buildings and structures in the R-2 District shall not exceed 35 feet in height. If said building or structure is to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.

6. Parking Requirements. Each single-family, two-family, and multiple dwelling shall provide parking space on the lot occupied by the main building, or garage space in the main building or in an accessory building sufficient to accommodate two motor cars for each family or dwelling unit. It is provided, however, that only one-half parking space is required for each family or dwelling unit in buildings to be used for federally subsidized housing for low income elderly or handicapped persons. Church, school, and college auditoriums, theaters, general auditoriums, stadium, and other similar places of public assembly which are erected on new sites shall provide one off-street parking space for each 20 seats of the audience seating capacity provided in the main auditorium. Said parking space shall be provided on the same lot as the place of public assembly or on another lot within 500 feet of said place of public assembly. Hospitals, clinics, sanitariums, dispensaries and welfare institutions shall provide at least one off-street parking space for each 500 square feet of floor area in said buildings, such space to be located within 300 feet of the buildings. Offices or studios of professional persons and funeral homes shall provide one off-street parking space for each 300 square feet of floor space in the building devoted to the aforementioned uses.

[The next page is 905]

165.17 C-1 CENTRAL BUSINESS DISTRICT. The C-1 Central Business District is created for the purpose of providing an orderly and planned development of business within the C-1 District.

1. Principal Permitted Uses. Retail business and service establishments such as the following:

- Animal hospital, veterinary clinic, or kennel, provided all phases of the business are conducted within a building where noises and odors are not evident.
- Antique shop
- Apparel shop
- Appliance store, sales, and repair
- Automobile accessory store and auto sales, including repair work incidental to this use
- Bakery whose products are sold only at retail
- Bank or savings and loan
- Barber shop
- Bicycle shop, sales, and repair
- Bookstore
- Bus depot
- Business or professional offices
- Camera store, sales, supplies, and repair
- Candy shop for retail sales only
- Car wash
- Commercial parking lot
- Dairy store
- Dance studio
- Department store
- Drapery shop
- Drug store
- Dry cleaning and laundry pick-up stations
- Flower shop
- Food stores and lockers
- Furniture store
- Garden shop
- Gas stations and garages for general repair, but not including wrecking or used parts yards
- Gift shop
- Greenhouse for retail sales
- Hardware store
- Hobby Shop
- Hotel
- Interior decorating shop
- Jewelry store
- Key shop
- Landscape center
- Laundromat
- Loan office
- Lumber yard
- Monument sales yard

Motel
Music store
Newspaper office
Office supply store
Paint store
Pet shop
Photographer studio
Radio and television station and studios
Recreation centers such as swimming pools, bowling alleys, billiard parlors,
and pool halls
Restaurants including drive-in restaurants, taverns, bars, and night clubs
Sporting goods store
Tailor shop
Theatre
Undertaking establishment
Variety store
Accessory buildings.
Public parks and buildings.
Churches.
Other uses similar to those listed which will not cause excessive dust, noise,
smoke or odor and which will not be detrimental to the general appearance
and character of the general business district. Any portion of a building
may be arranged and used for dwelling purposes, provided that two off-
street parking spaces are provided for each family, with the exception that
no ground floor residential or apartment dwelling shall be allowed in any
building facing or fronting on Central Avenue from 5th Street to 11th Street
and in any building facing or fronting 8th Street N. from Central Avenue to
1st Avenue N.

2. Conditional Uses. The following and similar uses may be allowed in the C-1 District, subject to approval of the Board of Adjustment.

- A. Group homes.
- B. Recreation vehicle parks, tourist courts and cabins.
- C. Mobile home parks.

3. Height Regulations. Buildings and structures in the C-1 District shall not exceed 45 feet in height.

[The next page is 913]

165.18 C-2 HIGHWAY BUSINESS DISTRICT. The C-2 Highway Business District is created primarily to provide for those types of business that are customarily located along major thoroughfares of a city.

1. Principal Permitted Uses.
 - A. Gasoline filling stations.
 - B. Motels and hotels.
 - C. Automobile, truck trailer, and garden and farm implement establishments, including sales lots.
 - D. Retail stores or trade shops.
 - E. Funeral homes or mortuaries.
 - F. Offices and office buildings.
 - G. Restaurants, including drive-in restaurants.
 - H. Cocktail lounges, bowling alleys, dance halls, or skating rinks.
 - I. Hospitals or clinics for small animals.
 - J. Public garages and automobile repair shops.
 - K. General service and repair establishments such as cleaning, laundry, plumbing and heating, printing, upholstering, or tinsmithing.
 - L. Accessory buildings.
 - M. Printing shops.
 - N. Lumber yards, including millworks.
 - O. Carpenter and cabinet shops.
2. Conditional Uses. The following may be permitted, subject to conditional approval of the Board of Adjustment.
 - A. Any other use that is determined by the Board of Adjustment to be of the same general character as the principal permitted uses, but not any use which may become noxious or offensive in the C-2 District.
 - B. Single-family, two-family, or multi-family dwellings.
 - C. Recreational vehicle parks and mobile home parks.
3. Yard Requirements. Except as may be otherwise provided, the yard requirements for the C-2 District are as follows:
 - A. Front Yard. On Highways No. 65 and 105 no building shall be built closer than 70 feet from the right-of-way of said Highways No. 65 and 105. If a C-2 District adjoins a residence district within the same block, then that residence district front yard requirements shall apply to that portion of the C-2 District within that block. In the C-2 District, whenever 30 percent of the frontage on one side of a street in any block has been built up with buildings, then the setback line of buildings to be erected shall not be less than that of the natural building line of the block as determined by existing buildings.

- B. Side Yard. There are no side yard requirements within the C-2 District except where a lot adjoins any residential district, in which case the adjacent side yard shall be a minimum of 10 feet.
 - C. Rear Yard. There are no rear yard requirements within the C-2 District.
4. Height Regulations. Buildings and structures within the C-2 District shall not exceed 45 feet in height. If any building or structure is to be located in an area regulated by airport height zoning, any lower height regulation of that airport height regulation shall prevail.
5. Parking Requirements. The parking requirements for any buildings hereafter erected are as follows:
- A. The minimum parking space requirements for a retail store or service establishment are one off-street parking space for every 200 square feet of building sales floor area.
 - B. Motels and lodging houses shall provide at least one off-street parking space for each individual sleeping room or living unit.
 - C. There shall be one off-street parking space provided for every 300 square feet of floor space in any building devoted to offices or funeral homes.
 - D. Restaurants, cocktail lounges, night clubs, bowling alleys, dance halls, skating rinks, or similar establishments shall provide one off-street parking space for every 100 square feet of floor area devoted to such uses.

[The next page is 921]

165.19 I-1 LIGHT INDUSTRY DISTRICT. The I-1 Light Industry District is created to provide for those commercial and light manufacturing industries which do not qualify for location in the business districts, but which are not heavy manufacturing industries.

1. Principal Permitted Uses.
 - A. Wholesale establishments.
 - B. Truck terminals.
 - C. Blacksmith and machine shops.
 - D. Sheet metal shops.
 - E. Storage and distribution warehouses.
 - F. Printing shops.
 - G. Builder's or contractor's plan or storage yard.
 - H. Building materials sales and storage, including concrete mixing.
 - I. Lumber yards, including millworks.
 - J. Carpenter and cabinet shops.
 - K. Feed stores.
 - L. Bakery, wholesale.
 - M. Plumbing and heating shop.
 - N. Open yards for storage and sales.
 - O. Automobile repair garage, including body shops.
 - P. Raising of crops.
 - Q. Accessory buildings.
 - R. Any other light manufacturing or commercial enterprise similar to the above listed uses which will not produce significant amounts of dust, noise, smoke, odor, or objectionable types or amounts of vehicular traffic.
2. Conditional Uses. The following uses may be permitted, subject to conditional approval of the Board of Adjustment.
 - A. Mining and extraction of minerals and raw minerals.
3. Yard Requirements. Except as may be otherwise provided, the yard requirements for the I-1 District shall be as follows:
 - A. Front Yard. On Highways No. 65 and 105 no building shall be built closer than 70 feet from the right-of-way of said highways. However, whenever 30 percent of the frontage on one side of a street in any block has been built up with buildings, then the setback line of buildings to be erected shall not be less than that of the natural building line as determined by existing buildings. Otherwise, there is no front yard requirement in the I-1 District unless the I-1 District adjoins a residential district within the same block, in which case the residence district front yard requirement shall apply to that portion of the I-1 District within that block.

- B. Side Yard. There are no side yard requirements within the I-1 District, except where a lot in the I-1 District adjoins any residential district, in which case the adjacent side yard shall be a minimum of 10 feet.
- C. Rear Yard. There are no rear yard requirements in the I-1 District.
4. Height Regulations. The height of buildings and structures within the I-1 District will be regulated by any applicable airport height zoning regulations.
5. Parking Requirements. The minimum parking space requirements for an establishment in the I-1 District shall be one parking space for every two employees on the maximum working shift, plus space to accommodate all trucks or other vehicles used in connection therewith.

[The next page is 929]

165.20 I-2 HEAVY INDUSTRY DISTRICT. The I-2 Heavy Industry District is created to provide for those heavy manufacturing industries which do not qualify for location in the I-1 Light Industry District.

1. Principal Permitted Uses.
 - A. Food product manufacture, excluding fish and meats.
 - B. Concrete mixing, including concrete products manufacture.
 - C. Contractor's equipment storage yard.
 - D. Laboratory, experimental or testing.
 - E. Sawmill, including the manufacture of wood products.
 - F. Manufacture and assembly from previously prepared materials such as cloth, leather, plastics, metal, stone, or wood.
 - G. Raising of crops.
 - H. Any other heavy industrial use similar to the above uses which would not create excessive amounts of dust, smoke, gas, noise, fumes, odor, vibration, fire, or explosion.
2. Conditional Uses. The Board of Adjustment may approve as conditional uses those industrial uses which may prove objectionable by reason of odor, noise, smoke, or hazard such as the following:
 - A. Slaughter houses and stock yards.
 - B. Distillation of ethanol.
 - C. Acid or chemical manufacture or storage.
 - D. Cement, lime, gypsum, or similar material manufacture.
 - E. Explosive manufacture or storage.
 - F. Fertilizer manufacture or storage.
 - G. Garbage, offal, or dead animal reduction.
 - H. Petroleum refining or storage.
 - I. Rubber goods manufacture.
 - J. Salvage yard or junk yard provided that the premises on which such activity is conducted shall be wholly enclosed within a building, wall, or fence not less than six (6) feet in height, completely obscuring the activity.
 - K. Mining and the extraction of minerals and raw minerals.
 - L. Grain elevators, grain storage areas and grain processing.
3. Yard Requirements. Except as may be otherwise provided, the yard requirements for the I-2 District shall be as follows:
 - A. Front Yard. On Highways No. 65 and 105 no building shall be built closer than 70 feet from the right-of-way of said highways. However, whenever 30 percent of the frontage on one side of a street in any block has been built up with buildings, then the setback line of buildings to be erected

shall not be less than that of the natural building line as determined by existing buildings. Otherwise, there is no front yard requirement in the I-2 District unless the I-2 District adjoins a residential district within the same block, in which case the residence district front yard requirement shall apply to that portion of the I-2 District within that block.

B. Side Yard. There are no side yard requirements within the I-2 District, except where a lot in the I-2 District adjoins any residential district, in which case the adjacent side yard shall be a minimum of 10 feet.

C. Rear Yard. There are no rear yard requirements in the I-2 District.

4. Height Regulations. The height of buildings and structures within the I-2 District will be regulated by any applicable airport height zoning regulations.

5. Parking Requirements. The minimum parking space requirements for an establishment in the I-2 District shall be one parking space for every two employees on the maximum working shift, plus space to accommodate all trucks or other vehicles used in connection therewith.

EDITOR'S NOTE			
<p>The following ordinances have been adopted amending the Official Zoning Map described in Section 165.11 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.</p>			
ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED

[The next page is 975]

CHAPTER 170

SUBDIVISION REGULATIONS

170.01 Purpose	170.15 Land Suitability
170.02 Application	170.16 Lands Subject to Flooding
170.03 Recording of Plat	170.17 Plat to Conform to Comprehensive Plan
170.04 Fees Established	170.18 Construction Standards for Improvements
170.05 Penalties	170.19 Street Standards
170.06 Building Permit to Be Denied	170.20 Block and Lot Standards
170.07 Definitions	170.21 Parks and Open Space
170.08 Improvements Required	170.22 Parks and School Sites Reserved
170.09 Inspection	170.23 Procedures and Submission Requirements
170.10 Minimum Improvements	170.24 Requirements of the Preliminary Plat
170.11 Easements Required	170.25 Requirements of the Final Plat
170.12 Maintenance Bond Required	170.26 Attachments to the Final Plat
170.13 Alternative Systems for Sewer or Water	170.27 Variances
170.14 Minimum Standards Prescribed	170.28 Changes and Amendments

170.01 PURPOSE. The purpose of this chapter is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions so that existing land uses 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 residents of the City.

170.02 APPLICATION. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into two or more parts, for the purpose of laying out an addition, subdivision, building lot or lots, acreage, or suburban lots within the City or, in accordance with Section 354.9 of the *Code of Iowa*, within two miles from 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.

170.03 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City or within two miles of the corporate limits of the City 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 chapter. Upon the approval of the final plat by the Council, 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 revocable after 30 days, unless such plat has been duly recorded and evidence thereof filed with the Clerk within such 30 days.

170.04 FEES ESTABLISHED. The Council shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the Clerk unless and until said plat is accompanied by the fee, as established by resolution of the Council and as required by this chapter.

170.05 PENALTIES. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this chapter until the plat thereof has been approved by the Council and recorded as required by law shall forfeit and pay fifty dollars (\$50.00) for each lot

or part of lot sold, disposed of, or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this chapter.

170.06 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract where a subdivision is required by this chapter unless and until a final plat of such subdivision has been approved and recorded in accordance with this chapter and until the improvements required by this chapter have been accepted by the City.

170.07 DEFINITIONS. For use in this chapter, the following words are defined and interpreted.

1. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
2. "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.
3. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the Council.
4. "Comprehensive Plan" means the general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Council. Such Comprehensive Plan shall include any part of such plan separately adopted and any amendment to such plan or parts thereof.
5. "Cul-de-sac" means a street having one end connecting to another street and the other end terminated by a vehicular turnaround.
6. "Easement" means an authorization by a property owner for another to use a designated part of his or her property for a specified purpose.
7. "Flood hazard area" means any area subject to flooding by a one percent probability flood, otherwise referred to as 100-year flood, as designated by the State Department of Natural Resources or the Federal Insurance Administration.
8. "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 100-year flood without cumulatively raising the waterway surface elevation more than one foot.
9. "Improvements" means changes to land necessary to prepare it for building sites, including but not limited to grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways, and other public works and appurtenances.
10. "Lot" means a portion of a subdivision or other parcel or tract intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
11. "Lot, corner" ("corner lot") means a lot situated at the intersection of two streets.
12. "Lot, double frontage" ("double frontage lot") means any lot that is not a corner lot which abuts two streets.

13. "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.
14. "Planning Commission" or "Commission" means the Planning and Zoning Commission of the City.
15. "Plat" means a map, drawing, or chart on which a subdivider's plan for the subdivision of land is presented, which the subdivider submits for approval and intends, in final form, to record.
16. "Plats Officer" means the individual assigned the duty to administer this chapter by the Council.
17. "Resubdivision" means any subdivision of land which 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.
18. "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.
19. "Street, arterial" ("arterial street") 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.
20. "Street, major" ("major street") means an arterial street or other street which has or is planned to have continuity to carry traffic from one section of the City to another.
21. "Subdivider" means the owner of the property being subdivided or such other person or entity empowered to act on the owner's behalf.
22. "Subdivision" means the division of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or land subdivided. However, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes less than 50 percent of the area of the enlarged lot after such transfer, is not considered a subdivision.
23. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

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

170.09 INSPECTION. All improvements shall be inspected to ensure compliance with the requirements of this chapter. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

170.10 MINIMUM IMPROVEMENTS. The improvements set forth below are considered the minimum improvements necessary to protect the public health, safety, and welfare.

1. **Streets.** The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley, or public place. Appropriate paving of not less than 2-inch asphalt overlay on top of well compacted 6-inch base or a base as set by City Superintendent, including curb and gutter, shall be provided on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City. Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of improving the wider street and street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the City, become the property of the City.

2. **Sanitary Sewer System.** The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area, with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the City and at the sewer grades as established by the City. Under some circumstances, the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to compete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The sewer shall, upon inspection, approval, and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management or the provisions of a storm water management plan if such plan has been adopted by the City.

3. **Water Main System.** The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area and shall connect the same to the City's existing water mains. Under some circumstances, the City may require, as condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area but necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area. The water mains shall, upon inspection, approval and acceptance by the City, become the property of the City.

4. **Other Improvements.** The owner and subdivider of the land being platted shall be responsible for the installation of walkways as necessary; grading, seeding or

sodding of all lots; the planting of any required trees in the parking; the installation of street signs; and the provision of street lighting. All such improvements shall be under the direction of the City Engineer or director of the electric utility, as appropriate.

170.11 EASEMENTS REQUIRED. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than 10 feet in width shall be granted by the owner along rear and, where necessary, side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

170.12 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds, satisfactory to the City, so as to insure that for a period of one year from the date of acceptance of any improvement the owner and subdivider shall be responsible to maintain such improvement in good repair.

170.13 ALTERNATIVE SYSTEMS FOR SEWER OR WATER. Where connection to the City water or sewer system cannot reasonably be made, the City may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety, and welfare and shall meet all requirements of State, County, or other applicable health regulations. Prior to granting approval of such alternate systems, the City shall require that the owner and subdivider provide to the City a waiver of assessment protest or such other legally binding documents necessary to protect the City from the expense of the subsequent installation of sewer or water facilities.

170.14 MINIMUM STANDARDS PRESCRIBED. The standards set forth in this chapter are considered the minimum standards necessary to protect the public health, safety, and general welfare.

170.15 LAND SUITABILITY. No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, or other conditions likely to be harmful to the public health, safety or general welfare unless such unsuitable conditions are corrected to the satisfaction of the City. If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Council may reaffirm, modify, or withdraw its determination regarding such unsuitability.

170.16 LANDS SUBJECT TO FLOODING. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City without the approval of the State Department of Natural Resources. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Regulations contained in Chapter 165 for the zone in which the lot is located. Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City.

1. Included within individual lots in the subdivision, subject to the limitations of this section.

2. Reserved as open space for recreation use by all owners of lots in the subdivision with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.
3. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

170.17 PLAT TO CONFORM TO COMPREHENSIVE PLAN. The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the City, and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

170.18 CONSTRUCTION STANDARDS FOR IMPROVEMENTS. In addition to the standards set forth in this chapter, the City Engineer shall, from time to time, prepare and the Council shall, from time to time, adopt by resolution technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements and the extent and character of the area served by the improvements. Upon adoption by the Council by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

170.19 STREET STANDARDS. The following standards shall apply to all streets to be located within the subdivision.

1. Streets shall provide for the continuation of major streets from adjoining platted areas and the extension of major streets into adjoining unplatted areas. Where a plat encompasses the location for a major street proposed in the Comprehensive Plan or Major Street Plan, the plat shall provide for such major street.
2. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.
3. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
4. Street right-of-way widths and pavement widths shall be as specified in the Comprehensive Plan, Major Streets Plan, or technical standards for public improvements.
5. Half-streets are prohibited, except where an existing platted half-street abuts the subdivision. A platted half street to complete the street shall be required in such case.
6. Minor streets should be designed to discourage through traffic, while safely connecting to major collector or arterial streets.
7. Street jogs with centerline offsets of less than 125 feet shall be prohibited, except where topography or other physical conditions make such jogs unavoidable.
8. Streets shall intersect as nearly at right angles as possible, and no street shall intersect any other street at less than 60 degrees.

9. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
10. Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property. A temporary dead end may be allowed in such case.
11. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Such street shall be no longer than 600 feet and shall be provided at the closed end with a turn-around having a street property line diameter of at least 100 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-around shall be a minimum of 50 feet. The property line at the intersection of the turn-around and the lead-in portion of the street shall be rounded at a radius of not less than 25 feet. A turn-around diameter greater than 100 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.
12. In general, alleys shall be prohibited in residential areas and required in commercial areas with normal street frontage. Dead-end alleys are prohibited unless provided with a turn-around with a minimum right-of-way diameter of 100 feet.
13. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Council, be made a requirement of the plat.
14. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Council.
15. Private streets, not dedicated to the City, shall be avoided. The Council may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.
16. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
17. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent for main and secondary thoroughfares or ten percent for minor and local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to 20 times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater; if deemed necessary to the City Engineer, for secondary and minor streets, 15 times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

170.20 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions and, to the extent possible, in all resubdivisions:

1. No residential block shall be longer than 1,320 feet or shorter than 300 feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.
2. In blocks over 700 feet in length, the Council may require a public way or an easement at least 10 feet in width at or near the center of the block for use by pedestrians.
3. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended and to meet the parking, loading, and other requirements for such uses contained in the Zoning Regulations set out in Chapter 165.
4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
5. The size and shape of all lots shall comply with all requirements of the Zoning Regulations for the zone in which the lot is located.
6. All lots shall abut a public street or upon an approved private street with a minimum frontage of at least 35 feet measured as a straight line between the two front lot corners.
7. Unless unavoidable, lots shall not front or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
8. All lot lines shall be at right angles to straight street lines or radial to curved street lines except where, in the judgment of the Council, a variation to this provision will provide a better street and lot layout.
9. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the Zoning Regulations, oriented to either street.
10. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.
11. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drain field. No subdivision to be served by septic systems shall be approved by the Council until percolation tests have been performed and the results of such tests have been provided to and reported on by the City Engineer.

170.21 PARKS AND OPEN SPACE. All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of its residents. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space, provided there shall exist sufficient covenants running with the land to ensure adequate maintenance by the property owners benefiting from such open space.

170.22 PARKS AND SCHOOL SITES RESERVED. When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the City, the subdivider shall indicate such areas on the plat.

1. Proposed park sites shall be reserved for three (3) years, giving the City or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park site not be purchased within three years, the subdivider may then amend the final plat.

2. Proposed school sites shall be reserved for three (3) years, giving the appropriate school district the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall include one-half of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the school district. Should the school sites not be purchased within three years, the subdivider may then amend the final plat.

170.23 PROCEDURES AND SUBMISSION REQUIREMENTS.

1. 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 Plats Officer. The conference should be attended by the Plats Officer and such other City or Utility representatives as deemed desirable, and by the owner and the 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.

2. 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.

3. Presentation to Planning Commission or Council. The subdivider may present the sketch plan to the Commission and Council for review prior to incurring significant costs preparing the preliminary or final plat.

4. Subdivision Classified. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

A. Minor Subdivision. Any subdivision which contains not more than four (4) lots fronting on an existing street and which does not require construction of any public improvements and which does not adversely affect the remainder of the parcel shall be classified as a minor plat.

B. Major Subdivision. Any subdivision which, in the opinion of the Council, does not for any reason meet the definition of a minor plat shall be classified as a major subdivision.

5. Plats Required. In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this chapter. 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 may elect to omit the submission of a preliminary plat.

6. Procedures for Review of Preliminary Plats.

A. The Clerk, upon receipt of three (3) copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward the remaining copy of the plat to the Plats Officer.

B. The Plats Officer shall provide copies of the plat to the City Engineer and such other persons as necessary to review the plat and shall schedule the plat for consideration by the Commission.

C. The Commission shall examine the plat and the report of the City Engineer and such other information as it deems necessary or desirable to ascertain whether the plat conforms to the ordinances of the City, to the Comprehensive Plan, and other duly adopted plans of the City. The Planning Commission shall, within 45 days after the filing of the plat with the Clerk, forward a report and recommendation regarding the plat to the Council. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report and a copy of the report and recommendation shall be provided to the applicant.

D. The Council shall examine the plat, the report of the City Engineer, the report of the Commission, and such other information as it deems necessary or desirable. Upon such examination, the Council shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the Comprehensive Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City in order to protect the public health, safety, and welfare. Following such examination, the Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the Council is to disapprove the plat or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the Council, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Council shall be taken within 60 days of the filing of the plat with the Clerk unless such time period is extended by agreement between the subdivider and the City.

7. Duration of Approval of Preliminary Plat. The approval of a preliminary plat by the Council shall be valid for a period of one year from the date of such approval, after which such approval shall be void. The subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the Council.

8. Authorization to Install Improvements. The approval of the preliminary plat shall constitute authorization by the Council for the installation of improvements as required by this chapter and as shown on the preliminary plat, provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvement have been submitted to and approved in writing by the City Engineer.

9. Completion and Acceptance of Improvements. Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of

acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements and the agreements between the subdivider and the City.

10. Performance Bond Permitted. In lieu of the requirements that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the City, guaranteeing that improvements not completed shall be completed within a period of one year from the date of approval of such final plat, but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

11. Procedures for Review of Final Plats.

A. The Clerk, upon receipt of six (6) copies of the final plat, shall file one copy in the records of the City, shall retain one copy for the public inspection, and shall forward the remaining copies to the Plats Officer.

B. The Plats Officer shall provide copies of the plat to the City Engineer and such other persons as are necessary to review the plat and shall schedule the plat for review by the Council.

C. The Plats Officer and the City Engineer shall examine the plat as to its compliance with the ordinances and standards of the City and its conformance with the preliminary plat and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

D. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Council for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning Commission for review, prior to review by the Council. The Commission shall then review the plat and shall forward a written recommendation thereon to the Council within 45 days after the filing of the plat with the Clerk. If the recommendation is to disapprove the plat or to require modification of the plat, the reasons therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

E. Upon receipt of the plat and written reports thereon, the Council shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the City and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Council shall approve the plat and shall cause its approval to be entered on the plat as required by law.

F. Action on the final plat by the Council shall be taken within 60 days of the date of filing of the plat with the Clerk, unless such time period is extended by agreement between the subdivider and, the City. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Council, and such decision shall be provided to the subdivider.

170.24 REQUIREMENTS OF THE PRELIMINARY PLAT. The subdivider shall prepare and file with the Clerk three (3) copies of the preliminary plat drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed 24 inches by 36

inches. Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, including match lines indicating where other sheets adjoin. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

1. Title, scale, north point, and date.
2. Proposed name of the subdivision, which shall not duplicate or resemble subdivision names in the County.
3. The name and address of the owner and the name, address, and profession of the person preparing the plat.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within 200 feet of the subdivision boundary shall be attached.
6. The location of property lines, streets and alleys, easements, building, utilities, watercourses, tree masses, and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.
8. Contours at vertical intervals of not more than two feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five feet if the general slope is 10 percent or greater.
9. The legal description of the area being platted.
10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
11. The layout, numbers and approximate dimensions of proposed lots.
12. The location, width, and dimensions of all streets and alleys proposed to be dedicated for public use.
13. The proposed names for all streets in the area being platted.
14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.
15. Proposed easements showing locations, widths, purposes, and limitations.
16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.
17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
18. Any other pertinent information, as necessary.
19. The fee, as required by this chapter.

170.25 REQUIREMENTS OF THE FINAL PLAT. The subdivider shall, within one year from the date of approval of the preliminary plat unless such time period has been extended, prepare and file with the Clerk three (3) copies of the final plat and required attachments, as set forth in this chapter. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than 18 inches by 24 inches or smaller than 8½ inches by 11 inches and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin. The final plat shall be clearly marked "Final Plat" and shall show the following:

1. The name of the subdivision.
2. Name and address of the owner and subdivider.
3. Scale, and a graphic bar scale, north arrow, and date on each sheet.
4. All monuments to be of record, as required by Chapter 354, *Code of Iowa*.
5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
6. All distance, bearing, curve, and other survey data, as required by Chapter 354, *Code of Iowa*.
7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
8. Street names and clear designation of public alleys.
9. Block and lot numbers.
10. Accurate dimensions for any property to be dedicated or reserved for public use and the purpose for which such property is dedicated or reserved for public use.
11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. All interior excepted parcels, clearly indicated and labeled "not a part of this plat."
13. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

15. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number of seal; and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

170.26 ATTACHMENTS TO THE FINAL PLAT. The following shall be attached to and accompany any final plat.

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.

2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

3. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

4. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

5. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

6. The encumbrance bond, if any.

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

8. A certificate by the City Engineer that all required improvements have been satisfactorily completed in accordance with the constructions plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as-built" plans for all improvements shall have been provided to the City Engineer. In lieu thereof, the Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

9. Where the improvements have been installed, a resolution accepting and approving such improvements, along with the maintenance bond required by this chapter.

10. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land in a form approved by the City Attorney providing for the construction or reconstruction of any improvements to meet City standards and the assessment of all costs of the property owners in the event of annexation and dedication and acceptance shall be required.

11. The applicable fee, if any.

170.27 VARIANCES. Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions, the Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements, as necessary to eliminate the hardship. In so granting a variance, the Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

170.28 CHANGES AND AMENDMENTS. This chapter or any provision of this chapter may be changed or amended from time to time by the Council, provided, however, that such changes and amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four or more than 20 days before the date of the hearing.

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INDEX TO CODE OF ORDINANCES

	CHAPTER OR SECTION NUMBER
ABANDONED BUILDINGS.....	145
ABANDONED OR UNATTENDED REFRIGERATORS.....	41.07
ABANDONED UTILITY CONNECTIONS	
On-Site Wastewater Treatment and Disposal Systems.....	98.07
Water Service.....	90.04
ABANDONED VEHICLES.....	80
<i>See also</i> Impounding Vehicles.....	70.06
<i>See also</i> State Code Traffic Regulations.....	62.01
ABANDONMENT OF CATS AND DOGS.....	55.04
ABATEMENT OF NUISANCES.....	50
ACCESSORY BUILDINGS	
Flood Plain Regulations.....	160.04(11)
Property Maintenance Requirements.....	147.03(3)
Zoning.....	165.06(7) and (8)
ACCOUNTING RECORDS.....	7.07
ADULT ENTERTAINMENT.....	123
AIR POLLUTION.....	50.02(8)
<i>See also</i> ENVIRONMENTAL VIOLATION.....	4.02
AIRPORT AIR SPACE.....	50.02(11)
AIRPORT COMMISSION.....	24
ALCOHOL	
Consumption and Intoxication.....	45
In Adult Entertainment Establishments.....	123.02(4)
In Parks.....	47.07
Open Containers in Motor Vehicles.....	62.01(49) and (50)
Liquor Licenses and Wine and Beer Permits.....	120
ALL-TERRAIN VEHICLES AND SNOWMOBILES.....	75
AMUSEMENT DEVICES.....	120.06
ANGLE PARKING.....	69.03 and 69.04
ANIMAL PROTECTION AND CONTROL	
Abandonment of Cats and Dogs.....	55.04
Animal Neglect.....	55.02
Annoyance or Disturbance.....	55.08
At Large Prohibited.....	55.06
Confinement of Animals Suspected of Having Rabies.....	55.11

 CHAPTER OR SECTION
NUMBER

ANIMAL PROTECTION AND CONTROL (continued)

Damage or Interference by Animals	55.07
Dogs in Sunset Rest Cemetery	55.14
Duty to Report Attacks	55.10
Impounding	55.12 and 55.13
Livestock	55.03 and 55.05
Pet Awards Prohibited	55.19
Rabies Vaccination	55.09
Vicious Dogs	55.15 – 55.18

ANTENNA AND RADIO WIRES 41.08**APPOINTMENTS**

By Council	17.05
By Mayor	15.03

ASSAULT 40.01**ATTORNEY FOR CITY** 20
**AUTHORITY TO BUY, SELL, AND LEASE REAL ESTATE LOCATED
WITHIN THE CITY LIMITS OF THE CITY OF NORTHWOOD FOR
THE PURPOSE OF FUTURE DEVELOPMENT**

5.12

AUTOMOBILE REPAIR ON PUBLIC PROPERTY 69.05(2)**AWNINGS** 136.12**BARBED WIRE AND ELECTRIC FENCES** 41.09**BEER, LIQUOR, AND WINE CONTROL***See ALCOHOL***BICYCLES** 76*See also* Clinging to Vehicles 62.04*See also* State Code Traffic Regulations 62.01**BILLBOARDS** 50.02(6) and 62.06**BONDS**

City Officials	5.02
Public Bonds, Records of	18.08(3)

BOUNDARIES 3**BUDGET**

Amendments	7.06
Preparation	7.05

BUILDING NUMBERING 150**BUILDING SEWERS AND CONNECTIONS** 96

CHAPTER OR SECTION
NUMBER

BUILDINGS, DANGEROUS	145
BULKY RUBBISH	106.05
BURNING	
Burning on Streets and Alleys.....	135.08
Fires in Parks	47.03
Fires or Fuel on Sidewalks	136.15
Open Burning Restricted	105.05
Yard Waste	105.06
BUSINESS DISTRICT	60.02(1)
<i>See also:</i>	
Bicycles on Sidewalks	76.09(1)
Sidewalks.....	136.08(5)(B)
CABLE TELEVISION RATE REGULATIONS	112
CAMPING IN PARKS	47.06
CAR WASHING ON STREETS	135.07
CEMETERY BOARD	25
CEMETERY RECORD KEEPING	18.14
<i>See also Parks, Cemeteries and Parking Lots (Speed Limits).....</i>	<i>63.03</i>
CHANGE FUND	7.03(4)
CHARTER	2
CIGARETTES AND TOBACCO	
Permits	121
Possession by Minors	46.02
CITY ATTORNEY	20
CITY CHARTER	2
CITY COUNCIL	
Appointments by.....	17.05
Compensation	17.06
Meetings	17.04
	and 5.06
Number and Term.....	2.04
	and 17.01
Powers and Duties	17.02
	and 17.03
CITY ELECTIONS	6

**CHAPTER OR SECTION
NUMBER**

CITY OFFICERS AND EMPLOYEES

Appointments by Council.....	17.05
Appointments by Mayor.....	15.03
Bonds.....	5.02
City Attorney.....	20
City Clerk.....	18
City Council.....	17
Conflict of Interest.....	5.07
Discretionary Powers.....	1.13
Extension of Authority.....	1.07
Gifts to.....	5.11
Harassment of.....	41.04
Indemnity of.....	1.04
Mayor.....	15
Oath of Office.....	5.01
Police Chief.....	30
Powers and Duties.....	5.03
Removal of Appointed Officers and Employees.....	5.09
Representation by City Attorney.....	20.09
Resignations.....	5.08
Sewer Superintendent.....	95.03
Vacancies.....	5.10
Water Superintendent.....	90.02

CITY OPERATING PROCEDURES..... 5**CITY POWERS..... 1.03****CITY SEAL..... 18.13****CIVIL CITATIONS..... 4.04****CLINGING TO VEHICLE..... 62.04****CODE OF IOWA TRAFFIC REGULATIONS..... 62.01****CODE OF ORDINANCES**

Altering.....	1.10
Amendments to.....	1.08
Catchlines and Notes.....	1.09
Definitions of Terms.....	1.02
Rules of Construction.....	1.06
Validity.....	1.11

CHAPTER OR SECTION
NUMBER**COMPENSATION**

Changes in	17.02(7)
City Attorney	20.01
City Clerk	18.01
Council Members	17.06
Mayor	15.04
Mayor Pro Tem	16.04
Set by Council	17.02(7)
Treasurer	19.02

CONFLICT OF INTEREST	5.07
-----------------------------------	-------------

CONTRACT LAW ENFORCEMENT	30.11
---------------------------------------	--------------

CONTRIBUTING TO DELINQUENCY	46.03
--	--------------

CORPORATE LIMITS	3
-------------------------------	----------

COUNCIL	17
----------------------	-----------

COUNCIL MEETINGS	17.04
-------------------------------	--------------

CRIMINAL MISCHIEF	42.02
--------------------------------	--------------

CRIMINAL PENALTIES	4.06
---------------------------------	-------------

CROSSWALKS

Designation and Maintenance	61.02
Parking Prohibited in	69.06(1)
Pedestrians in Crosswalks	65.08

CURFEW	46.01
---------------------	--------------

DANGEROUS BUILDINGS	145
----------------------------------	------------

DANGEROUS TOYS (THROWING AND SHOOTING)	41.11
---	--------------

DANGEROUS SUBSTANCES, DISTRIBUTING OF	41.01
--	--------------

DEFACING PROCLAMATIONS AND NOTICES	42.03
---	--------------

DEPOSIT FOR UTILITIES	92.08
------------------------------------	--------------

DEPOSITS AND INVESTMENTS	7.03(2)
---------------------------------------	----------------

DESTRUCTION OF PROPERTY	42.02
--------------------------------------	--------------

DEVELOPMENT OF REAL ESTATE	5.12
---	-------------

DISORDERLY CONDUCT	40.03
---------------------------------	--------------

 CHAPTER OR SECTION
NUMBER

DOGS	55
<i>See also</i> ANIMALS	
DRIVEWAY CULVERTS	135.13
DRIVEWAY REGULATIONS	140
DRUG PARAPHERNALIA	43
DUMPING PROHIBITED	105.08
DUTCH ELM DISEASE	50.02(10)
EASEMENTS, USE OF	95.08
ELECTIONS	
Duties of Clerk	18.12
Procedures	6
ELECTRIC FRANCHISE	111
ENGINE BRAKES	62.08
ENVIRONMENTAL VIOLATIONS	4.02
EXCAVATIONS	
Sewer	96.04
Streets	135.09
Water	90.09
EXCESSIVE ACCELERATION	62.07
EXTENSION OF AUTHORITY	1.07
FAILURE TO DISPERSE	40.05
FALSE IDENTIFICATION INFORMATION	41.03
FALSE REPORTS	
Of Catastrophe	40.03(5)
To Public Safety Entities.....	41.02
FENCES	
Barbed Wire and Electric Fences.....	41.09
Blocking Public and Private Ways.....	50.02(5)
Zoning	165.06(20)
FIGHTING	40.03(1)
FINANCE OFFICER	7.02
FINANCES	7

	CHAPTER OR SECTION NUMBER
FINANCIAL REPORTS	7.08
FIRE HAZARD CONDITIONS	
Health and Fire Hazard.....	105.04
Storage of Flammable Liquids	146
Storing of Flammable Junk	50.02(7)
Unsafe Buildings	145
Weeds and Brush.....	50.02(9)
FIRE SPRINKLER SYSTEMS CONNECTIONS	91.03
FIRES	
In Parks.....	47.03
On Sidewalks.....	136.15
Recreational.....	105.05(5)
FIREWORKS	41.14
FISCAL MANAGEMENT	7
FLAG, DISRESPECT OF	40.03(6)
FLAMMABLE LIQUIDS, STORAGE OF	146
FLOOD PLAIN REGULATIONS	160
FORM OF GOVERNMENT	2.02
FRAUD	42.05
FUNDS	7.04
FUNERAL SERVICE, DISRUPTION OF	40.03(8)
<i>See also</i> State Code Traffic Regulations	62.01
GANG ACTIVITY	50.02(12)
GARAGES	
<i>See</i> ACCESSORY BUILDINGS	
GARBAGE COLLECTION AND DISPOSAL	105
	and 106
GAS FRANCHISE	110
GIFTS TO CITY OFFICIALS	5.11
GRADES OF STREETS, ALLEYS AND SIDEWALKS	138
HANDICAPPED PARKING	
<i>See</i> Persons with Disabilities Parking	69.07

CHAPTER OR SECTION
NUMBER

HARASSMENT	
Of Other Persons	40.02
Of Public Officers and Employees	41.05
HAZARDOUS SUBSTANCE SPILLS	35
HAZARDOUS WASTE	105.09
<i>See also</i> Prohibited and Restricted Discharges to Sewer System	97.03 and 97.04
HISTORIC PRESERVATION COMMISSION	26
HITCHHIKING	67.02
HOUSE NUMBERS	150
HOUSES OF ILL FAME	50.02(12)
HUNTING AND SHOOTING	41.12
IMPOUNDING	
Animals	55.12
Vehicles	70.06 and 80.02
INDEMNITY AGREEMENT; PERMITS AND LICENSES	1.04
INOPERABLE VEHICLES AND JUNK	51
<i>See also</i> Storing of Flammable Junk	50.02(7)
INSURANCE REQUIREMENTS	
Fireworks	41.14
Street Excavations	135.09
INTERFERENCE WITH OFFICIAL ACTS	41.06
INVESTMENTS AND DEPOSITS	7.03(2)
LEGAL OPINIONS	20.06
LIBRARY	21
LICENSES	
Drivers	62.01
Liquor	120
Peddlers	122
Rental Property	148
<i>See also</i> Issuance of Licenses and Permits	18.10
<i>See also</i> PERMITS	
LICENSING AND INSPECTION OF RENTAL PROPERTY	148
LIQUOR LICENSES AND WINE AND BEER PERMITS	120

	CHAPTER OR SECTION NUMBER
LITTERING	
Debris on Sidewalks	136.17
Park Regulations.....	47.04
Placing Debris on Streets.....	135.03
Solid Waste Control	105.07
LIVESTOCK	55.03 and 55.05
LOAD AND WEIGHT RESTRICTIONS, VEHICLES	66
LOITERING	40.04
MAYOR	
Appointments.....	15.03
Compensation	15.04
Powers and Duties	15.02
Term of Office.....	15.01
Voting	15.05
<i>See also</i> CITY OFFICERS AND EMPLOYEES	
MAYOR PRO TEM	16
MEETINGS	
Council Meetings.....	17.04
Procedures for Notice and Conduct of	5.06
Publication of Minutes of Council Meetings	18.03
METERS, WATER	91
MINORS.....	46
<i>See also:</i>	
Amusement Devices	120.06
Employment for Serving of Alcohol	120.05(4)
Persons Under Legal Age.....	45.01
Persons Under Legal Age.....	121.07
MOSQUITO SPRAYING SERVICES.....	56
MUNICIPAL INFRACTIONS.....	4
<i>See also</i> MUNICIPAL INFRACTION ABATEMENT PROCEDURE.....	50.07
NAMING OF STREETS.....	139
NATURAL GAS FRANCHISE	110
NOISE	
Annoyance or Disturbance (Barking Dogs)	55.08
Disorderly Conduct	40.03(2) and 40.03(8)
Engine Brakes.....	62.08
Excessive Acceleration and Noise.....	62.07
Quiet Zones.....	62.05

CHAPTER OR SECTION
NUMBER

NOMINATIONS FOR ELECTIVE OFFICES	6
NUISANCE ABATEMENT PROCEDURE	50
<i>See also</i> PROPERTY MAINTENANCE REQUIREMENTS.....	147
NUMBERING OF BUILDINGS	150
OATH OF OFFICE.....	5.01
OFFENSIVE SMELLS AND SUBSTANCES	50.02(1) and (2)
<i>See also</i> Restricted Discharges to Sanitary Sewer System.....	97.04
OFF-ROAD MOTORCYCLES AND UTILITY VEHICLES	75
ON-SITE WASTEWATER SYSTEMS.....	98
ONE-WAY TRAFFIC.....	68
OPEN BURNING	105.05
OPEN CONTAINERS IN MOTOR VEHICLES	62.01(49) and (50)
OPEN MEETINGS.....	5.06
OPERATING PROCEDURES.....	5
PARADES REGULATED	60.08
PARK REGULATIONS	47
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits).....	63.03
PARKING REGULATIONS	
All Night Parking Prohibited.....	69.08
Angle Parking	69.03 and 69.04
Fire Lanes	69.11
Illegal Purposes.....	69.05
Limited Parking	69.09
Park Adjacent to Curb	69.01 and 69.02
Parking of Bicycles.....	76.12
Parking Prohibited	69.06
Parking Violations	70.03 and 70.04
Persons With Disabilities Parking.....	69.07
Snow Emergency	69.10
Truck Parking Limited.....	69.12
PARKS AND RECREATION BOARD	23
PEACE OFFICERS	
Failure to Assist.....	41.04
Interference with.....	41.06
Obedience to	60.07

 CHAPTER OR SECTION
NUMBER

PEACE OFFICERS (continued)

Powers and Authority under Traffic Code	60
Qualifications	30.03
Training	30.04
<i>See also</i> POLICE DEPARTMENT	30

PEDDLERS	122
-----------------------	-----

PEDESTRIANS	67
--------------------------	----

See also:

Crosswalks	61.02
State Code Traffic Regulations	62.01
Yield to Pedestrians in Crosswalks	65.08

PENALTIES

Abatement of Violation of Sewer Connection Requirements	96.10
Additional Penalties – Cigarette and Tobacco Permits	121.07
Criminal Penalties	4.06
Curfew Violations	46.01(6)
Municipal Infractions	4
Special Penalties (Sanitary Sewer Regulations)	95.09
Special Penalty (Bicycle Regulations)	76.14
Standard Penalty for Violation of Code of Ordinances	1.14
Traffic Code Violations	70

PERMITS

Beer and Wine	120
Cigarette and Tobacco	121.02
Fireworks	41.14
Flood Plain Development	160.05(2)
Hunting	41.12
On-Site Wastewater System	98.04
Open Burning	105.05
Open Dumping	105.08
Persons with Disabilities Parking	69.07
Residential Rental Property	148.04
Sewer Connection	96.01
Sidewalks	136.07
Street Excavation	135.09(1)
Vehicles, Excess Size and Weight	66.03
Water System Connection	90.05
Well	90.22
Zoning	165.04
<i>See also</i> Issuance of Licenses and Permits	18.10

See also **LICENSES**

CODE OF ORDINANCES, NORTHWOOD, IOWA

CHAPTER OR SECTION
NUMBER

PUBLIC AND PRIVATE PROPERTY (continued)	
Park Regulations	47
Public and Private Property.....	42
Sidewalk Regulations.....	136
Street Excavations.....	135
Theft.....	42.06
Trees and Shrubs on Public Property.....	151
Trespassing.....	42.01
Unauthorized Entry	42.04
PUBLIC HEALTH AND SAFETY	41
PUBLIC NOTICES.....	18.05(1)
PUBLIC OFFENSES	
Drug Paraphernalia.....	43
Littering Prohibited.....	105.07
Open Dumping	105.08
Public and Private Property.....	42
Public Peace	40
Public Health and Safety.....	41
<i>See also</i> SIDEWALK REGULATIONS	136
<i>See also</i> STREET EXCAVATIONS	135
PUBLICATION REQUIREMENTS.....	18.05
RABIES VACCINATION	55.09
RAILROAD REGULATIONS.....	81
REAL ESTATE, AUTHORITY OF THE CITY	5.12
RECYCLING.....	107
RECORDS	
Accounting	7.07
Maintenance by Clerk	18.08
Minutes of Council Meetings.....	5.06(3)
Public Records, Access to.....	5.04
Transfer to Successors	5.05
REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.....	5.09
REPRESENTATION OF CITY EMPLOYEES	20.09
RESIGNATION OF ELECTED OFFICERS.....	5.08

 CHAPTER OR SECTION
NUMBER

RIGHT TO ENTER

Sewer Service Inspection and Sampling	95.07
Solid Waste Collection.....	106.06
Use of Easements	95.08
Warrants	1.12
Water Meter Service	91.08

SANITARY SEWER SYSTEM

General Provisions	95
Building Sewers and Connection Requirements.....	96
On-Site Wastewater Systems	98
Sewer Service Charges.....	99
Use of Public Sewers	97

SEWER RATES 99**SIDEWALKS**

Barricades and Warning Lights.....	136.09
Bicycles on Sidewalks.....	76.09
Construction Standards	136.08
Debris on	136.17
Defacing	136.16
Encroaching Steps.....	136.13
Fires and Fuel on.....	136.15
Interference with Improvements	136.11
Maintenance	136
Openings and Enclosures	136.14
Parking Prohibited on Sidewalks	69.06(4)
Sales Stands and Merchandise Displays	136.18 and 136.19
Snow Removal	136.03
Use by Pedestrians	67.04
Vehicles Crossing Sidewalks	65.06
Vehicles on Sidewalks	62.03

SKATES, COASTERS AND TOY VEHICLES

Clinging to Vehicle	62.04
---------------------------	-------

SNOW REMOVAL

From Sidewalks.....	136.03
From Streets	135.12
Parking	69.09

SNOWMOBILES AND ALL-TERRAIN VEHICLES..... 75

	CHAPTER OR SECTION NUMBER
SOLID WASTE CONTROL	
Collection	106
General Provisions.....	105
<i>See also</i> Restricted Discharges to Sewer System	97.04
SPEED REGULATIONS	63
STATE CODE TRAFFIC REGULATIONS	62.01
STOP OR YIELD REQUIRED.....	65
STORM WATER	
Discharge to Sanitary Sewer Prohibited.....	95.04(2) and 97.01
Surface Water Exception.....	97.02
STREET NAME MAP	139.04 and 139.05
STREETS AND ALLEYS	
Billboards and Signs Obstructing View	50.02(6)
Blocking Public and Private Ways	50.02(5)
Excavations and Maintenance	135
Grades.....	138
Obstructing Use of Streets.....	40.03(7)
Naming	139
Vacation and Disposal	137
<i>See also</i> TRAFFIC CODE	
SUBDIVISION REGULATIONS	170
TERMS OF OFFICE	
Clerk	18.01
Council	2.04 and 17.01
Mayor.....	2.05 and 15.01
Treasurer.....	19.01
THEFT	
Library Property	21.11
Public and Private Property	42.06
TOBACCO PERMITS.....	121
TOXIC AND HAZARDOUS WASTE.....	105.09
TRAFFIC CODE	
Administration of.....	60
Enforcement Procedures.....	70
General Regulations	62
Load and Weight Restrictions	66

 CHAPTER OR SECTION
NUMBER

TRAFFIC CODE (continued)	
One-Way Traffic.....	68
Parking Regulations.....	69
Pedestrians	67
Speed Regulations	63
Stop or Yield Required	65
Turning Regulations	64
Traffic Control Devices.....	61
TRAFFIC CONTROL DEVICES	
Installation; Standards; Compliance.....	61
Location	65.09
Traveling on Barricaded Street or Alley	135.05
TRAFFIC REGULATIONS	62.01
TREASURER.....	19
TREES	
Disease Control	151.05
Dutch Elm Disease	50.02(10)
Duty to Trim Trees	151.03
Inspection and Removal of.....	151.06
Maintenance of Parking or Terrace	135.10
Obstructing View at Intersections	62.06
Open Burning Restrictions	105.05
Planting Restrictions.....	151.02
Trimming Trees to be Supervised	151.04
Yard Waste	105.06
TRESPASSING.....	42.01
TRUCK PARKING LIMITED	69.12
TURNING REGULATIONS	64
UNAUTHORIZED ENTRY	42.04
UNLAWFUL ASSEMBLY	40.04
URBAN REVITALIZATION AREA	8
URINATING AND DEFECATING IN PUBLIC	41.13
UTILITIES	
Cable Television Rates	112
Electric.....	111
Natural Gas	110
Sewer Service System	95 - 99
Water Service System.....	90 - 92

	CHAPTER OR SECTION NUMBER
U-TURNS	64.02
VACANCIES IN OFFICE.....	5.10
VACATING STREETS OR ALLEYS.....	137
VETO	
Council May Override.....	17.03
Mayor's Authority.....	15.02(4)
VICIOUS DOGS.....	55.15 – 55.18
VIOLATIONS	
Cigarette and Tobacco Violations (Sale to Minors).....	121.07
Environmental	4.02
Municipal Infractions	4
Parking.....	70
Residential Rental Property.....	148.15
Special Penalties for Violation of Sanitary Sewer Regulations.....	95.09
Standard Penalty for Violation of Code of Ordinances	1.14
Traffic.....	62.01
WARRANTS.....	1.12
WASTE STORAGE CONTAINERS.....	105.10
WASTEWATER SYSTEMS, ON-SITE.....	98
WATER POLLUTION	50.02(4)
WATER SERVICE SYSTEM	
Connections; General Regulations	90
Meters.....	91
Rates	92
<i>See also:</i>	
WATER WELL PROTECTION	94
WELL ABANDONMENT	93
WEAPONS	
Discharging Weapons in City Limits	41.10
Hunting and Shooting.....	41.12
Taking Weapons During Arrest	30.10
Throwing and Shooting.....	41.11
WEEDS AND BRUSH	50.02(9)
WELL ABANDONMENT	93
WELL PROTECTION	94

**CHAPTER OR SECTION
NUMBER**

WINE*See* **ALCOHOL****YARD WASTE** 105.06**YIELD REQUIRED** 65**ZONING REGULATIONS** 165

APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. **OFFICIAL COPY.** The "OFFICIAL COPY" of the Code of Ordinances must be kept by the City Clerk and should be identified as the "OFFICIAL COPY."

2. **DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. **SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. **RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF NORTHWOOD, IOWA, BY ADDING A NEW
SECTION LIMITING PARKING TO THIRTY MINUTES ON A
PORTION OF SOUTH BOONE STREET

BE IT ENACTED by the City Council of the City of Northwood, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Northwood, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO THIRTY MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO THIRTY MINUTES. It is unlawful to park any vehicle for a continuous period of more than thirty (30) minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. South Boone Street, on the west side, from Forest Avenue to Mason Drive.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTHWOOD, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON LAKE BOULEVARD

BE IT ENACTED by the City Council of the City of Northwood, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Northwood, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on Lake Boulevard to stop at Second Place North.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed as follows:

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF NORTHWOOD, IOWA, BY AMENDING
PROVISIONS PERTAINING TO SEWER SERVICE CHARGES**

BE IT ENACTED by the City Council of the City of Northwood, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of Northwood, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATE. Each customer shall pay sewer service charges in the amount of 100 percent (100%) of the bill for water and water service attributable to the customer for the property served, but in no event less than ten dollars (\$10.00) per month.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

**ORDINANCES NOT CONTAINED IN THE
CODE OF ORDINANCES**

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____**AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK TWO
(2) RAILROAD ADDITION TO NORTHWOOD, IOWA**

Be It Enacted by the City Council of the City of Northwood, Iowa:

SECTION 1. The alley lying in Block Two (2), Railroad Addition to Northwood, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

CODE OF ORDINANCES, NORTHWOOD, IOWA

SUGGESTED FORMS

FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of Northwood, Iowa

By: _____
(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of Northwood, Iowa, will meet on the ____ day of _____, 20____, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of Northwood, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of Northwood, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of Northwood, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on (property owner's name), through (agent's name or "none"), agent, to abate the nuisance existing at (legal description and address) within ____ days from service of said notice upon the said (name of owner or agent); and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council;

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate;

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ____ days after the service of this Order upon said owner or agent; and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above; and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner's name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of Northwood, Iowa

By: _____
(designate officer initiating notice)

NOTICE

REQUIRED SEWER CONNECTION

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ () days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

The nearest public sewer line within _____ () feet of the above described property is located

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: _____

City of Northwood, Iowa

By: _____, _____
(Name) (Title)

REQUIRED SEWER CONNECTION

APPENDIX - 12

RESOLUTION AND ORDER
REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Northwood, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on

(Name of Property Owner)

through _____, Agent,
(Agent's Name or "None")

to make connection of the property described as

to the public sanitary sewer located _____
within _____ (_____) days from service of notice upon said owner or agent; and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council;

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon;

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent, _____

(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent; and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above; and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

(Owner's Name)

_____, as provided by law.

(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____, _____, _____,

_____, _____, _____.

NAYS: _____, _____, _____,

_____, _____, _____.

Resolution approved this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk