

**CODE OF ORDINANCES**

**OF THE**

**CITY OF**

**ANAMOSA, IOWA**

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# **CODE OF ORDINANCES**

## **CITY OF ANAMOSA, IOWA**

### **TABLE OF CONTENTS**

#### **GENERAL CODE PROVISIONS**

<b>CHAPTER 1 - CODE OF ORDINANCES.....</b>	<b>1</b>
<b>CHAPTER 2 - CHARTER.....</b>	<b>9</b>
<b>CHAPTER 4 - MUNICIPAL INFRACTIONS .....</b>	<b>11</b>
<b>CHAPTER 5 - OPERATING PROCEDURES .....</b>	<b>21</b>
<b>CHAPTER 6 - CITY ELECTIONS .....</b>	<b>29</b>
<b>CHAPTER 7 - FISCAL MANAGEMENT .....</b>	<b>35</b>
<b>CHAPTER 8 - URBAN RENEWAL.....</b>	<b>45</b>
<b>CHAPTER 9 - URBAN REVITALIZATION .....</b>	<b>51</b>
<b>CHAPTER 10 - HOTEL/MOTEL TAX.....</b>	<b>57</b>

#### **ADMINISTRATION, BOARDS, AND COMMISSIONS**

<b>CHAPTER 15 - MAYOR.....</b>	<b>77</b>
<b>CHAPTER 16 - MAYOR PRO TEM.....</b>	<b>81</b>
<b>CHAPTER 17 - CITY COUNCIL.....</b>	<b>83</b>
<b>CHAPTER 18 - CITY CLERK .....</b>	<b>89</b>
<b>CHAPTER 19 - CITY TREASURER.....</b>	<b>95</b>
<b>CHAPTER 20 - CITY ATTORNEY .....</b>	<b>97</b>
<b>CHAPTER 21 - CITY ADMINISTRATOR.....</b>	<b>101</b>
<b>CHAPTER 22 - LIBRARY BOARD OF TRUSTEES.....</b>	<b>105</b>
<b>CHAPTER 23 - PLANNING AND ZONING COMMISSION AND ZONING BOARD OF ADJUSTMENT .....</b>	<b>115</b>

## **TABLE OF CONTENTS**

### **ADMINISTRATION, BOARDS, AND COMMISSIONS (continued)**

CHAPTER 24 - PARKS AND RECREATION BOARD .....	125
CHAPTER 25 - HISTORIC PRESERVATION COMMISSION .....	135
CHAPTER 26 - TREE BOARD .....	145
CHAPTER 27 - LOCAL ACCESS TELEVISION COMMISSION .....	149

### **POLICE, FIRE, AND EMERGENCIES**

CHAPTER 30 - POLICE DEPARTMENT .....	175
CHAPTER 35 - FIRE DEPARTMENT .....	187
CHAPTER 36 - HAZARDOUS SUBSTANCE SPILLS .....	195

### **PUBLIC OFFENSES**

CHAPTER 40 - PUBLIC PEACE.....	221
CHAPTER 41 - PUBLIC HEALTH AND SAFETY .....	235
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY .....	245
CHAPTER 43 - DRUG PARAPHERNALIA.....	255
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION.....	265
CHAPTER 46 - MINORS.....	269
CHAPTER 47 - PARK REGULATIONS.....	277

### **NUISANCE AND ANIMAL CONTROL**

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE.....	289
CHAPTER 51 - JUNK AND JUNK VEHICLES .....	299
CHAPTER 52 - LAWN MAINTENANCE .....	307
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL .....	325
CHAPTER 56 - DANGEROUS AND VICIOUS ANIMALS .....	339

# **TABLE OF CONTENTS**

## **TRAFFIC AND VEHICLES**

<b>CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE.....</b>	<b>365</b>
<b>CHAPTER 61 - TRAFFIC CONTROL DEVICES .....</b>	<b>375</b>
<b>CHAPTER 62 - GENERAL TRAFFIC REGULATIONS.....</b>	<b>383</b>
<b>CHAPTER 63 - SPEED REGULATIONS .....</b>	<b>395</b>
<b>CHAPTER 64 - TURNING REGULATIONS .....</b>	<b>411</b>
<b>CHAPTER 65 - STOP OR YIELD REQUIRED .....</b>	<b>415</b>
<b>CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS .....</b>	<b>427</b>
<b>CHAPTER 67 - PEDESTRIANS.....</b>	<b>431</b>
<b>CHAPTER 68 - ONE-WAY TRAFFIC .....</b>	<b>435</b>
<b>CHAPTER 69 - PARKING REGULATIONS .....</b>	<b>439</b>
<b>CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES.....</b>	<b>455</b>
<b>CHAPTER 71 - NOISE STANDARDS FOR VEHICLES .....</b>	<b>461</b>
<b>CHAPTER 72 - GOLF CART REGULATIONS.....</b>	<b>469</b>
<b>CHAPTER 73 - SNOWMOBILE REGULATIONS.....</b>	<b>475</b>
<b>CHAPTER 74 - ATV AND UTV REGULATIONS.....</b>	<b>481</b>
<b>CHAPTER 75 - BICYCLE REGULATIONS.....</b>	<b>487</b>
<b>CHAPTER 76 - BICYCLE LICENSING .....</b>	<b>495</b>
<b>CHAPTER 80 - ABANDONED VEHICLES .....</b>	<b>515</b>

## **WATER**

<b>CHAPTER 90 - WATER SERVICE SYSTEM .....</b>	<b>591</b>
<b>CHAPTER 91 - WATER METERS.....</b>	<b>621</b>
<b>CHAPTER 92 - WATER RATES .....</b>	<b>635</b>

## TABLE OF CONTENTS

## SANITARY SEWER

CHAPTER 95 - SANITARY SEWER SYSTEM.....	665
CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS .....	679
CHAPTER 97 - USE OF PUBLIC SEWERS .....	693
CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS.....	707
CHAPTER 99 - SEWER SERVICE CHARGES.....	715
CHAPTER 100 - PRETREATMENT REQUIREMENTS .....	725

## GARBAGE AND SOLID WASTE

**CHAPTER 105 - SOLID WASTE CONTROL .....745**

**CHAPTER 106 - COLLECTION OF SOLID WASTE .....757**

## FRANCHISES AND OTHER SERVICES

CHAPTER 110 - NATURAL GAS FRANCHISE .....	775
CHAPTER 111 - ELECTRIC FRANCHISE .....	789
CHAPTER 112 - CABLE TELEVISION FRANCHISE .....	805
CHAPTER 113 - CABLE TELEVISION CUSTOMER SERVICE STANDARDS .....	815
CHAPTER 114 - REGULATION OF RATES CHARGED BY CABLE TELEVISION OPERATORS .....	821
CHAPTER 116 - CEMETERY .....	835

## REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS .....	865
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS.....	879
CHAPTER 122 - PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS .....	891
CHAPTER 123 - HOUSE MOVERS.....	901

# TABLE OF CONTENTS

## STREETS AND SIDEWALKS

CHAPTER 135 - STREET USE AND MAINTENANCE .....	925
CHAPTER 136 - VACATION AND DISPOSAL OF STREETS .....	937
CHAPTER 137 - STREET GRADES .....	945
CHAPTER 138 - NAMING OF STREETS .....	955
CHAPTER 139 - CONTROLLED ACCESS FACILITIES.....	965
CHAPTER 140 - SIDEWALK REGULATIONS .....	975

## BUILDING AND PROPERTY REGULATIONS

CHAPTER 145 - DANGEROUS BUILDINGS.....	991
CHAPTER 146 - MANUFACTURED AND MOBILE HOMES .....	1005
CHAPTER 147 - BUILDING NUMBERING .....	1015
CHAPTER 148 - MINIMUM DWELLING STANDARDS.....	1025
CHAPTER 149 - HEALTH REGULATIONS – MINIMUM LIVING STANDARDS .....	1035
CHAPTER 150 - WATER WELL PROTECTION .....	1045
CHAPTER 151 - TREES .....	1055
CHAPTER 160 - FLOODPLAIN MANAGEMENT .....	1065

## ZONING AND SUBDIVISION

CHAPTER 165 - ZONING REGULATIONS.....	1101
CHAPTER 166 - SUBDIVISION REGULATIONS.....	1195
CHAPTER 167 - SITE PLAN AND LANDSCAPING PLAN REVIEW AND REGULATIONS.....	1225

TABLE OF CONTENTS

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

APPLICATION FOR A BUILDING/LAND USE PERMIT ..... 15

BUILDING/LAND USE PERMIT..... 16

APPLICATION FOR CERTIFICATE OF OCCUPANCY ..... 17

CERTIFICATE OF OCCUPANCY ..... 18



# 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 Anamosa, 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 Anamosa, Iowa.
3. “Clerk” means the city clerk of Anamosa, 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 Anamosa, Iowa.
6. “Council” means the city council of Anamosa, Iowa.
7. “County” means Jones 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 Anamosa, 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 obtain a license 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 be guilty of a municipal infraction and, upon conviction, be subject to penalties as provided for in Chapter 4 of this Code of Ordinances or a fine of at least \$105.00 but not to exceed \$855.00. No court may award jail time under this ordinance, except in the case of contempt following any conviction and subsequent failure by defendant to comply with any injunctive portion of an order entered by the court.

*(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 Anamosa, Iowa.<sup>†</sup>

**2.02 FORM OF GOVERNMENT.** The form of government of the City is the Mayor-Council, with appointed City Administrator, 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 six Council Members elected at large for terms of four years.

*(Code of Iowa, Sec. 376.2)*

**2.05 TERM OF MAYOR.** The Mayor is elected for a term of two 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[3])*

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 465 adopting a charter for the City was passed and approved by the Council on August 9, 1976.

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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 Alternative 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.<sup>†</sup>

*(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.

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<sup>†</sup> **EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

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 24 hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight 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[9])*

**4.06 ALTERNATIVE 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[12])*

[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

**5.01 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 but not 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 Anamosa 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[1a] and [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 and 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 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 \$6,000.00 in a fiscal year.

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

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[3k])*

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[3l])*

**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 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 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 in accordance with Section 372.13[2] of the *Code of Iowa*.

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

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

[The next page is 29]

## CHAPTER 6

### CITY ELECTIONS

6.01 Nominating Method to Be Used  
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 25 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 and 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 Administrator 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.

**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.

*(545 IAC 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.

*(545 IAC 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.

*(545 IAC 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, 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 net position calculated in accordance with generally accepted accounting principles, after adding back the net pension and other postemployment benefits, liabilities, and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:

- A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and

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

*(545 IAC 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 each year at such time as directed by the Council.
4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for

the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

*(Code of Iowa, Sec. 384.15A)*

A. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City.

B. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

(1) The sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection and the current fiscal year's combined property tax levy rate for such amount that is applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(2) The effective tax rate calculated using the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(3) The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in this subsection and the proposed combined property tax levy rate for such amount applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(4) If the proposed maximum property tax dollars specified under Subparagraph (3) exceed the current fiscal year's actual property tax dollars certified for levy specified in Subparagraph (1), a statement of the major reasons for the increase.

Proof of publication shall be filed with and preserved by the County Auditor. The Department of Management shall prescribe the form for the public hearing notice for cities and the form for the resolution to be adopted by the Council under Paragraph C of this subsection.

C. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.

D. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council.

E. If the City has an internet site, in addition to filing the resolution with the Auditor under *Code of Iowa* Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

5. 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.

6. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

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

7. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 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])*

8. 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 submitted at the final hearing or the applicable amount specified in the resolution adopted under Subsection 4 of this section. 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.

*(545 IAC 2.2)*

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.

*(545 IAC 2.3)*

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

*(545 IAC 2.4)*

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.

*(545 IAC 2.4)*

**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. Two signatures are required on all City checks. Checks shall be prenumbered and signed by any two of the following: City Clerk, Deputy City Clerk, or Utility Billing Clerk, following Council approval, except as provided by Subsection 5 hereof.

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

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

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

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.
2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

*(Code of Iowa, Sec. 384.22)*

[The next page is 45]

## CHAPTER 8

### URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
540	6/24/1991.	Anamosa Urban Renewal Area
541	6/24/1991	Anamosa Urban Renewal Area East
542	6/24/1991	Anamosa Urban Renewal Area South
561	5/11/1992	Anamosa Urban Renewal Area Northeast
565	11/9/1992	Anamosa Urban Renewal Area Central Business District
582	11/8/1993	Amend Anamosa Urban Renewal Area East
598	12/12/1994	Northeast Industrial Urban Renewal Area
624	11/11/1996	1996 Addition to the Anamosa Urban Renewal Area Northeast
699	12/9/2002	Anamosa Corridor Urban Renewal Area
717	4/26/2004	Northeast Urban Renewal Area – Highway 151 TIF District
753	6/26/2006	Highway 64 East Urban Renewal Area
800	8/24/2007	Meadow Ridge Urban Renewal Area
903	1/25/2016	2016 Addition to the Anamosa Corridor Urban Renewal Area
929	12/17/2018	2018 Anamosa Housing Urban Renewal Area
944	10/12/2020	Highway 151 Urban Renewal Area
945	11/09/2020	November 2020 Addition to Highway 151 Urban Renewal Area
947	6/2//2021	Northeast Industrial Urban Renewal Area
949	8/23/2021	July 2021 Addition to the Anamosa Corridor Urban Renewal Area

[The next page is 51]



**CHAPTER 9**  
**URBAN REVITALIZATION**

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
728	November 8, 2004	Wal-Mart Urban Revitalization Area

[The next page is 57]

## CHAPTER 10

# HOTEL/MOTEL TAX

### 10.01 Tax Imposed

### 10.02 Tax Exemption

**10.01 TAX IMPOSED.** Pursuant to a general election held November 3, 2009, there is imposed a seven percent hotel and motel tax upon the gross receipts from the renting of sleeping rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, mobile home which is tangible personal property, tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals, within the City limits. The revenues derived from said tax are to be used for any purposes permitted by law, including, but not limited to:

1. For the acquisition of sites for, and the construction, improvement, enlarging, equipping, repair, operation, or maintenance of, recreation, convention, cultural, or entertainment facilities;
2. For the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City, for those recreation, convention, cultural, or entertainment facilities; and
3. For the promotion and encouragement of tourist and convention business in the City and surrounding areas.

*(Code of Iowa, Sec. 423A)*

**10.02 TAX EXEMPTION.** All of the following are exempted from the provisions of this chapter and from the computation of any amount of tax imposed by Section 10.01:

1. The sales price from the renting of lodging to a person where the lodging is rented by the same person for a period of more than 31 consecutive days, except as provided in Subsection 2 of this section.
2. The sales price from the renting of lodging to a person where the lodging is rented by the same person for the period beginning after 90 consecutive days of rental by such person, if the rental is a room, apartment, or sleeping quarter in a hotel, motel, inn, public lodging house, or rooming house, or in any place where sleeping accommodations are furnished to a transient guest.
3. The sales price of lodging furnished to the guests of a religious institution if the property is exempt under Section 427.1[8] of the *Code of Iowa*, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.
4. The sales price from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the City.
5. The sales price of lodging furnished to the guests of a nonprofit lodging provider and the purpose of renting is to provide a place for the friends and family of a hospital patient during a time of medical need of the patient and the length of stay is based upon the needs of the friends, family, or patient. For purposes of this subsection, “nonprofit lodging provider” means a nonprofit entity which is exempt from federal

income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code that maintains an established facility that provides lodging to friends and family of a hospital patient during a time of medical need of the patient.

*(Code of Iowa, Sec. 423A.5)*

[The next page is 77]

## 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 two 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, except for supervisory duties delegated to the City Administrator, 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 14 days after passage. However, the Mayor may not veto an ordinance, amendment, or resolution if the Mayor was entitled to vote on such measure at the time of 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 and 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 this 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 following officials:

*(Code of Iowa, Sec. 372.4)*

1. Mayor Pro Tem
2. Historic Preservation Commission, with Council approval
3. Library Board of Trustees, with Council approval
4. City Tree Board, with Council approval
5. Local Access Television Commission, with Council approval

**15.04 COMPENSATION.** The salary of the Mayor is \$4,500.00 per year. The salary of the Mayor shall be reduced by the compensation paid the Mayor Pro Tem under Section 16.04 of this Code of Ordinances for performing the duties of the Mayor during the Mayor's absence.

*(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, the Mayor Pro Tem shall be paid on a per diem basis the same compensation as is paid to 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 six Council members elected at large for terms of four years.

*(Code of Iowa, Sec. 372.4 and 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. Voting Precincts or Wards. By ordinance, the Council may divide the City into wards or precincts based upon population, change the boundaries of wards, eliminate wards, or create new wards for voting purposes

*(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 and 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, Ch. 26)*

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 \$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 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 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 at the first regular meeting in January of each year or as soon as possible thereafter.

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. City Attorney
3. Treasurer
4. Fire Chief and Assistants
5. Parks and Recreation Board
6. Planning and Zoning Commission
7. Zoning Board of Adjustment
8. Zoning/Building Administrator

**17.06 COMPENSATION.** The salary of each Council member is \$62.50 for each meeting of the Council attended. Council members shall be paid for regular and special Council meetings at which formal action can be taken by the Council but shall not be paid for work sessions or committee meetings.

*(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 Other Publications  
18.06 Authentication  
18.07 Certification

18.08 Records  
18.09 Attendance at Meetings  
18.10 Licenses and Permits  
18.11 Notification of Appointments  
18.12 Elections  
18.13 City Seal  
18.14 City Funds

**18.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Clerk to serve for an indefinite term. 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 City Administrator, has the powers and duties as provided in this chapter, this Code of Ordinances, and the law.

**18.03 PUBLICATION OF MINUTES.** Within 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 and 2])*

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

*(Code of Iowa, Sec. 362.3)*

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 or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.
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.

**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 CERTIFICATION.** 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 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 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 and 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 and 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 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 NOTIFICATION OF APPOINTMENTS.** 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 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 “ANAMOSA, IOWA” and around the margin of which are the words “CITY SEAL.”

**18.14 CITY FUNDS.** The Clerk shall perform the following duties relating to City funds:

*(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. Deposit Funds. Upon receipt of moneys to be held in the Clerk’s custody and belonging to the City, deposit the same in depositories selected by the Council.
3. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

[The next page is 95]



## 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 Council shall appoint by majority vote a City Attorney to serve for an indefinite term. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

**20.04 ORDINANCE PREPARATION.** The City Attorney shall prepare those ordinances 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, or City Administrator.

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

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

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

**20.08 PREPARE DOCUMENTS.** The City Attorney shall, upon request, formulate drafts for contracts, forms, and other writings 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)*

[The next page is 101]

## CHAPTER 21

### CITY ADMINISTRATOR

21.01 Office Created  
21.02 Compensation  
21.03 Duties Generally

21.04 Building Official  
21.05 Residency Requirement  
21.06 Bond

**21.01 OFFICE CREATED.** There is hereby created the office of City Administrator. The office shall be filled by a resolution adopted by majority vote of the Council. The person appointed shall hold office for an indefinite term and shall be subject to removal by a resolution adopted by a majority vote of the Council. The qualifications for the position shall include competency through education or experience to perform the duties placed upon the City Administrator.

**21.02 COMPENSATION.** The compensation for the City Administrator, including expenses, shall be in an amount and in the form as may from time to time be fixed by the Council by resolution. The Council is hereby authorized, in its discretion, to enter into employment contracts with the City Administrator as may be necessary for his or her employment.

**21.03 DUTIES GENERALLY.** The general duties of the office are to coordinate and supervise the activities, policies, and procedures of the City. The City Administrator is directly responsible to the Council and Mayor for the administration of municipal affairs as directed by the Council or Mayor. A specific job description for the position of City Administrator shall be adopted by separate resolution of the Council and may be changed from time to time as may be warranted.

**21.04 BUILDING OFFICIAL.** The City Administrator shall serve as Building Official.

**21.05 RESIDENCY REQUIREMENT.** The City Administrator shall, no later than 90 days after appointment, become a resident of the City, and continued residency in the City is a requirement for continued employment with the City.

**21.06 BOND.** The City Administrator shall be bonded for the performance of all duties in favor of the City, in an amount to be determined by the Council by resolution, but in no event shall the bond be less than \$10,000.00. The City shall pay the cost of the bond.

[The next page is 105]

## CHAPTER 22

### LIBRARY BOARD OF TRUSTEES

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

**22.01 PUBLIC LIBRARY.** The public library for the City is known as the Anamosa Public Library and Learning Center. It is referred to in this chapter as the Library.

**22.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of nine members. At least seven Trustees shall be residents of the City. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident members are to be appointed by the Mayor with the approval of the County Board of Supervisors.

**22.03 QUALIFICATIONS OF TRUSTEES.** All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of 18 years.

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

1. Term of Office. All appointments to the Board shall be for three years, except to fill a vacancy. Each Board member shall be subject to a two-consecutive-term limit after which the Trustee must be off the Board for at least one full term before being again eligible to serve as a Trustee on the Board. The terms of the Board members shall be staggered with three positions being appointed every three years.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from four consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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

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

2. Physical Plant. To have charge, control, and supervision of the Library, its appurtenances, fixtures, and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a 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.
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.



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

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 and 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 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 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.

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

*(Code of Iowa, Sec. 384.20 and 392.5)*

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 714.1)*

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

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

*(Code of Iowa, Sec. 714.5)*

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

*(Code of Iowa, Sec. 808.12)*

[The next page is 115]

## CHAPTER 23

# PLANNING AND ZONING COMMISSION AND ZONING BOARD OF ADJUSTMENT

23.01 Planning and Zoning Commission  
23.02 Commission Term of Office  
23.03 Commission Vacancies  
23.04 Compensation of Commission Members

23.05 Powers and Duties of the Commission  
23.06 Zoning Board of Adjustment  
23.07 Board Procedures  
23.08 Powers and Duties of the Board

**23.01 PLANNING AND ZONING COMMISSION.** The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of nine members, seven of whom are residents of the City. The resident members shall be appointed by the City Council. The additional two members of the Commission shall be residents of the area outside the City over which the zoning jurisdiction of the City has been extended, both appointed by the County Board of Supervisors. Commission members shall be qualified by knowledge or experience to act in matters pertaining to the development of a City plan and shall not hold any elective office in the City government.

*(Code of Iowa, Sec. 414.6, 414.23 and 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

**23.05 POWERS AND DUTIES OF THE COMMISSION.** 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)*

1. Recommendations on Improvements. The design and proposed location of public improvements shall be submitted to the Commission for its recommendations prior to any actions being taken by the City for the construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

*(Code of Iowa, Sec. 392.1)*

2. Review and Comment on Plats. All plans, plats, or re-plats of subdivisions or re-subdivisions of land in the City or adjacent thereto, laid out in lots, plots, 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)*

3. 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)*

4. 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)*

5. 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 and disbursements and the progress of its work during the preceding fiscal year.

*(Code of Iowa, Sec. 392.1)*

**23.06 ZONING BOARD OF ADJUSTMENT.** A Zoning Board of Adjustment, hereinafter referred to as the Board, is hereby established to, in appropriate cases, review and decide upon requests to modify, make special exceptions to, or grant variances of the terms of the regulations, restrictions, and zoning district boundaries (and all related amendments, supplements, changes, or modifications) recommended by the Planning and Zoning Commission and approved by the Council. The Board shall consist of five members to be appointed by the City Council for a term of five years. Said members shall be removable for cause by the Council upon written charges and after public hearing. Any vacancy occurring shall be filled by the Council for the unexpired term of any member whose term becomes vacant.

**23.07 BOARD PROCEDURES.** The Board shall adopt rules in accordance with and consistent with the provisions of this Code of Ordinances not inconsistent with any laws of the State. The Board shall meet as needed. The Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board Secretary shall keep minutes of its proceedings, showing the vote by each member upon each question, or, if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official acts, all of which shall be immediately filed in the office of the Board and shall be a public record.

**23.08 POWERS AND DUTIES OF THE BOARD.** The Zoning Board of Adjustment shall have those powers enumerated and set forth in Section 414.12 of the *Code of Iowa* and as the same may hereafter be revised, amended, or designated and as more specifically set forth in Section 165.26 (Zoning Regulations), as well as Sections 160.06 (Floodplain Management), and 167.09 (Site Plan and Landscaping Plan Review and Regulations) of this Code of Ordinances.

[The next page is 125]

## CHAPTER 24

### PARKS AND RECREATION BOARD

24.01 Parks and Recreation Board Created  
24.02 Board Organization  
24.03 Duties of the Board

24.04 Reports  
24.05 Rules

**24.01 PARKS AND RECREATION BOARD CREATED.** A Parks and Recreation Board is hereby created to assist the Council in the development and administration of the City parks, City outdoor and indoor recreational programs, Aqua Court, and the Lawrence Community Center.

**24.02 BOARD ORGANIZATION.** The Board shall consist of seven members serving four-year staggered terms. Initially one member shall be appointed for one year, two members for two years each, two members for three years each, and two members for four years each. The Board shall choose from its membership a President, Vice President, and Secretary, and the term for these offices shall be for one year. In addition, one member of the Council shall be appointed to sit as an ex-officio member of the Board. The Council shall, by resolution, appoint the initial Board and shall annually thereafter appoint the individuals as recommended by the Board to fill the positions on the Board as they become available. No more than two members of the Board may live outside the corporate limits of the City (but within the Anamosa School District).

**24.03 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 for salaries and supplies, contracts and capital outlays 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 check written by the Clerk for invoices submitted and approved by the Board.

The Board shall have the following duties and responsibilities:

1. Adopt its own rules and regulations not inconsistent with the ordinances and policies of the City or the laws of the State with regard to administration of its own internal affairs.
2. For the purpose of hiring a Parks and Recreation Director (herein referred to as the Director) or any full-time administrative position, a committee shall be appointed by the Council that shall be comprised of no less than three members of the Parks and Recreation Board, no less than two members of the Council, and the City Administrator. This committee shall submit to the Council their recommendation for approval and hiring.
3. Advise and assist the Director in the hiring of any part-time, temporary, or seasonal employees.
4. Evaluate annually full-time staff, and report to the City Administrator.

5. Advise the Director on the use and development of the City parks, City outdoor and indoor recreational programs, Aqua Court, and the Lawrence Community Center.
6. Assist the Director in the preparation of grant applications and presentations.
7. Advise and assist the Director in the development of the department's annual budget and authorize purchases up to \$10,000 for the department within the limits set by the annual budget which has been recommended by the Board and approved and adopted by the City Council.
8. Develop a comprehensive plan for the City's parks and recreational programs. Upon completion of this plan, it shall be submitted to the Council for their consideration. The Board shall be responsible for reviewing and updating the comprehensive plan annually. This plan shall cover a five-year period and include, but not be limited to the following items:
  - A. Location of future parks and designating the type of parks.
  - B. Timetable for expansion of current parks and recreational facilities
  - C. Timetable for capital improvement of City parks and facilities
  - D. Citizen input on what the needs of the community may be in the area of leisure time activities and recreational facilities, which shall be gathered from an annual public hearing.
9. Submit to the Council for their approval recommended fees, regulations, and policies for the use of the City parks and recreational facilities.
10. Submit to the Council an annual report on the state of the City's parks and recreational activities and development.
11. Nominate new Board members for the Council's review and approval.

**24.04 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.

**24.05 RULES.** 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. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

[The next page is 135]



## CHAPTER 25

# HISTORIC PRESERVATION COMMISSION

25.01 Purpose and Intent

25.02 Definitions

25.03 Structure of the Commission

25.04 Powers of the Commission

25.05 Amendatory Provisions

**25.01 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.

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

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

3. “Historic site” means a building or structure 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.

#### **25.03 STRUCTURE OF COMMISSION.**

1. The Commission consists of five members who are residents of the City.
2. Commission members 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. Commission members are appointed for staggered terms of three years. Members may serve for more than one term. Each member shall serve until the appointment of a successor.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Commission members shall serve without compensation.
6. A simple majority of the Commission shall constitute a quorum for the transaction of business.
7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.
8. The Commission shall meet at least three times a year.

#### **25.04 POWERS OF THE COMMISSION.**

1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. (The necessary inventory forms and procedures for their completion are available from the State Bureau of Historic Preservation.) The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of a historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

4. In addition to those duties and powers specified above, the Commission may, with Council approval,
  - A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
  - B. Acquire, by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
  - C. Preserve, restore, maintain, and operate historic properties under the ownership or control of the Commission.
  - D. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
  - E. Contract with State or federal government or other organizations.
  - F. Cooperate with federal, State, and local governments in the pursuance of the objectives of historic preservation.
  - G. Provide information for the purpose of historic preservation to the Council.
  - H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

**25.05 AMENDATORY PROVISIONS.** The City may amend this chapter to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.

[The next page is 145]

## CHAPTER 26

### TREE BOARD

26.01 Purpose  
26.02 Creation of Board  
26.03 Duties and Responsibilities

26.04 Term  
26.05 General Provisions

**26.01 PURPOSE.** The purpose of this chapter is to promote and protect the public health, safety, and general welfare of the City by establishing a City Tree Board. The Tree Board shall make recommendations to the Council concerning tree plantings and tree maintenance on City property. The Tree Board will promote citizen involvement and education in community tree resources.

**26.02 CREATION OF BOARD.** There is hereby created and established a City Tree Board, which shall consist of a minimum of five members and a maximum of nine members. All Tree Board members shall be citizens and residents of the Anamosa Community School District and shall be appointed by the Mayor with the approval of the City Council. Members of the Board shall serve without compensation. The City Council may appoint a member of the City Council to serve as a liaison to the Tree Board.

**26.03 DUTIES AND RESPONSIBILITIES.** It is the responsibility of the Board to study, investigate, and develop a written plan for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public areas. Such plan shall be presented to the Council and, upon its acceptance and approval, shall constitute the official Tree Plan for the City. The Board shall annually review and update the Tree Plan. The Board, when requested by the Council shall consider, investigate, make findings, report, and recommend upon any special matter or question within the scope of its work. The Board may create a Community Steering Committee to assist with the implementation of a tree planting program.

**26.04 TERM.** The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

**26.05 GENERAL PROVISIONS.** The Board shall choose its own officers, make its own governing rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

[The next page is 149]

## CHAPTER 27

# LOCAL ACCESS TELEVISION COMMISSION

27.01 Establishment and Purpose  
27.02 Commission Membership  
27.03 Officers of the Commission  
27.04 Local Access Director

27.05 Expenditures  
27.06 Programming Guidelines  
27.07 Duties of the Commission

**27.01 ESTABLISHMENT AND PURPOSE.** The Anamosa Local Access Commission, hereinafter referred to as the Commission, is hereby established to regulate and monitor local access cable television services in the City. The purposes of the Commission shall be as follows:

1. To manage operation of the City's local access channels.
2. To provide a public forum for citizens and subscribers to present their suggestions and opinions regarding local access programming and cable television service.
3. To develop local knowledge and expertise about cable television systems and local access services through subscriptions, materials, purchases, workshops, attendance at conventions, and the like, and to pay the costs thereof from cable franchise fees with the approval of the City Council. **(See Chapter 112)**

**27.02 COMMISSION MEMBERSHIP.** The Commission shall be comprised of five members. Commission members shall be appointed by the Mayor and confirmed by the Council (as recommended by the Commission). The term of the members of the Commission shall be five years and the initial appointments shall be made so that the terms are staggered. In the event that a vacancy shall occur during the term of any member, said member's successor shall be recommended by the Commission, appointed by the Mayor, and confirmed by the City Council for the unexpired portions of the term. All members of the Commission shall serve without compensation. The Commission shall be comprised of the following:

1. One member who represents the Anamosa Community School District.
2. Four members who represent the general citizenry of the City.
3. The Mayor and Council may appoint one additional member of the general citizenry of the City in the event that no qualified appointee from the Anamosa Community School District is available to serve on the Commission.

**27.03 OFFICERS OF THE COMMISSION.** The Commission shall annually elect from its own members a Chairperson, Vice-Chair, and Secretary, and shall meet at least once each quarter at a time and place agreed upon by the members. All action taken by the Commission shall be upon affirmative vote of a majority of its members.

**27.04 LOCAL ACCESS DIRECTOR.** The Commission may, with the approval of the Council, employ, discipline, and terminate a local access director and other employees. The local access director shall be under the direct supervision of the Commission.

**27.05 EXPENDITURES.** All Local Access Channel expenditures in excess of \$300 shall be subject to approval of the City Council. The Council shall have final approval of the Local Access Commission budget, employee salaries, and benefits.

**27.06 PROGRAMMING GUIDELINES.** The Commission shall adopt, subject to the approval of the City Council, access program guidelines for educational, governmental, and local organization programming. The Commission shall regulate local access programming according to these guidelines. The Commission shall adopt procedures for the enforcement of those guidelines.

**27.07 DUTIES OF THE COMMISSION.** In addition to any duties or responsibilities specified in this chapter, the Commission shall have the following duties and responsibilities:

1. Prepare an overall plan regarding local access programming, with specific goals and objectives, on an annual basis and submit such plan to the Mayor and Council for review and approval.
2. Prepare and post at City Hall an agenda of all meetings of the Commission in accordance with Chapter 21 of the *Code of Iowa* on open meetings.
3. Prepare minutes of all Commission meetings and provide such minutes to the City Clerk for the City's permanent records.
4. Adopt rules and regulations not inconsistent with the ordinances and policies of the City or the laws of the State with regard to administration of its internal affairs.
5. Advise and assist the director in hiring of any part-time, temporary, or seasonal employees.
6. Evaluate annually the local access director.
7. Assist the local access director in the preparation of grant applications and presentations.
8. Advise and assist the local access director in the development of the Commission's annual budget.
9. Prepare and send to the City Council annually, a report that shall include an accounting of all monies received and expended, a listing of the complaints, disputes, and requests handled, the progress of community access, a summary of all its activities, and any recommendations or suggestions for the City Council.
10. Submit to the Council for their approval recommended fees, regulations, and policies for services provided, such as the duplication of tapes.
11. Suggest new Commission members for the Mayor's review and consideration.

[The next page is 175]



## 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 Powers and Duties of Police Chief  
30.08 Departmental Rules  
30.09 Summoning Aid  
30.10 Taking Weapons

**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])*  
*(501 IAC 3 and 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 Council shall appoint and dismiss the Police Chief.  
*(Code of Iowa, Sec. 372.4)*

**30.07 POWERS AND DUTIES OF POLICE CHIEF.** 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*)

[The next page is 187]

## CHAPTER 35

### FIRE DEPARTMENT

35.01 Establishment and Purpose  
35.02 Organization  
35.03 Approved by Council  
35.04 Training  
35.05 Compensation  
35.06 Election of Officers  
35.07 Duties of Fire Chief

35.08 Obedience to Fire Chief  
35.09 Constitution  
35.10 Accidental Injury Insurance  
35.11 Liability Insurance  
35.12 Calls Outside City  
35.13 Mutual Aid  
35.14 Authority to Cite Violations

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

*(Code of Iowa, Sec. 364.16)*

**35.02 ORGANIZATION.** The department consists of the Fire Chief, three Assistant Chiefs, and such other officers and personnel as may be authorized by the Council. Fire fighters shall be 19 years of age or older, and the department shall determine the residency requirement for fire fighters as it relates to the response time of an emergency call and the funding received by the department. The department shall have a maximum roster of 32 personnel.

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

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

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

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

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

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

**35.06 ELECTION OF OFFICERS.** The department shall recommend to the Council a candidate for Fire Chief. Assistant Chiefs shall be appointed by the Fire Chief with the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

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

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

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

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits, and development of fire emergency plans.

3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.3)*

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000.00 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of \$50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within 10 days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

*(Code of Iowa, Sec. 100.2 and 100.3)*

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

*(Code of Iowa, Sec. 100.12)*

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

*(Code of Iowa, Sec. 100.13)*

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

12. Records. Cause to be kept records of the Fire Department personnel, firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause, and location, and an analysis of losses by value, type, and location of buildings.

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

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

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

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

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

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

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

**35.12 CALLS OUTSIDE CITY.** The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

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

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

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

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

*(Code of Iowa, Sec. 100.41)*

[The next page is 195]

## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose  
36.02 Definitions  
36.03 Cleanup Required  
36.04 Liability for Cleanup Costs

36.05 Notifications  
36.06 Police Authority  
36.07 Liability

**36.01 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.

**36.02 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])*

**36.03 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 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.

**36.04 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 by that person.

**36.05 NOTIFICATIONS.**

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

**36.06 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.



**36.07 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 36.02(4).

[The next page is 221]

## CHAPTER 40

### PUBLIC PEACE

40.01 Assault  
40.02 Harassment  
40.03 Disorderly Conduct  
40.04 Unlawful Assembly  
40.05 Failure to Disperse

40.06 Loitering  
40.07 Jumping or Diving From Bridges  
40.08 Noise Control  
40.09 Keeping Disorderly House

**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])*

An act described in Subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the 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; (ii) if the person doing any of the 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, 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 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 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)*

**40.06 LOITERING.** It is unlawful for any person to stand, loaf, loiter, or congregate about or upon any stairway, doorway, window, or in front of any business house, dwelling house, theater, lecture room, church, or on sidewalks or the corners of streets, or elsewhere in the City and by so doing obstruct or interfere with persons entering, passing out of, or occupying any such building or premises, or, by language, conduct, or conversation, to annoy, insult, or disturb persons passing along the streets, sidewalks, or alleys or occupying, residing, or doing business in any of the said houses, places, or premises, or passing into or out of the same.

**40.07 JUMPING OR DIVING FROM BRIDGES.** It shall be unlawful for any person to jump or dive from any City owned or maintained bridge or culvert into the water flowing beneath same.

**40.08 NOISE CONTROL.** This section applies to the control of all noise originating within the limits of the City, except in the following cases: (i) a State or federal agency has adopted a different standard or rule than that prescribed within this section which preempts the regulation of noise from a particular source so as to render this section inapplicable; (ii) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City; or (iii) the person or organization have applied for and received a noise permit from the City.

1. Definitions. Unless otherwise expressly stated, or the context clearly indicates a different intention, the following terms have the following meanings:

A. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.

B. “Emergency Work” means any work performed for the purpose of alleviating or resolving an emergency.

C. “Event” means any permit-eligible sound spanning up to two consecutive days.

D. “Motorcycle” means any two- or three-wheeled motor vehicle.

E. “Motor vehicle” means any motor-powered vehicle (including most motorcycles) designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways.

F. “Noise” means any sound which disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans.

G. “Noise disturbance” means those sounds defined as “noise disturbances” in Subsection 3 of this section.

H. “Powered model vehicle” means any self-propelled airborne, waterborne, or land-borne model plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.

I. “Public right-of-way” means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

J. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

K. “Recreational vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses of public right-of-way on public or private property; except, however, for the purposes of this section, any such vehicle which is licensed for use on the public highways is deemed a “motor vehicle” or “motorcycle” (if two- or three-wheeled) and not a “recreational vehicle.” Examples of recreational vehicles are snowmobiles, minibikes, stock cars, or motorboats.

L. “Residential property” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

M. “Sound” means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

N. “Sound equipment” means any radio, record player, tape deck or player, loud speaker, amplifier, sound track, or other device for producing, reproducing or amplifying sound; except, however, “sound equipment” does not include: (i) sirens and other equipment used to alert persons to the existence of an emergency; (ii) equipment used by law enforcement and other public safety officials in the performance of their official duties; (iii) church carillons, bells, or chimes; (iv) mobile radio or telephone signaling devices; and (v) automobile and truck radios, tape decks or players, or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than 50 feet from such automobile or truck.

2. Noise Disturbance Prohibited. It is unlawful for any person to willfully make or continue or cause to allow or to be made or continued any noise disturbance within the City.

3. Included Sounds. Except for sounds excluded in Subsection 5, the term “noise disturbance” means any of the following sounds:

A. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety, or health of a human being or disturbs a reasonable human being of normal sensitivities or causes, or tends to cause, an adverse physiological or physical effect on human beings, or devalues or injures property.

B. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, garbage cans, trash receptacles, or similar objects between the hours of 9:00 p.m. and 6:30 a.m. within any area of the City zoned residential or at the real property boundary of residential property.

C. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying, or testing of a motor vehicle or recreational vehicle which is received between the hours of 9:00 p.m. and 6:30 a.m. at the real property boundary of residential property.

D. Off-Road Motorcycle and Recreational Vehicle Noise. The sound made on private property, or on City-owned property other than a public right-of-way, by a motorcycle or recreational vehicle and received between the hours of 9:00 p.m. and 6:30 a.m. at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this subsection.

E. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.

F. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass.

G. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation, drilling or other such construction work which is received between the hours of 9:00 p.m. and 6:30 a.m. at the real property boundary of residential property.

4. Sounds That Can Be Granted a Variance With a Permit.

A. Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument, or other musical instrument or device which is received between the hours of 9:00 p.m. and 6:30 a.m. at the real property boundary of residential property.

B. Sound Equipment. The sound made by sound equipment operated upon the public right-of-way, or in any building, or upon any premises (public or private), if plainly audible from any public right-of-way within the City between the hours of 9:00 p.m. and 6:30 a.m., or upon any school grounds or in any school zone during normal school hours, or at the real property boundary of residential property.

5. Excluded Sounds. Any other provision of Subsection 3 or other paragraphs of this section to the contrary notwithstanding, the term “noise disturbance,” as used in this section, does not mean or include the following sounds:

A. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.

B. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device for emergency purposes, or for the essential testing of such device when conducted between the hours of 6:30 a.m. and 9:00 p.m.

C. Church Bells. The sound emitted by church carillons, bells, or chimes.

D. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck, or player, or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than 50 feet.

E. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment and City-owned or hired snow removal equipment.

F. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.

G. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.

H. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.



- I. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler-equipped lawn and garden equipment operated between the hours of 6:30 a.m. and nine o'clock 9:00 p.m.
  - J. Chain Saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of 6:30 a.m. and 9:00 p.m. (after 9:00 p.m. during emergencies).
  - K. School Sponsored Activities.
  - L. Parades. The sound made by participants and observers of any parade that has been approved.
  - M. City Operations. The sound made or caused to be made by City-owned or hired equipment or facilities for the conduct of City operations.
6. Other Laws and Ordinances. No provisions of this section should be construed to legalize or permit sounds, devices, or activities made unlawful by State or federal statutes or this Code of Ordinances.
7. Permits. Any person or organization may apply for a permit to allow for a temporary variance which would permit a sound to occur after the hours stated in this section. Only a sound that is under Permit Eligible will be considered for such a temporary variance for a specified date and time. The person or organization must complete a Noise Permit Application and return it to City Hall no less than 14 calendar days before the day and time of the request. No more than four permits may be issued to one entity in one calendar month and one permit is required for each event. Any event, business, or individual approved for a permit that has violated this section or other sections within this Code of Ordinances shall not receive another permit until such time as such person can demonstrate to the City Council that such violations will not occur again. Those applicants that have had violations of their permits will be presented to the City Council for approval or disapproval. The fee for the permit shall be \$25.00 for the first event permit and \$5.00 for each event thereafter within a calendar year. At the start of each calendar year the permit cycle shall begin again. If a permit holder has received a citation for a violation or a letter of complaint such person's next permit shall be \$25.00 after the Council has approved the application. A Noise Permit, if granted, will allow for the noise to leave a building but it still cannot be received at the real property boundary of residential property.
8. For additional regulations regarding the control of noise within the City, see Chapter 50 (Nuisance Abatement), Sections 65.05 (Quiet Zones) and 62.08 (Disturbing the Peace With a Motor Vehicle), and Chapter 71 (Noise Standards For Vehicles) of this Code of Ordinances.

**40.09 KEEPING DISORDERLY HOUSE.** No person shall permit or suffer to continue, without taking legal steps to prevent the same, any quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person's possession. For the purposes of this section, "to the disturbance of the general public" includes the disturbance of persons beyond the subject premises and to the disturbance of persons upon public places, including peace officers. [See also Subsection 62.05 of this Code of Ordinances]

[The next page is 235]

## CHAPTER 41

### PUBLIC HEALTH AND SAFETY

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

**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, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, or firefighter, or person performing bailiff duties, 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 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.

*(Code of Iowa, Sec. 708.12)*

**41.08 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)*

**41.09 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])*

**41.10 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 10 acres or more and is used as agricultural land.

**41.11 DISCHARGING WEAPONS.**

1. No person shall intentionally discharge a firearm in a reckless manner.
2. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns, simulated firearms, or other firearms of any kind within the City limits, with the following exceptions:
  - A. Three-volley salutes may be conducted for military veterans in a manner as prescribed by national military veterans' organizations and the U.S. Department of Defense guidelines at graveside or at the site of interment of the deceased veteran.

B. Three-volley salutes may be conducted in accordance with current State laws on recognized holidays on public property.

C. Persons who are hired and authorized by the Anamosa Community School District to use starter pistols with blanks at athletic events shall be permitted to discharge their pistols during the event.

D. The Mayor, City Administrator, and Chief of Police may grant permission in advance to persons or organizations to discharge firearms or simulated firearms for circumstances not addressed in this chapter, provided that the persons or organizations are in compliance with current State laws.

**41.12 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])*

**41.13 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.**

*(Code of Iowa, Sec. 727.2)*

1. Definitions. For purposes of this section:

A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:

(1) First-class consumer fireworks:

- a. Aerial shell kits and reloadable tubes;
- b. Chasers;
- c. Helicopters and aerial spinners;
- d. Firecrackers;
- e. Mine and shell devices;
- f. Missile-type rockets;
- g. Roman candles;
- h. Sky rockets and bottle rockets;
- i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.

(2) Second-class consumer fireworks:

- a. Cone fountains;
- b. Cylindrical fountains;
- c. Flitter sparklers;

d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;

e. Ground spinners;

f. Illuminating torches;

g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;

h. Wheels;

i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.

B. "Display fireworks" includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. "Display fireworks" does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.

C. "Novelties" includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.. 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: ..... \$250,000.00 per person

B. Property Damage:..... \$50,000.00

C. Total Exposure: ..... \$1,000,000.00

3. Consumer Fireworks. It is unlawful for any person to use or explode consumer fireworks within the City.

3. Novelties. This section does not apply to novelties.

[The next page is 245]

## 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.

1. Prohibited. It is unlawful for a person to knowingly trespass upon the property of another.

*(Code of Iowa, Sec. 716.8)*

2. Definitions. For purposes of this section:

*(Code of Iowa, Sec. 716.7[1])*

A. “Property” includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.

B. “Public utility” is a public utility as defined in Section 476.1 of the *Code of Iowa* or an electric transmission line as provided in Chapter 478 of the *Code of Iowa*.

C. “Public utility property” means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind.

D. “Railway corporation” means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this State.

E. “Railway property” means all tangible real and personal property owned, leased, or operated by a railway corporation, with the exception of any administrative building or offices of the railway corporation.

- F. “Trespass” means one or more of the following acts:

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

(1) 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.

(2) 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 the agent or employee of 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.

(3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(4) 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.

(5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This paragraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering onto the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

(6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This paragraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

3. Specific Exceptions. "Trespass" does not mean either of the following:

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

A. Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This paragraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

B. Entering upon the right-of-way of a public road or highway.

**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 22 – Library
  - A. Section 22.10 – Injury to Books or Property
  - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
  - A. Section 105.10 – Littering 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 140 – Sidewalk Regulations
  - A. Section 140.11 – Interference with Sidewalk Improvements
  - B. Section 140.15 – Fires or Fuel on Sidewalks
  - C. Section 140.16 – Defacing
  - D. Section 140.17 – Debris on Sidewalks
  - E. Section 140.18 – Merchandise Display
  - F. Section 140.19 – Sales Stands

[The next page is 255]

## 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 of Drug Paraphernalia  
43.08 Nuisance

**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 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 OF DRUG PARAPHERNALIA.** No person shall place or accept for placement 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.

**43.08 NUISANCE.** Violation of this chapter shall constitute a nuisance which may be abated in the manner provided in Chapter 50 of this Code of Ordinances, or in the alternative may be abated by injunction in the Iowa District Court.

[The next page is 265]

## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

**45.01 PERSONS UNDER LEGAL AGE.** As used in this section, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage 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 during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

*(Code of Iowa, Sec. 123.47[3])*

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 from any retail alcohol licensee.

*(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 retail alcohol 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.]*

**45.04 SOCIAL HOST.** A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic beverage. The provisions of this subsection shall not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

*(Code of Iowa, Sec. 123.47)*

[The next page is 269]



## CHAPTER 46

### MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.04 Minors In Bars

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

1. Definitions. For use in this section, the following terms are defined:
  - A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.
  - B. “Knowingly” means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult’s custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
  - C. “Minor” means any unemancipated person under the age of 18 years.
  - D. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person’s parents or other responsible adult or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
  - E. “Public place” includes stores, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use and also includes such parts of buildings and other premises, whether publicly or privately owned, that are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

- F. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.
2. Curfew Established. A curfew applicable to minors is established and shall be enforced as follows:
- A. Unless accompanied by a responsible adult, no minor 14 years of age or younger shall be in or remain upon any of the alleys, streets, or public places or to be in places of business and amusement in the City between the hours of 10:00 p.m. and 5:00 a.m. of the following day.
  - B. Unless accompanied by a responsible adult, no minor 15 through 17 years of age shall be in or remain upon any of the alleys, streets, or public places or to be in places of business and amusement in the City between the hours of midnight and 5:00 a.m. of the following day.
3. Exceptions. The following are exceptions to the curfew:
- A. The minor is accompanied by a responsible adult.
  - B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
  - C. The minor is present at or is traveling between home and one of the following:
    - (1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;
    - (2) Minor's place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;
    - (3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;
    - (4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;
    - (5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.
  - D. The minor is on an emergency errand for a responsible adult;
  - E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.
4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

5. Enforcement Procedures.
  - A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.
  - B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.
  - C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.
  - D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.
6. Penalties.
  - A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
  - B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.
  - C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.
  - D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes 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* or who 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 18 years of age to commit any act of delinquency.

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

**46.04 MINORS IN BARS.**

1. It is unlawful for any person under 21 years of age to enter or remain upon any premises between the hours of 9:00 p.m. and closing, where more than 35 percent of the business conducted on such premises is the sale or dispensing of liquor, wine, or beer, except as set forth herein.<sup>†</sup> The phrase "business conducted on such premises" means the total business revenue generated on such premises during the previous calendar year. The prohibition does not apply to:

A. An underage person who is an employee of the licensee or permittee or who is performing a contracted service for the licensee or permittee on the premises.

B. An underage person who is accompanied on the premises at all times by a parent, guardian or spouse who is not under the age for lawful purchase and/or possession of alcoholic beverages.

C. An underage person on the premises during a period of time when the licensee or permittee, in accordance with a written plan given to and approved by the Police Chief, has suspended dispensing alcoholic liquor, wine or beer on the licensed or permitted premises or in a clearly delineated area of the licensed or permitted premises. During such period of time, the licensee or permittee shall not permit any underage person to purchase or possess any alcoholic liquor, beer or wine on the premises. Police officers shall be admitted to the premises at any time to monitor compliance with all applicable laws.

2. No licensee or permittee, or a licensee's or permittee's agent or employee shall allow any person under the age for lawful purchase and/or possession of alcoholic beverages to enter or remain upon the premises between the hours of 9:00 p.m. and closing, where the business conducted includes the sale and dispensing of alcoholic liquor, wine or beer, except as permitted in this section. The licensee or permittee of any business that sells alcoholic liquor, wine or beer for on-premises consumption shall be required to post in a conspicuous place a notice stating:

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<sup>†</sup> **EDITOR'S NOTE:** For exceptions to the prohibition defined in this section, as well as further explanation of the requirements of licensees or permittees of such premises as are described in this section, and penalties related to violations of this section, see Subsections 120.05(12) and (13) of this Code of Ordinances.

**NOTICE TO PERSONS UNDER THE AGE FOR LAWFUL  
PURCHASE AND/OR POSSESSION OF ALCOHOLIC  
BEVERAGES:**

**You are subject to a maximum fine, up to \$750.00, for being on these premises between the hours of 9:00 p.m. and closing, unless you are employed by the owner or are accompanied by a parent, guardian or spouse who is not under the age for lawful purchase and/or possession of alcoholic beverages.**

[The next page is 277]

## 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  
47.07 Alcoholic Beverages Restricted  
47.08 Use of Smoking and Tobacco Products Prohibited  
47.09 Park Placements

**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 fire shall be built, except in a place designated for such purpose, 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, except those authorized by City officials, shall enter or remain within any park between 10:00 p.m. and 5:00 a.m.

**47.06 CAMPING.** No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause.

**47.07 ALCOHOLIC BEVERAGES RESTRICTED.** No person shall possess or consume keg beer or hard liquor in Wapsiana Park, St. Patrick's Park, Remley Woods, or the City softball facilities. Canned or bottled beer and wine coolers are allowed only in the spectator areas of the softball facilities and park shelter areas of the City parks and shall not be possessed or consumed on the softball fields or in the dugouts.

**47.08 USE OF SMOKING AND TOBACCO PRODUCTS PROHIBITED.** Smoking and the use of any tobacco product, nicotine product, or electronic smoking device (ESD), by any person in any publicly owned outdoor park, community center, or outdoor recreational facility is prohibited at all times. This prohibition does not apply to the use of prescription medications by a person to whom the prescription was issued for gum or patches designed to, and marketed for, smoking cessation.

1. Definitions. Terms are defined as follows for the purpose of this section:
  - A. "Community center" shall mean any publicly owned facility engaged in recreational activities, including the exterior grounds and parking lot.

B. “Electronic Smoking Device (ESD)” shall mean any device used to vaporize plant material, liquid, oils, nicotine, or other chemicals that may be inhaled by the users, including, but not limited to, e-cigarettes, e-pens, e-hookah, e-cigars, vape pens, and other vapor products as defined in Section 121.01 of this Code of Ordinances.

C. “Nicotine product” shall mean any product containing nicotine including look-a-like products where the original would include tobacco or nicotine including products that are dissolvable, spitless, snus for chewing, or any other alternative nicotine product as defined in Section 121.01 of this Code of Ordinances.

D. “Publicly owned outdoor park or outdoor recreational facility” shall mean any publicly owned outdoor park or facility including any park, playgrounds, athletic field, or complex, skate park, aquatic area, shelter, trail and includes any associated restroom or parking lot.

E. “Smoking” shall mean inhaling or exhaling from any lighted or heated pipe, cigar, cigarette, vapor product, or ESD, or any other lighted or heated tobacco, plant material, liquid, oil, nicotine, or other chemical that may be inhaled or exhaled by the user.

F. “Tobacco product” as used means any cigarette or tobacco product as defined in Section 121.01 of this Code of Ordinances or in Chapter 453A of the *Code of Iowa*.

2. Enforcement.

A. City officials, parents, coaches, and all park users are asked to help enforce compliance to this section by bringing it to the attention of the persons violating the section.

B. Signs will be posted in appropriate areas to notify all park visitors of the tobacco and nicotine prohibition as stated above.

C. If a park visitor is found in violation of this section, said persons shall be subject to a penalty of \$50.00.

**47.09 PARK PLACEMENTS.** No item shall be permanently planted, placed, or constructed on any City public park or green space without the prior authorization and consent of the City Parks and Recreation Board. Individuals or organizations who wish to be granted permission shall contact the City Parks and Recreation Director.

[The next page is 289]



## CHAPTER 50

### NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance  
50.02 Nuisances Enumerated  
50.03 Other Conditions  
50.04 Nuisances Prohibited  
50.05 Right of Entry For Inspection

50.06 Warrants  
50.07 Nuisance Abatement  
50.08 Abatement of Nuisance By Written Notice  
50.09 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. **Cottonwood Trees.** Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees. **(See also Chapter 151)**
8. **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)**
9. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.

10. 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. **(See also Chapter 52)**
11. Dutch Elm Disease. Trees infected with Dutch elm disease. **(See also Chapter 151)**
12. Airport Air Space. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
13. 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. **(See also Section 40.09)**
14. Fire Hazards. Anything on the property or the condition of the property which creates a fire hazard in the opinion of the State Fire Marshal's Office or the City Fire Chief.
15. Health Hazards. Anything on the property or any condition of the property which creates an imminent threat to human health or is in violation of any local, State, or federal health or sanitation regulation.
16. General Hazardous Conditions. Any hazardous thing on the property or any hazardous condition of the property which may cause or contribute to the injury or illness of any person present on the property. Such hazards shall include, but not be limited to, open holes, open foundations, open walls, dangerous trees or tree limbs, and trapping devices.
17. Obstruction of Water Courses. Permitting obstruction of the natural flow of water over an existing water course.
18. Rodents and Vermin. Failure to promptly exterminate the harborage or infestation of rodents and vermin and failure to take the proper precautions to prevent the re-infestation of rodents and vermin.
19. Improper Property Maintenance of Accessory Structure. Failure to properly maintain garages, fences, storage sheds, and other accessory structures in structurally sound condition and in good repair.
20. Lack of Protective Treatment. Failure to maintain all exterior surfaces of structures, including, but not limited to doors and window frames, cornices, porches, and trim in good repair by painting or applications of other protective coverings or treatments.
21. Cracked Foundation Walls. Failure to maintain all exterior walls of a structure such that they are plumb and free of open cracks or breaks, such that exterior light is not visible from the inside and to prevent the entry of rodents and vermin.
22. Improper Maintenance of Exterior Walls. Failure to maintain exterior walls so that such walls are plumb, unless otherwise engineered or designed, free from cracks, holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

23. Improper Maintenance of Roofs and Drainage. Failure to maintain roofs and flashing so as to prevent dampness or deterioration in the walls or deterioration in the walls or interior portion of the building and failure to maintain roof drains, gutters, and downspouts in good repair with proper anchorage and free from obstructions.

24. Improper Maintenance of Stairways, Decks, and Porches. Failure to properly maintain stairways, decks, porches, and balconies in a structurally sound condition with proper anchorage and capable of supporting the imposed loads.

**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. Noise (See Sections 40.08, 62.05, and 62.08, and Chapter 71)
2. Drugs and Drug Paraphernalia (See Chapter 43)
3. Junk and Junk Vehicles (See Chapter 51)
4. Lawn Maintenance (See Chapter 52)
5. Animals (See Chapters 55 and 56)
6. Storage and Disposal of Solid Waste (See Chapter 105)
7. Dangerous Buildings (See Chapter 145)
8. 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 RIGHT OF ENTRY FOR INSPECTION.** Whenever necessary to make an inspection to enforce any ordinance or whenever there is reasonable cause to believe there exists an ordinance violation in any building or upon any premises or real estate within the jurisdiction of the City, any authorized official of the City, or his or her designee, upon presentation of proper credentials, may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the official by this code of ordinances. Except in emergency situations or when consent of the owner and/or occupant to the inspection has otherwise been obtained, the City official shall give the owner and/or occupant, if they can be located after reasonable effort, 24-hours' written notice of the official's intention to inspect.

**50.06 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, designee 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, designee, or employee.

**50.07 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 50.08 of this chapter or the municipal infraction procedure referred to in Section 50.09.

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

**50.08 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: <sup>†</sup>
  - A. Description of Nuisance. A description of what constitutes the nuisance.
  - 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 Subsections 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,

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<sup>†</sup> **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.

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 \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

*(Code of Iowa, Sec. 364.13)*

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.

**50.09 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Section 50.08, 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 299]

## CHAPTER 51

# JUNK AND JUNK VEHICLES

### 51.01 Definitions

### 51.02 Junk and Junk Vehicles Prohibited

### 51.03 Junk and Junk Vehicles a Nuisance

### 51.04 Exceptions

### 51.05 Outdoor Storage of Motor Vehicles

### 51.06 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery, and appliances or parts of such vehicles, machinery, or appliances; iron, steel, or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:
  - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight, or taillight, or any other cracked or broken glass.
  - B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel, or trunk lid, including any vehicle not equipped with four inflated tires.
  - C. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
  - D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.
  - E. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.
  - F. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.
  - G. Storage of Junk. Any vehicle being used primarily for the purpose of storage, including (but not limited to) tools and junk as it is defined in this chapter.
  - H. Unlicensed. Any vehicle not displaying a current year license plate, one month after such license is required, or not legally placed in storage with the County Treasurer. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.
3. “Stored” means leaving a vehicle, trailer, or semi-trailer upon private property for 48 hours.

4. “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

**51.02 JUNK AND JUNK VEHICLES PROHIBITED.** It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

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

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

**51.04 EXCEPTIONS.** The provisions of this chapter do not apply to any junk or a junk vehicle stored:

1. Within a garage or other enclosed structure; or
2. Within an auto salvage yard or junk yard lawfully operated within the City.
3. On premises owned or occupied by the owner of the vehicle that is inoperable solely by reason of repair or restoration being done thereon, provided the following conditions are met:
  - A. The period of repair or restoration does not exceed 30 days; and
  - B. Such activities do not become offensive to the adjacent property owners.

**51.05 OUTDOOR STORAGE OF MOTOR VEHICLES.** The storage of motor vehicles that are not deemed to be junk vehicles outdoors can detract from the beneficial use and enjoyment of neighboring properties, and certain special regulations are established as follows:

1. No person shall keep, store, or display one or more motor vehicles outdoors on property zoned for residential use, or permit the parking out of doors of a motor vehicle on residentially zoned property under said person’s ownership, possession, or control for more than 15 days without movement and use of said vehicle as an operating motor vehicle.
2. No person shall store or display one or more motor vehicles out of doors on property zoned for commercial use, or permit the parking out of doors of a motor vehicle on commercially zoned property under said person’s ownership, possession, or control for more than one year without movement and use of said vehicle as an operating vehicle.
3. The provision of Subsection 2 notwithstanding, the keeping, parking, or storage outdoors, of any wrecked or demolished motor vehicle, or motor vehicle stripped for parts, at the same commercially zoned site for more than 180 days is prohibited.



4. The following are exempt from the regulation of this section:
  - A. Vehicles completely covered by a tight-fitting opaque cloth vehicle cover or tight-fitting cloth tarpaulin, provided said vehicles are otherwise operable.
  - B. A motor home, pickup truck with camper top, converted bus or van, or similar recreational vehicle, which is currently licensed for operation on the public highways.
  - C. A motor vehicle currently licensed for operation on the public highways and lawfully parked off the streets which the owner or other person in lawful possession and control thereof, if a resident of the City, is out of the City for more than 15 days but not more than 180 days.

**51.06 NOTICE TO ABATE.** Upon discovery of any junk or junk vehicle located upon private property in violation of this chapter, the City shall within 14 days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

[The next page is 307]

## CHAPTER 52

# LAWN MAINTENANCE

### 52.01 Definition

### 52.02 Noxious Weed and Grass Control

### 52.03 Notice To Owners Once Per Calendar Year

### 52.04 Appeals

### 52.05 Failure To Comply

**52.01 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.

**52.02 NOXIOUS WEED AND GRASS CONTROL.** All property owners shall maintain or cause to be maintained, their property and the abutting parking area according to the following standards:

1. All property within the City, whether developed or vacant, shall be mowed any time the grasses, noxious weeds (pursuant to Section 317.1A of the *Code of Iowa*), vines, or brush reaches a height of 10 inches.
2. Further, it is unlawful to discharge into the storm sewer system any yard waste, sticks or branches, garbage or trash, sand or silt, or any other material in such a way as to obstruct the system from functioning properly. It is also unlawful to discharge or place such material into a public right-of-way (such as a street) in a manner likely to cause these materials to eventually accumulate in the storm sewer system or create a safety hazard.

**52.03 NOTICE TO OWNERS ONCE PER CALENDAR YEAR.** Notice to the property owner shall be provided as follows:

1. The City Clerk shall cause to be published prior to May 1 of each year in a newspaper of general circulation within the City a notice stating that maintaining property as required under this chapter shall be done, and that the property owner has until the growth reaches 10 inches in height to cause the work to be done.
2. Further, the notice shall state that failure to comply after publication of the notice will result in the City causing the work to be done, and the costs incurred by the City shall be assessed against the property in the manner provided by law and this Code of Ordinances.
3. No further notice shall be required, provided the City Clerk may post notices or provide such additional notice as the City Clerk deems appropriate under the circumstances.

**52.04 APPEALS.** If the property owner objects to the notice of action required under this chapter, the objection shall be filed by the property owner with the Police Department in writing within five days of the date of the notice. The objection shall be heard by the Police Chief without unnecessary delay and the Police Chief shall make a decision regarding the notice and shall immediately notify the property owner of the decision in writing. Failure to appeal within the time specified constitutes a waiver of all rights to a hearing.

**52.05 FAILURE TO COMPLY.** If the property owner fails to maintain the property as required under this chapter after notice is given as provided in this chapter, the Police Chief shall order the work to be done by City employees or by a contractor. The total cost of the work done, plus a \$25.00 administrative fee, shall be paid by the property owner. Failure to pay shall result in the cost being assessed against the property for collection in the same manner as a property tax. Nothing in this chapter shall be construed so as to preclude the City from filing a municipal infraction citation pursuant to Chapter 4 of this Code of Ordinances against a violator, whether such citation is filed in lieu of, or in addition to, any other procedures outlined herein.

[The next page is 325]

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.12 At Large Prohibited
55.02 Animal Shelter and City Veterinarian	55.13 At Large Impoundment
55.03 Animal Neglect	55.14 Disposition of Impounded Dogs and Cats
55.04 Livestock Neglect	55.15 Damage or Interference
55.05 Regulation of Number of Animals	55.16 Annoyance or Disturbance
55.06 Prohibition of Unhealthy, Unsanitary Conditions	55.17 Duty To Report Bites, Attacks, and Rabies
55.07 Abandonment of Cats and Dogs	55.18 Confinement For Quarantine
55.08 Livestock	55.19 Confinement of Female Dogs In Heat
55.09 Rabies Vaccination	55.20 Pet Awards Prohibited
55.10 Tethering of Animals	55.21 Tampering With a Rabies Vaccination Tag
55.11 Removing Animals From Animal Shelter	55.22 Tampering With an Electronic Handling Device

**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.  
*(Code of Iowa, Sec. 717E.1)*
2. “Animal” means a nonhuman vertebrate.  
*(Code of Iowa, Sec. 717B.1)*
3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.  
*(Code of Iowa, Sec. 162.2)*
4. “At heel” means, with reference to a dog, within three feet of a person and subject to that person’s strict command and control.
5. “At large” means off the premises of the owner and:
  - A. Not on a leash, cord, chain, or similar restraint no more than six feet in length and under the control of a competent person.
  - B. Not restrained within a motor vehicle.
  - C. Not housed in a veterinary hospital, licensed kennel, pet shop, or animal shelter.
6. “Business” means any enterprise relating to any of the following:  
*(Code of Iowa, Sec. 717E.1)*
  - 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.

7. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

*(Code of Iowa, Sec. 717.B1)*

8. “Fair” means any of the following:

*(Code of Iowa, Sec. 717E.1)*

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.

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

*(Code of Iowa, Sec. 717E.1)*

10. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

*(Code of Iowa, Sec. 717.B1)*

11. “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)*

12. “Owner” means any person owning, keeping, sheltering, or harboring an animal.

13. “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.

*(Code of Iowa, Sec. 717E.1)*

14. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

*(Code of Iowa, Sec. 162.2)*

15. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

*(Code of Iowa, Sec. 162.2)*

16. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

(*Code of Iowa, Sec. 717.B1*)

17. “Walker” means any person having control over, or attempting to have control over, a dog when it is off the premises of its owner.

**55.02 ANIMAL SHELTER AND CITY VETERINARIAN.** Any veterinarian’s office or dog pound may be designated by the City to be an animal shelter, and any licensed veterinarian may be designated as the City Veterinarian. The City Veterinarian has the same powers as regular police officers with regard to the enforcement of this chapter and Chapter 56.

**55.03 ANIMAL NEGLECT.**

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal’s welfare:

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

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal’s basic nutrition level to the extent that the animal’s health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal’s basic hydration level to the extent that the animal’s health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal’s health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal’s health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal’s distress from any of the following:

(1) A condition caused by failing to provide for the animal’s welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

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

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

**55.04 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)*

**55.05 REGULATION OF NUMBER OF ANIMALS.** No person shall harbor, keep, or maintain such number of animals so as to create unhealthful or unsanitary conditions for the humans or animals occupying the premises or create any other conditions constituting a nuisance. If such conditions exist, the City Veterinarian shall make an investigation and after notice and hearing to the person occupying or maintaining the premises, or the person harboring or maintaining the animals, may direct that a number of the animals be removed from the premises to remedy or correct the unhealthful, unsanitary condition or other conditions constituting a nuisance. The City Veterinarian may also order necessary cleanup work to be done.

**55.06 PROHIBITION OF UNHEALTHY, UNSANITARY CONDITIONS.**

1. An owner shall keep all structures, pens, coops, or yards wherein animals are confined clean, devoid of vermin, and free of odors arising from urine or feces.

2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property. While the owner of any animal may permit the animal to discharge feces upon the owner's own property, the owner of the property shall periodically remove and clean up the feces to prevent the development of an odorous or unhealthy condition.

3. All feces removed as aforesaid shall be placed in an airtight container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.



**55.07 ABANDONMENT OF CATS AND DOGS.** It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

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

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

**55.08 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.

**55.09 RABIES VACCINATION.** Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful and shall constitute a municipal infraction subject to a civil penalty for any person to own or have a dog or cat in said person's possession, six months of age or over, which has not been vaccinated against rabies. The owner of a dog or cat subject to rabies vaccination shall attach a current rabies tag and permanent identification to the animal's collar revealing the owner's name, address, and telephone number at all times when the dog or cat is off its owner's property unless the dog or cat is microchipped by a veterinarian, where the microchip reveals the name, address, and phone number of the animal's owner, and the owner of the dog or cat is able to readily present proof the dog or cat is current in its rabies vaccination. Dogs and cats 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 TETHERING OF ANIMALS.** No person shall stake or otherwise tie or fasten an animal in any way that permits the animals to pass onto, over, or across any public sidewalk, street, or alley or another's private property.

**55.11 REMOVING ANIMALS FROM ANIMAL SHELTER.** It is unlawful for any person to open any gate, door, or other restraint of an animal shelter with the intent to allow any impounded animal to escape. This section does not apply to any animal control officer who removes an animal for return to its owner after proper redemption of the animal or to any other officials in the performance of their duties.

**55.12 AT LARGE PROHIBITED.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. Any animal running at large shall be seized and impounded by any animal control officer, peace officer, or the City Veterinarian and impounded at a designated City animal shelter, and a civil citation may be issued.

**55.13 AT LARGE IMPOUNDMENT.** Upon impoundment, the animal shelter personnel shall make a written registration for the dog, entering the breed type most predominant, color, and sex of the dog and whether it has received a rabies vaccination. If the dog does not have a current rabies vaccination, the dog must be vaccinated for rabies at the owner's expense before the dog shall be released to its owner. The owner shall also be responsible for any boarding cost or fines incurred. It shall also be unlawful for any cat to run at large without exhibiting

proof of current rabies vaccination. Any cat running at large and not exhibiting proof of current rabies vaccination shall be impounded and disposed of under Section 55.14. The owner shall also be responsible for any boarding cost or fines incurred.

**55.14 DISPOSITION OF IMPOUNDED DOGS AND CATS.**

*(Code of Iowa, Sec. 351.37, 351.41)*

1. Within two days of impoundment, the owner of the dog or cat impounded, if known, shall be given written notice of the impoundment of the animal.
  - A. The owners of cats impounded shall be given two days to redeem their cats.
  - B. The owners of dogs impounded shall be given seven days to redeem their dogs.
  - C. If the animals impounded are not redeemed within those time frames, or in the event the owner of the animals cannot be located within the time allowed for their redemption, the City Veterinarian shall humanely destroy the animals.
2. At large, and impounded animals that are injured or which contract a contagious disease or diseases, together with other exposed impounded animals, may also be euthanized by the City Veterinarian.
3. Every reasonable effort shall be made to locate and notify the owner of the animal before euthanasia, and the owner's request regarding the disposition of the animal will be honored unless the City Veterinarian determines it is inhumane to the animal.
4. The owners of any impounded animals shall be responsible for the cost of impounding and caring for the animals during impoundment, and any fines incurred, regardless of whether or not the animal is reclaimed.

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

**55.16 ANNOYANCE OR DISTURBANCE.** It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles, or other vehicles. All complaints concerning such annoyances or disturbances shall be referred to the Police Chief. Any dog having three complaints lodged against it within seven days may be ordered permanently removed from the City by the Police Chief, following hearing after appropriate notice and opportunity to be heard is given to the dog's owner.

**55.17 DUTY TO REPORT BITES, ATTACKS, AND RABIES.** 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 the Police Chief. It is the duty of physicians and veterinarians to report in writing to the Police Chief and the local board of health the name and address of any person treated for bites inflicted by an animal and occurring within the City, along with such other information as will assist in the prevention of rabies, including knowledge or suspicion of the existence of any animal suffering from rabies.

*(Code of Iowa, Sec. 351.38)*

**55.18 CONFINEMENT FOR QUARANTINE.** If a physician, veterinarian, peace officer, or local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the City Veterinarian shall order the owner to confine such animal in isolation under quarantine for 14 days. In the event the animal has had current rabies shots, the City Veterinarian may authorize the owner to quarantine the animal at the owner's premises. In the event the animal has not had current rabies shots, or in the event evidence is not produced satisfactory to the City Veterinarian that the shots are current, or for any other reason that the City Veterinarian determines, the animal shall be quarantined at an animal shelter, or a licensed veterinary hospital, and the costs of confinement shall be the responsibility of the owner. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the City Veterinarian or peace officer, and after 10 days the City Veterinarian may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment and any fines incurred. 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)*

**55.19 CONFINEMENT OF FEMALE DOGS IN HEAT.** The owner of any female dog in heat shall confine the animal indoors or in a secure kennel if out of doors during the heat period. The owner may remove a dog in heat from indoors or its kennel for purposes of breeding or exercise, provided the animal is on a leash, cord, chain or similar restraint not more than six (6) feet in length and under the control of the walker. No female dog in heat shall be allowed out of doors at heel.

**55.20 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. 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.

**55.21 TAMPERING WITH A RABIES VACCINATION TAG.** It is unlawful to tamper with a rabies vaccination tag.

*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
  - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
  - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

**55.22 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE.** It is unlawful to tamper with an electronic handling device.

*(Code of Iowa, Sec. 351.46)*

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
  - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
  - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

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[The next page is 339]



## CHAPTER 56

# DANGEROUS AND VICIOUS ANIMALS

### 56.01 Definitions

### 56.02 Keeping of Dangerous Animals Prohibited

### 56.03 Keeping of Vicious Animals Prohibited

### 56.04 Seizure, Impoundment and Disposition

#### **56.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Aggressive dog” means a dog that has two verified incidents of unprovoked chasing, snapping, or barking at any person or domestic animal so as to place the person or owner of the domestic animal in reasonable fear of their safety or the safety of their animal. A dog may be considered aggressive even if on the property of its owner, whether leashed or not, if its behavior, snapping, or barking, or similar menacing behavior is founded after investigation by the Police Department. In assessing whether the dog was provoked to exhibit its aggression, the Police Department shall consider that fact from the standpoint of a reasonable person of the age of the person alleged to have provoked the dog; in other words, the Police Department shall consider whether a reasonable person of the age of the person alleged to have provoked the dog knew, or should reasonably have known, their action would provoke the aggressive behavior on the part of the dog.

2. “Dangerous animal” means<sup>†</sup>:

- A. Badgers, wolverines, weasels, skunk and mink;
- B. Raccoons;
- C. Bats;
- D. Scorpions.

2. “Vicious animal” means any animal, except for a dangerous animal as listed above, that has attacked, bitten or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal: (i) has bitten more than one person during the animal’s lifetime; or (ii) has bitten one person on two or more occasions during the animal’s lifetime; or (iii) has attacked any domestic animal or fowl without provocation, causing injury or death while off the property of the owner. To constitute a bite, it is not necessary that the skin of the victim, whether human or domesticated animal or fowl, be broken. Rather, as long as the animal seizes its victim with its teeth, it shall be considered to have bitten its victim.

**56.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter, or harbor any dangerous dog, cat, or animal as a pet, or act as a temporary custodian for such animal, or keep, shelter, or harbor such animal for any purpose or in any capacity within the City.

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<sup>†</sup> **EDITOR’S NOTE:** Certain other dangerous animals, listed in Chapter 717F.1, paragraph 5a, of the *Code of Iowa*, are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

**56.03 KEEPING OF VICIOUS ANIMALS PROHIBITED.** No person shall keep, shelter or harbor for any reason within the City a dangerous, vicious, or aggressive dog, cat, or animal within the City. It is the duty of all animal control officers, the City Veterinarian and all peace officers to impound any such animal. In the event the animal cannot be impounded without exposing the person attempting to impound the animal to danger or personal injury, the animal may be destroyed. Exceptions to this section will be made in the following circumstances:

1. Animals under the control of a law enforcement or military agency.
2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the Mayor or peace officer that a guard dog is on duty at said premises.

**56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.**

1. In the event that a dangerous, vicious, or aggressive animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous, vicious, or aggressive animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous, vicious, or aggressive animal on premises in the City, the Mayor or peace officer shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous, vicious, or aggressive animal in the City, the Mayor or peace officer shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous, vicious, or aggressive animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous, vicious, or aggressive animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous, vicious, or aggressive animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor or peace officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
3. The order to remove a dangerous, vicious, or aggressive animal issued by the Mayor or peace officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order contained in the notice to remove the dangerous, vicious, or aggressive animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Mayor or peace officer.
4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor or peace officer. Such determination shall be contained in a written



decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Mayor or peace officer, the Council shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous, vicious, or aggressive animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor or peace officer 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 of its issuance, the Mayor or peace officer is authorized to seize, impound, or destroy such dangerous, vicious, or aggressive animal. Failure to comply with an order of the Mayor or peace officer issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

[The next page is 365]

## CHAPTER 60

### ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.05 Reports of Traffic Accidents
60.02 Definitions	60.06 Peace Officer's Authority
60.03 Administration and Enforcement	60.07 Obedience to Peace Officers
60.04 Power to Direct Traffic	60.08 Parades Regulated

**60.01 TITLE.** Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Anamosa Traffic Code" (and are referred to herein as the "Traffic Code.")

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

*(Code of Iowa, Sec. 321.1)*

1. "Business District" means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.
1. "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. "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 40 percent or more of the frontage on such a highway for a distance of 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 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 and 321.236[2])*

**60.05 REPORTS OF TRAFFIC ACCIDENTS.** 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. Approval Required. No parade shall be conducted without first obtaining approval from the Council. Such request for approval shall state the time and date for the parade to be held and the streets or general route therefor. Such approval granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such approval.

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

3. Control by Police 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 375]

## CHAPTER 61

# TRAFFIC CONTROL DEVICES

61.01 Installation  
61.02 Crosswalks  
61.03 Traffic Lanes  
61.04 Moving or Damaging Devices

61.05 Standards  
61.06 Prohibiting the Avoidance of Traffic Control Devices  
61.07 Compliance

### 61.01 INSTALLATION.

*(Code of Iowa, Sec. 321.255)*

1. The Council shall establish by ordinance, and 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.
2. The Council shall also have the power to designate and indicate by ordinance intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.
3. The City shall keep a record of all such traffic control devices, including those devices indicating parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets.

**61.02 CROSSWALKS.** The Council is hereby authorized 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] and 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] and 321.255)*

**61.04 MOVING OR DAMAGING DEVICES.** It is unlawful for any person to move, deface, or otherwise damage any sign, signal, or other traffic control device placed upon the streets of the City.

**61.05 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)*

**61.06 PROHIBITING THE AVOIDANCE OF TRAFFIC CONTROL DEVICES.** At any traffic control signal or sign, it shall be unlawful for the driver of a motor vehicle to cut across public or private property at or near the intersection which is not a roadway to avoid the traffic control signal or sign. Any person who violates the provisions of this section shall be guilty of a simple misdemeanor.

**61.07 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 and 321.231A of the *Code of Iowa*.

*(Code of Iowa, Sec. 321.256)*

[The next page is 383]



## 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 Milling  
62.08 Disturbing the Peace With a Motor Vehicle

**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 – Limitation on liability; 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; operation of commercial vehicles.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits, commercial learner's permits, and chauffeur's instruction permits.
17. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restrictions on licenses; penalty.
19. Section 321.194 – Special minors' licenses.
20. Section 321.208A – Operation in violation of out-of-service order; penalties.
21. Section 321.216 – Unlawful use of license and nonoperator's identification card; penalty.

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 tobacco, tobacco products alternative nicotine products, vapor products, or cigarettes.
24. Section 321.218 – Operating without valid driver’s license or when disqualified; penalties.
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 – Driver’s license inspection for motor vehicle rental.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles, highway use.
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; traffic signal preemption devices.
38. Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.
39. Section 321.263 – Information and aid; leaving scene of personal injury accident.
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 in motor vehicles, drivers.
50. Section 321.284A – Open container in motor vehicles, 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 321.305 – One-way roadways and rotary traffic islands.
60. Section 321.306 – Roadways laned for traffic.
61. Section 321.307 – Following too closely.
62. Section 321.309 – Towing.
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.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.

- 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 – Preventing contamination of food 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 – Discharging pupils, stopping requirements; penalties.
- 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, motorized bicycles, and all-terrain vehicles.
- 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, rear lights.
- 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, air horns, 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 rules.
- 148. Section 321.449A – Rail crew transport drivers.
- 149. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.
- 150. Section 321.450 – Hazardous materials transportation regulations.
- 151. Section 321.454 – Width of vehicles.
- 152. Section 321.455 – Projecting loads on passenger vehicles.

- 153. Section 321.456 – Height of vehicles.
- 154. Section 321.457 – Maximum length.
- 155. Section 321.458 – Loading beyond front.
- 156. Section 321.460 – Spilling loads on highways.
- 157. Section 321.461 – Trailers and towed vehicles.
- 158. Section 321.462 – Drawbars and safety chains.
- 159. Section 321.463 – Maximum gross weight; exceptions, penalties.
- 160. Section 321.465 – Weighing vehicles and removal of excess.
- 161. Section 321.466 – Increased loading capacity; reregistration.

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

*(Code of Iowa, Sec. 321.255)*

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

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

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

**62.06 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 MILLING.** It is unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

**62.08 DISTURBING THE PEACE WITH A MOTOR VEHICLE.** In accordance with Section 40.08 and Chapters 50 and 71 of this Code of Ordinances, it is unlawful for anyone to disturb the public quiet and peace of any street, alley, avenue, religious or other public assembly or building, public or private, or any neighborhood, private family, or person within the corporate limits of the City with a motor vehicle, including but not limited to the following means:

1. Excessive Horn or Radio Noise. No person shall operate a vehicle's horn, radio, or other audio equipment in such a manner as to cause repeated or prolonged noise above and beyond the normal and reasonable amount produced by the regularly prescribed use of such devices.
2. Squealing the Vehicle's Tires. No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.
3. Excessive Acceleration. It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave marks on the pavement or to throw sand and gravel, or to cause the wheel of a motorcycle to leave the ground more than two inches, except when such acceleration is reasonably necessary to avoid a collision.

[The next page is 395]



## 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**

**63.06 Controlled Access Facilities**

**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 – 20 miles per hour.
2. Residence or School District – 25 miles per hour.
3. Suburban District – 45 miles per hour. In accordance with this subsection, the section of HWY 64 from approximately 200 feet west of Chamber Drive to the east corporate limits of the City, including both eastbound and westbound traffic, shall be designated a Suburban District.

**63.03 PARKS, CEMETERIES, AND PARKING LOTS.** A speed in excess of 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 15 Miles Per Hour Speed Zones. A speed in excess of 15 miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. On Nasinus Road.
  - B. On all City alleyways.

C. On the following School Zone streets during school days, from one hour before classes begin to one hour after classes are dismissed:

- (1) Garnavillo Street, from Carroll Street to Park Avenue.
- (2) Garnavillo Street, from Carroll Street to Broadway Street.
- (3) Carroll Street, from Garnavillo Street to High Street.
- (4) Carroll Street, from Garnavillo Street to Ford Street.
- (5) Garnavillo Street, from 1<sup>st</sup> Street to Walworth Avenue.
- (6) Garnavillo Street, from Main Street to 1<sup>st</sup> Street.
- (7) 1<sup>st</sup> Street, from Ford Street to Sales Street.
- (8) Sales Street, from Main Street to 1<sup>st</sup> Street.
- (9) Walworth Avenue, from 200 feet west of Garnavillo Street to Garnavillo Street.
- (10) Sadie Street, from Old Dubuque Road to Maquoketa Street.
- (11) Maquoketa Street, from Dubuque Street to Sadie Street.
- (12) Roland Street, from 3<sup>rd</sup> Street north to 2<sup>nd</sup> Street.
- (13) Hamilton Street, from 3<sup>rd</sup> Street north to End Street.
- (14) 2<sup>nd</sup> Street, from Oak Street to Hamilton Street.
- (15) 1<sup>st</sup> Street, from Oak Street to Hamilton Street.

2. Special 25 Miles Per Hour Speed Zones. A speed in excess of 25 miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Old Dubuque Road, from its intersection with US HWY 151 South to 360 feet north of East Main Street.

3. Special 35 Miles Per Hour Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On East 3<sup>rd</sup> Street, from Scott Street to the intersection of State HWY 64 and US HWY 151.

B. On South Elm Street from the south City limits to a point 325 feet south of Cemetery Road.

4. Special 65 Miles Per Hour Speed Zones. A speed in excess of 65 miles per hour is unlawful on that portion of US HWY 151 within the City's jurisdiction.

**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)*

**63.06 CONTROLLED ACCESS FACILITIES.** Speed limits on controlled access facilities are as specified in Chapter 139 of this Code of Ordinances.

[The next page is 411]

## 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 Council 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 any intersection where a sign prohibiting U-turns is posted in accordance with Chapter 61 of this Code of Ordinances.

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

**64.03 LEFT TURN FOR PARKING.** On Main Street, from Garnavillo Street to Cleveland Street, no person shall make a left-hand turn, crossing the centerline of the street, for the purpose of parking on said street.

[The next page is 415]

## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Stop or Yield  
65.02 Stop Required  
65.03 Yield Required  
65.04 School Stops

65.05 Strawberry Hill School Drop-Off Zones  
65.06 Stop Before Crossing Sidewalk  
65.07 Stop When Traffic Is Obstructed  
65.08 Yield to Pedestrians in Crosswalks

**65.01 STOP OR YIELD.** Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Chapter 61 of this Code of Ordinances.

*(Code of Iowa, Sec. 321.345)*

**65.02 STOP REQUIRED.** Every driver of a vehicle shall come to a complete stop, and yield to oncoming traffic before entering the intersection, in accordance with the following:

*(Code of Iowa, Sec. 321.345)*

1. Stop at East 1<sup>st</sup> Street on South Ford Street going south.
2. Stop at East 1<sup>st</sup> Street on South Ford Street going north.
3. Stop at South Garnavillo Street on East 1<sup>st</sup> Street going west.
4. Stop at South Garnavillo Street on East 1<sup>st</sup> Street going east.
5. Stop at East 1<sup>st</sup> Street on South Garnavillo Street going north.
6. Stop at East 1<sup>st</sup> Street on South Garnavillo Street going south.
7. Stop at Linn Street on East 1<sup>st</sup> Street going west.
8. Stop at Linn Street on East 1<sup>st</sup> Street going east.
9. Stop at Hamilton Street on East 1<sup>st</sup> Street going west.
10. Stop at East 1<sup>st</sup> Street on Linn Street going north.
11. Stop at East 1<sup>st</sup> Street on Linn Street going south.
12. Stop at South Scott Street on East 2<sup>nd</sup> Street going west.
13. Stop at South Scott Street on East 2<sup>nd</sup> Street going east.
14. Stop at Hamilton Street on East 2<sup>nd</sup> Street going west.
15. Stop at Hamilton Street on East 2<sup>nd</sup> Street going east.
16. Stop at East 2<sup>nd</sup> Street on Hamilton Street going north.
17. Stop at East 2<sup>nd</sup> Street on Hamilton Street going south.
18. Stop at East 3<sup>rd</sup> Street on Hamilton Street going south.
19. Stop at East 3<sup>rd</sup> Street on Roland Street going south.
20. Stop at East 2<sup>nd</sup> Street on Roland Street going north.
21. Stop at East 3<sup>rd</sup> Street on Oak Street going south.
22. Stop at East 3<sup>rd</sup> Street on Oak Street going north.

23. Stop at East 2<sup>nd</sup> Street on Oak Street going south.
24. Stop at East 2<sup>nd</sup> Street on Oak Street going north.
25. Stop at East 1<sup>st</sup> Street on Oak Street going north.
26. Stop at East 1<sup>st</sup> Street on Oak Street going south.
27. Stop at East 3<sup>rd</sup> Street on Dubuque Street going south.
28. Stop at East 2<sup>nd</sup> Street on Dubuque Street going north.
29. Stop at East 2<sup>nd</sup> Street on Dubuque Street going south.
30. Stop at Dubuque Street on East 2<sup>nd</sup> Street going east.
31. Stop at Dubuque Street on East 2<sup>nd</sup> Street going west.
32. Stop at East 2<sup>nd</sup> Street on South Davis Street going north.
33. Stop at East 2<sup>nd</sup> Street on South Davis Street going south.
34. Stop at East 1<sup>st</sup> Street on Dubuque Street going north.
35. Stop at East 1<sup>st</sup> Street on Dubuque Street going south.
36. Stop at East 1<sup>st</sup> Street on South Williams Street going north.
37. Stop at East 1<sup>st</sup> Street on South Williams Street going south.
38. Stop at East 1<sup>st</sup> Street on South Davis Street going north.
39. Stop at East 1<sup>st</sup> Street on South Davis Street going south.
40. Stop at East 1<sup>st</sup> Street on Cleveland Street going north.
41. Stop at East 1<sup>st</sup> Street on Cleveland Street going south.
42. Stop at East 1<sup>st</sup> Street on Booth Street going north.
43. Stop at East 1<sup>st</sup> Street on Booth Street going south.
44. Stop at East 3<sup>rd</sup> Street on Linn Street going south.
45. Stop at East 3<sup>rd</sup> Street on Linn Street going north.
46. Stop at East 2<sup>nd</sup> Street on Linn Street going north.
47. Stop at East 2<sup>nd</sup> Street on Linn Street going south.
48. Stop at Linn Street on East 2<sup>nd</sup> Street going west.
49. Stop at Linn Street on East 2<sup>nd</sup> Street going east.
50. Stop at East Main Street on Linn Street going north.
51. Stop at East Main Street on Linn Street going south.
52. Stop at East 3<sup>rd</sup> Street on Rosemary Lane going north.
53. Stop at East 3<sup>rd</sup> Street on Rosemary Drive going north.
54. Stop at Maquoketa Street on Sadie Street going south.
55. Stop at Dubuque Street on East Main Street going east.
56. Stop at Dubuque Street on East Main Street going west.
57. Stop at Old Dubuque Street on East Main Street going west.

58. Stop at South Scott Street on East Main Street going west.
59. Stop at South Scott Street on East Main Street going east.
60. Stop at East Main Street on North Scott Street going south
61. Stop at East Main Street on South Scott Street going north.
62. Stop at East Main Street on South Williams Street going north.
63. Stop at East Main Street on North Williams Street going south.
64. Stop at East Main Street on South Davis Street going north.
65. Stop at East Main Street on North Davis Street going south.
66. Stop at East Main Street on Cleveland Street going north.
67. Stop at East Main Street on Booth Street going north.
68. Stop at West Main Street on South Sales Street going north.
69. Stop at West Main Street on South Maple Street going north.
70. Stop at West Main Street on Alderman Street going north.
71. Stop at West Main Street on North High Street going south.
72. Stop at West Main Street on Jackson Street going south.
73. Stop at North High Street on Veterans Memorial Drive going east.
74. Stop at North High Street on Park Avenue going west.
75. Stop at North High Street on Carroll Street going west.
76. Stop at North High Street on Broadway Street going west.
77. Stop at North Garnavillo Street on Broadway Street going east.
78. Stop at North Garnavillo Street on Carroll Street going east.
79. Stop at North Garnavillo Street on Carroll Street going west.
80. Stop at Carroll Street on North Garnavillo Street going north.
81. Stop at Carroll Street on North Garnavillo Street going south.
82. Stop at North Garnavillo Street on Park Avenue going east.
83. Stop at North Garnavillo Street on Webster Street going west.
84. Stop at North Ford Street on Liberty Street going west.
85. Stop at North Ford Street on Webster Street going east.
86. Stop at North Ford Street on Webster Street going west.
87. Stop at North Ford Street on Cedar Street going west.
88. Stop at Liberty Street on North Sales Avenue going south.
89. Stop at North Huber Street on Holt Street going west.
90. Stop at North Huber Street on Webster Street going east.
91. Stop at North Huber Street on Webster Street going west.
92. Stop at North Huber Street on Sycamore Street going west.

93. Stop at North Huber Street on Cedar Street going west.
94. Stop at North Huber Street on Cedar Street going east.
95. Stop at Webster Street on Therese Avenue going south.
96. Stop at Sycamore Street on North Williams Street going north
97. Stop at Sycamore Street on North Williams Street going south.
98. Stop at West Main Street on Locust St. going south.
99. Stop at West Main Street on Iowa Street going south.
100. Stop at Cherry Street on Cedar Street going west.
101. Stop at Cherry Street on West Walnut Street going west.
102. Stop at Locust Street on West Walnut Street going east.
103. Stop at Locust Street on West Walnut Street going west.
104. Stop at South Elm Street on Cemetery Street going north.
105. Stop at South Elm Street on Cemetery Street going south.
106. Stop at South Elm Street on West Main Street going east.
107. Stop at West Main Street on South Jones Street going north.
108. Stop at South Elm Street on Mill Street going west.
109. Stop at South Elm Street on Mill Street going east.
110. Stop at South Elm Street on Hickory Street going west.
111. Stop at South Elm Street on Hickory Street going east.
112. Stop at South Elm Street on Crane Street going west.
113. Stop at Old Dubuque Street on Division Street going south.
114. Stop at Old Dubuque Street on Division Street going north.
115. Stop at Old Dubuque Street on Maquoketa Street going west.
116. Stop at Old Dubuque Street on Sadie Street going north.
117. Stop at Old Dubuque Street on Sycamore Street going east.
118. Stop at Old Dubuque Street on Dubuque Street going north.
119. Stop at Sadie Street on Old Dubuque Street going north.
120. Stop at Sadie Street on Old Dubuque Street going south.
121. Stop at HWY 151 on Old Dubuque Street going east.
122. Stop at Harley Avenue on Circle Drive going south.
123. Stop at HWY 151 on Harley Avenue going east.
124. Stop at Circle Drive on Harley Avenue going east.
125. Stop at 130<sup>th</sup> Street on Kaitlynn Avenue going north.
126. Stop at Kaitlynn Avenue on Meadow Ridge Drive going east.
127. Stop at Chamber Drive on Brecca Ridge Drive going west.



128. Stop at Chamber Drive on Chamber Court going east.
129. Stop at Chamber Drive on Country Club Court going south.
130. Stop at Chamber Drive on Dillon Court going north.
131. Stop at Chamber Drive on Bennett Drive going west.
132. Stop at 115<sup>th</sup> Street on Grant Wood Drive going north.
133. Stop at Grant Wood Drive on 115<sup>th</sup> Street going west.
134. Stop at HWY 64 on 115<sup>th</sup> Street going north.
135. Stop at Cleveland Street on East 2<sup>nd</sup> Street going west.
136. Stop at Cleveland Street on East 2<sup>nd</sup> Street going east.
137. Stop at Booth Street on East 2<sup>nd</sup> Street going west.
138. Stop at Booth Street on East 2<sup>nd</sup> Street going east.
139. Stop at South Ford Street on East 2<sup>nd</sup> Street going west.
140. Stop at South Ford Street on East 2<sup>nd</sup> Street going east.
141. Stop at South Garnavillo Street on East 2<sup>nd</sup> Street going west.
142. Stop at South Garnavillo Street on East 5<sup>th</sup> Street going west.
143. Stop at Division Street on East Sycamore Street going west.
144. Stop at Division Street on East Sycamore Street going east.
145. Stop at East Sycamore Street on Division Street going north.
146. Stop at East Sycamore Street on Division Street going south.
147. Stop at Division Street on East Cedar Street going west.
148. Stop at Division Street on Pine Street going east.
149. Stop at Division Street on Plum Street going east.
150. Stop at North Davis Street on East Walnut Street going west.
151. Stop at North Davis Street on East Cedar Street going west.
152. Stop at North Davis Street on East Cedar Street going east.
153. Stop at North Davis Street on East Sycamore Street going west.
154. Stop at North Davis Street on East Sycamore Street going east.
155. Stop at Old Dubuque Road on Wilson Court going west.
156. Stop at East Sycamore Street on North Linn Street going south.
157. Stop at North Williams Street on Plum Street going west.
158. Stop at HWY 64 on 192<sup>nd</sup> Avenue going north.
159. Stop at Iowa Street on West Cedar Street going east.
160. Stop at Iowa Street on West Cedar Street going west.
161. Stop at Iowa Street on West Walnut Street going east.
162. Stop at Iowa Street on West Walnut Street going west.

163. Stop at East 2<sup>nd</sup> Street on South Garnavillo Street going north.
164. Stop at North Ford Street on Carroll Street going west.
165. Stop at Booth Street on East 4<sup>th</sup> Street going west.
166. Stop at East 4<sup>th</sup> Street on Booth Street going south.
167. Stop at Plum Street on Division Street going south.
168. Stop at Cleveland Street on East 3<sup>rd</sup> Street going east.
169. Stop at Maquoketa Street on Linn Street going north.
170. Stop at Dubuque Street on Maquoketa Street going east.
171. Stop at Dubuque Street on Maquoketa Street going west.
172. Stop at East Main Street on North Division Street going south.
173. Stop at North Linn Street on North Linn Court going east.
174. Stop at East Liberty Street on North Linn Street going north.
175. Stop at East Liberty Street on Dakota Street going south.
176. Stop at Dakota Street on Dakota Court going east.
177. Stop at East Cedar Street on Pratt Street going north.
178. Stop at East Cedar Street on Pratt Street going south.
179. Stop at North Scott Street on Pine Street going east.
180. Stop at North Scott Street on Pine Street going west.
181. Stop at North Scott Street on East Sycamore Street going east.
182. Stop at North Scott Street on East Sycamore Street going west.
183. Stop at East Cedar Street on North Scott Street going north.
184. Stop at East Cedar Street on North Scott Street going south.
185. Stop at North Scott Street on East Walnut Street going east.
186. Stop at North Scott Street on East Walnut Street going west.
187. Stop at North Williams Street on East Walnut Street going east.
188. Stop at North Williams Street on East Walnut Street going west.
189. Stop at North Williams Street on East Cedar Street going east.
190. Stop at North Williams Street on East Cedar Street going west.
191. Stop at North Williams Street on Pine Street going east.
192. Stop at North Williams Street on Pine Street going west.
193. Stop at North Huber Street on School Street going east.
194. Stop at North Ford Street on East Liberty Street going west.
195. Stop at HWY 64 on Woodridge Drive going north.
196. Stop at Hickory Street on South Jones Street going east.
197. Stop at Hickory Street on South Jones Street going west.

198. Stop at Chamber Drive on Meadow Ridge Court going west.
199. Stop at Breca Ridge Drive on Meadow Ridge Drive going west.
200. Stop at Meadow Ridge Court on Council Street going south.
201. Stop at Circle Drive on Harley Avenue going east.
202. Stop at Harley Avenue on Circle Drive going south.
203. Stop at Walworth Avenue on South Garnavillo Street going south.

**65.03 YIELD REQUIRED.** Every driver of a vehicle shall yield to oncoming traffic before entering the intersection in accordance with the following:

*(Code of Iowa, Sec. 321.345)*

1. Yield at Pine Street on North Davis Street going north.
2. Yield at East Sycamore Street on Pratt Street going north.
3. Yield at East Sycamore Street on Pratt Street going south.
4. Yield at South Jones Street on Hickory Street going east.
5. Yield at South Jones Street on Hickory Street going west.
6. Yield Jackson Street on West Walnut Street going east.
7. Yield at South Elm Street on West Main Street going south.
8. Yield at South Ford Street on East 4<sup>th</sup> Street going east.
9. Yield at South Ford Street on East 4<sup>th</sup> Street going west.
10. Yield at Pratt Street on Pine Street going east.
11. Yield at Pratt Street on Pine Street going west.
12. Yield at South Garnavillo Street on East 4<sup>th</sup> Street going west.

**65.04 SCHOOL STOPS.** At any school crossing zone, every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point 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)*

**65.05 STRAWBERRY HILL SCHOOL DROP-OFF ZONES.** When school is in session and during normal school hours, the buses of the Anamosa Community School District shall load and unload at Strawberry Hill School on 2<sup>nd</sup> Street. Parents delivering their children to school shall drop off their children on Hamilton Street. Hamilton Street shall be posted with a sign advising parents to drop off their students on that street. Signage shall be placed on 2<sup>nd</sup> Street directing parents to drop off their students on Hamilton Street.

**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)*

[The next page is 427]

## CHAPTER 66

### LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges

66.05 Truck Routes

**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 and 472)*

**66.02 PERMITS FOR EXCESS SIZE AND WEIGHT.** The Council may, upon application and good cause being shown, 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 and 321E)*

**66.03 LOAD LIMITS UPON CERTAIN STREETS.** When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Chapter 61 of this Code of Ordinances.

*(Code of Iowa, Sec. 321.473 and 475)*

**66.04 LOAD LIMITS ON BRIDGES.** Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council 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. No person shall drive upon said bridge any vehicle weighing, loaded or unloaded, in excess of such posted limit.

*(Code of Iowa, Sec. 321.471)*

**66.05 TRUCK ROUTES.** Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle exceeding established weight limits, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, shall travel over or upon those streets within the City designated as truck routes and none other.

*(Code of Iowa, Sec. 321.473)*

2. Deliveries Off Truck Route. Any motor vehicle exceeding established weight limits, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or

definite stop and shall proceed thereto, load or unload, and return by the most direct route to its point of departure from said designated route.

*(Code of Iowa, Sec. 321.473)*

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

*(Code of Iowa, Sec. 321.473)*

[The next page is 431]

## 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.

[The next page is 435]



## CHAPTER 68

# ONE-WAY TRAFFIC

### 68.01 One-Way Traffic Required

### 68.02 Designated One-Way Alleys

**68.01 ONE-WAY TRAFFIC REQUIRED.** 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])*

**68.02 DESIGNATED ONE-WAY ALLEYS.** No one shall drive or park a vehicle on the following alleys except in the direction so designated and as identified with the appropriate signs on the alleys.

[The next page is 439]

## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.08 No Parking Zones
69.02 Parking on One-Way Streets	69.09 Truck Parking Limited
69.03 Angle Parking	69.10 Snow Emergency
69.04 Manner of Angle Parking	69.11 Snow Routes
69.05 Parking for Certain Purposes Illegal	69.12 Downtown Restricted Parking
69.06 Parking Prohibited	69.13 Controlled Access Facilities
69.07 Persons with Disabilities Parking	

**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 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 PARKING ON ONE-WAY STREETS.** 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 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. Cedar Street Apartments, 206 East Cedar Street, from March 1 to November 15.
2. The east side of South Linn Street from East Main Street to East 1<sup>st</sup> Street.

**69.04 MANNER OF ANGLE PARKING.** 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 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 marketplace or when so authorized or licensed under this Code of Ordinances.
5. Free-Standing Trailers. No person shall park a free-standing trailer, i.e., a pull-type trailer unattached to a motor vehicle, upon public property; provided, however, this prohibition shall not apply to trailers owned or leased by contractors engaged in construction projects on adjoining property for which a development permit is in effect.  
  
Owners shall move vehicles a minimum of 450 feet every 48 hours to provide street personnel the opportunity for street sweeping and snow removal.

**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 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 10 feet of an intersection of any street or alley.  
*(Code of Iowa, Sec. 321.358[3])*
7. Fire Hydrant. Within five feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*
8. Stop Sign or Signal. Within 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 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 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 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 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 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 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 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. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

**69.07 PERSONS WITH DISABILITIES PARKING.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.

- B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.
  - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
- A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.
  - B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

**69.08 NO PARKING ZONES.** No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. East side of North Williams Street from East Main Street to Knoll Street.
2. Dillon Court – both sides of the street.
3. East side of Huber Street from Cedar Street to Liberty Street.
4. East Liberty Street from North Ford Street to North Huber Street – both sides of the street.
5. East side of High Street from Park Court to north terminus.
6. Chamber Drive from Highway 64 to Breca Ridge Drive – both sides of the street.
7. South side of Main Street from the intersection of Davis Street west to a point 64 feet west of the intersection of the south line of Main Street and the west line of Davis Street.
8. South side of Main Street from the intersection of Cleveland Street west to a point 25 feet west of the intersection of the south line of Main Street and the west line of Cleveland Street. The next parking space west on South Main Street shall be restricted to automobile parking by the handicapped.
9. East side of South Linn Street from East 3rd Street to East 1st Street.
10. North side of East/West alley that starts in the 100 block of North Ford Street and proceeds to the east to a point 136 feet from the right-of-way line of North Ford Street.
11. Entire south side of Country Club Court starting at the intersection of Chamber Drive and Country Club Court.
12. North side of East Main Street from Old Dubuque Street to South Linn Street.
13. The north side of West 1st Street starting at South Garnavillo Street going 125 feet to the east.

14. North side of East Main Street as designated in front of 136 East Main Street (Starlighters Theatre).
15. East side of North Davis Street from Chamber Park alley to Pine Street.
16. North side of East Liberty Street from Division Street to Dakota Street.
17. West side of Dakota Street from East Liberty Street to terminus.
18. Entire north side of Chamber Court from 8:00 a.m. to 5:00 p.m. Monday – Friday.
19. East side of North Division Street from Sycamore Street to Plum Street.
20. East side of North Linn Street from Sycamore Street to East Liberty Street.
21. First 46 ft. of east side of North Huber Street starting at Main Street.
22. South side of East Main Street starting at S. Davis Street going west 80 ft.
23. West side of Hamilton Court from 1st Street to terminus (to include the cul-de-sac from 8:00 a.m. – 5:00 p.m. Mon. – Fri.).
24. West side of Hamilton Street from 3rd Street to 1st Street.
25. North side of 3rd Street from Booth Street to South Davis Street.
26. West side of East Hickory Street from Park Place to terminus.
27. West side of Mechanic Street from Cemetery Road to Hickory Street.
28. South side of East 1st Street from Scott Street to South Williams Street.
29. North side of East 1st Street from Scott Street to a point 225 feet west of Scott Street.
30. North side of East 1st Street from South Williams Street a point 50 feet to east of South Williams Street shall be limited to 15-minute parking from June 1 to October 31 and shall be a no parking zone from November 1 to May 31.
31. South side of West Walnut from Cherry to Jackson Street.
32. West side of Jackson Street from Main Street to the dead end.
33. South side of Broadway from High Street to North Garnavillo Street.
34. East side of North Garnavillo Street from Main Street to Webster Street.
35. East side of Theresa Avenue from Webster Street to terminus.
36. South side of Pine Street from North Williams Street to Division Street.
37. North side of Park Avenue from North Garnavillo Street to High Street.
38. West side of South Ford Street, the four parking spaces located directly in front of the United States Post Office at 106 South Ford Street shall be limited to 15-minute parking from 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday.
39. East side of North Ford Street from the east-west alley located on the first block of North Ford Street to Liberty Street.
40. West side of Kaitlynn Avenue from its south terminus to 130th Street from November 1 to April 1.

41. South side of Meadow Ridge Drive from Breca Ridge Drive to Kaitlynn Avenue from November 1 to April 1.
42. South and east sides of Breca Ridge Drive from Chamber Drive to Meadow Ridge Drive from November 1 to April 1.
43. East side of Theresa Avenue from Webster Street to its north terminus.
44. East side of North Huber from East Main Street to first alley to the north of Main Street.
45. Both sides of West 1st Street from South Sales Street to South Garnavillo Street.
46. West side of South Sales Street north of West 1st Street 87 feet.
47. Both sides of South Sales Street south of West 1st Street to its southerly end (184 feet).
48. The east side of North Iowa Street, from Cherry Street north-northwest to the corporate City limits.

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

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

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle on any streets within the Business District. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner that will not interfere with other traffic.
2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 9:00 p.m. and 6:30 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than 30 minutes.
3. Livestock. No such vehicle containing livestock shall be parked on any street, alley, or highway for a period of time of more than 30 minutes.

**69.10 SNOW EMERGENCY.** Whenever, in the opinion of the Mayor, City Administrator, or Director of Public Works, an emergency exists in the City because of falling snow, sleet, freezing rain, or on the basis of the forecast by the U.S. Weather Bureau that such weather conditions will create or will be likely to create hazardous road conditions, impeding or likely to impede the free movement of fire, health, police, emergency, or other vehicular traffic or otherwise endanger the safety and welfare of the community, the Mayor, City Administrator, or Director of Public Works may declare a snow emergency putting into effect a parking prohibition on all streets. Once a snow or weather emergency has been declared, the following procedures shall be as follows:

1. The City Administrator shall cause each such declaration to be announced publicly by means of broadcast or telecast from stations within a normal operating range covering the City and may cause such declarations to be announced further in newspapers of general circulation within the City when feasible. Each announcement



shall describe the action taken by the official, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition declared by the Mayor or other authorized official shall not go into effect until announced over local area television station or radio station.

2. The City Administrator or other authorized official shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section, said records to be kept for a period of 60 days.

3. Whenever the City Administrator or other authorized official finds that some or all of the conditions which gave rise to the parking prohibition in effect pursuant to this section no longer exist, the City Administrator or other authorized official may declare the prohibition terminated, in whole or in part, in the manner prescribed by Subsection 1 above, effective immediately upon announcement.

4. Any provision of this section which becomes effective by declaration of the Mayor or other authorized official, or upon the occurrence of certain weather conditions, shall, while temporarily in effect, take precedence over other conflicting provisions of this Code of Ordinances normally in effect, except that it shall not take precedence over provisions relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions given by a peace officer.

5. When a snow emergency has been declared that prohibits parking on all City streets, vehicles may be temporarily parked in front, rear, or side yards that are not designated off-street parking space. Within 24 hours after the snow emergency has been rescinded, all such vehicles shall be removed from the yards and returned to legal authorized parking spaces.

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

*(Code of Iowa, 321.236[1])*

**69.11 SNOW ROUTES.** The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

*(Code of Iowa, Sec. 321.236[12])*

1. **Parking Prohibition on Snow Emergency Routes.** A parking prohibition shall go into effect on snow emergency routes as necessary by declaration of the Mayor or other authorized official in accord with Section 69.10(2) above. Notwithstanding this provision, a parking prohibition shall automatically go into effect on any part of a snow emergency route on which there has been an accumulation of snow of two inches or more or an accumulation of sheet ice for six hours or more. Once in effect, a parking prohibition under this section shall remain in effect until terminated by announcement of the Mayor or other authorized official.

2. **Stalled Vehicle on Snow Emergency Route.** Whenever a vehicle becomes stalled for any reason, whether or not in violation of this section, on any part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is prohibited parking in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route, either into the first cross street which is not a snow emergency route or onto the

public parking lot. No person shall abandon or leave a vehicle in the roadway of a snow emergency route (regardless of whether they indicate, by raising the hood or otherwise, that the vehicle is stalled), except for the temporary purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay. Any person leaving the vehicle to secure such assistance shall first turn on the warning lights and raise the hood of the vehicle.

3. Snow Emergency Routes. The following streets or portion of streets within the City are designated as snow emergency routes:

- A. Ford Street, City limits north to West 5th Street south;
- B. South Elm Street, City limits south to West Main Street;
- C. Main Street;
- D. South Elm Street west to Garnavillo east;
- E. Cleveland Street to old Dubuque Road east;
- F. Old Dubuque Road, Main Street south to City limits north;
- G. 1<sup>st</sup> Street, South Sales Street west to Hamilton Street east;
- H. Scott Street, Main Street north to East 3<sup>rd</sup> Street south;
- I. East 3<sup>rd</sup> Street, South Scott Street west to the intersection of HWY. 64 and 151;
- J. Dubuque Street, East 3<sup>rd</sup> Street south to Old Dubuque Road north;
- K. Sadie Street, Old Dubuque Road south to Maquoketa north;
- L. North Williams Street, Main Street south to Knoll Street north.

4. Signs to Mark Snow Emergency Routes. Each street designated by the preceding subsection as a snow emergency route shall be posted with special signs on each block designating it as an emergency snow route. Signs posted in accordance with this subsection shall be distinctive and uniform in appearance and shall be plain and visible and readable to persons traveling on the street or highway. The signs shall include a warning that the area is a tow-away zone.

5. Impoundment of Vehicle. Any vehicle stopped on a snow emergency route in violation of any of the provisions of this section may be impounded pursuant to Section 70.06 of this Code of Ordinances. Before any vehicle is towed or impounded, the official responsible for declaring the parking prohibition, or an official designee, shall place a telephone call to the registered owner of the vehicle or the owner of the premises adjoining that portion of the street upon which the vehicle is parked in an effort to afford the owner of the vehicle the opportunity to move the vehicle. Once impounded, the registered owner of the vehicle shall be mailed notice of the impoundment of such vehicle by the official responsible for declaring the parking prohibition.

6. Minimum Fine for Parking Violation. A person or entity convicted of violating any of the parking prohibitions of this section shall be fined in accordance with Chapter 70 of this Code of Ordinances.

**69.12 DOWNTOWN RESTRICTED PARKING.** No one shall stop, stand, or park a vehicle, except upon being issued a parking permit by the Anamosa Police Department or when

necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device on any of the following streets from 2:00 a.m. to 5:00 a.m. on a year-round basis:

1. Both sides of Main Street from Garnavillo Street to Scott Street.
2. Both sides of North Garnavillo Street from West Main Street to the first alley to the north of Main Street.
3. Both sides of South Garnavillo Street from West Main Street to a point 280 feet to the south of Main Street.
4. Both sides of North Ford Street from West Main Street to the first alley to the north of Main Street.
5. Both sides of South Ford Street from West Main Street to the entrance of the City Parking Lot on the south side of City Hall.
6. Both sides of Booth Street from East Main Street to a point 140 feet to south of East Main Street.
7. Both sides of Cleveland Street from East Main Street to a point 213 feet south of Main Street.
8. Both sides of South Davis Street from East Main Street to point 170 feet south of Main Street.
9. Both sides of North Davis Street from East Main Street to a point 180 feet north of Main Street.
10. The west side of Huber Street from East Main Street to the first alley to the north of Main Street.

**69.13 CONTROLLED ACCESS FACILITIES.** Parking restrictions on controlled access facilities are as specified in Chapter 139 of this Code of Ordinances.

[The next page is 455]

## 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 and 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 and 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 fine for each violation charged under a simple notice of a fine shall be in the amount of \$10.00 for all violations except snow route parking and snow emergency parking violations and improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by \$5.00. The fine for snow route parking and snow emergency parking violations is \$30.00 and the fine for improper use of a persons with disabilities parking permit is \$100.00. Failure to pay the simple notice of a fine shall be grounds for a filing of a complaint in District Court.

*(Code of Iowa, Sec. 321.236[1b] and 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. Three or More Unpaid Parking Tickets. When any vehicle has three or more unpaid parking tickets that have been issued to it.

6. 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. In addition to payment of the reasonable cost of towing and impounding the motor vehicle, the owner of the vehicle shall also pay to the City a surcharge of \$25.00 and all outstanding tickets before the vehicle shall be released from impoundment.

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

[The next page is 461]

## CHAPTER 71

# NOISE STANDARDS FOR VEHICLES

### 71.01 Definitions

### 71.02 Motor Vehicle Noise

### 71.03 Application of Provisions

### 71.04 Enforcement

### 71.05 Testing Vehicles

### 71.06 Engine Brakes and Compression Brakes

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

1. “Ambient noise” means all the encompassing noise associated with a given environment, being usually composite sounds from any source near and far.
2. “Daytime” means the hours between 7:00 a.m. and 8:00 p.m.
3. “Displacement” means a simple harmonic motion in any plane.
4. “Impulsive noise” means a noise of short duration.
5. “Nighttime” means the hours between 8:00 p.m. and 7:00 a.m.
6. “Noise” means any unwanted, annoying, or disturbing sound.
7. “Noise reading number” means the dB(A) and dB(B) scale reading as applicable to specific sound sources.
8. “Pure tone” means a sound having a single pitch.
9. “Sound level” means the total sound level of all noise as measured with a sound level meter using the decibel A and decibel B weighing network, the unit of measurement for the dB(A) and dB(B).
10. “Use district” means any district established in accordance with the City Zoning Regulations codified in Chapter 165 of this Code of Ordinances.
11. “Vehicle” means any passenger vehicle, truck, truck trailer, trailer, semi-trailer, or any such device intended to convey people or products and commodities; said vehicle so propelled or drawn by mechanical power. However, in no event shall this definition include airplanes or toys.

**71.02 MOTOR VEHICLE NOISE.** No person shall operate either a motor vehicle or combination of vehicles at any time or under any conditions of grade, load, acceleration, or deceleration in such a manner as to exceed the following noise limitations for the category of the specific motor vehicle. Noise limitations are based on measurement from a distance of not less than 25 feet from the centerline of travel under test provisions and procedures as established in this chapter.

1. Any motor vehicle with a manufacturer’s gross vehicle weight (GVW) rating of 6,000 pounds or more and any combination of vehicles towed by such vehicle at 35 miles per hour or more, 90 dB(A).
2. Motorcycles at 35 miles per hour or less, 86 dB(A); 35 miles per hour or more, 90 dB(A).

3. Any and all other motor vehicles, including passenger cars and any combination of motor vehicles towed by such motor vehicles, 35 miles per hour or less, 78 dB(B); 35 miles per hour or more, 84 dB(B).

**71.03 APPLICATION OF PROVISIONS.** This chapter applies to the total noise from a vehicle or combination of vehicles and in no way shall this chapter be construed as limiting the enforcement of other City ordinances relating to motor vehicle muffler or noise control.

1. In the event that a motor vehicle is not equipped with an identification plate indicating GVW, the said vehicle shall be enforced as having a manufacturer's GVW reading of 6,000 pounds or more.
2. Any vehicle which is found not to be in conformity with this chapter and which was manufactured prior to January 1, 1975, may be exempt from the noise level specified herein, providing a good and sufficient showing can be made that it is mechanically impossible without a major construction to modify said equipment so as to be in said compliance, or that to comply with this chapter would cause irreparable harm or injury to the engine of said vehicle.

**71.04 ENFORCEMENT.** The City Police Department shall enforce the provisions of this chapter and said department shall be equipped with the appropriate equipment for measuring sound levels, as provided in Section 71.02.

**71.05 TESTING VEHICLES.** Where a motor vehicle is deemed to be in violation of this chapter, the owner may transport such vehicle to a central testing location. The testing location shall be determined by the Police Chief. At that location, further evaluation may be made. If said vehicle is reevaluated and found not to be in violation of the standards outlined above, no further proceedings shall be instituted, and the citation issued may be dismissed.

**71.06 ENGINE BRAKES AND COMPRESSION BRAKES.**

1. 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.
2. The usage of an engine brake, compression brake, or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of 300 feet from the motor vehicle shall constitute evidence of a prima facie violation of this section.
3. The scheduled fine for a violation of this section shall be \$100.00.

[The next page is 469]



## CHAPTER 72

# GOLF CART REGULATIONS

### 72.01 Definition

### 72.02 General Regulations

### 72.03 Required Equipment

### 72.04 Hours of Operation

### 72.05 Speed Limit

### 72.06 Insurance Requirements

### 72.07 Registration Requirements

### 72.08 Unlawful Operation

### 72.09 Penalties

**72.01 DEFINITION.** Golf carts are electric or gasoline powered carts originally designed for operation on a golf course with a minimum of four wheels and an attainable top speed not greater than 35 miles per hour. Specifically excluded from this definition are those motorized vehicles commonly referred to as ATVs, four-wheelers, UTVs, side by sides, mules, and gators.

**72.02 GENERAL REGULATIONS.** Golf carts may be operated upon the streets and alleys of the City by persons possessing a valid driver's license and being at least 18 years of age, with the following exceptions:

1. Golf carts shall not be operated along the linear portion of any streets or roadways which are primary road extensions through the City; however, those streets may be crossed at intersections. Primary road extensions shall include Scott/3<sup>rd</sup> Street, N. Ford Street, Cherry Street, and Elm Street. Roadways identified as US HWY 151 or State HWY 64 may not be traveled or crossed as per the *Code of Iowa*.
2. Golf carts shall not be operated upon City sidewalks unless engaged in snow removal, lawn care, landscaping, or sidewalk maintenance of abutting properties.
3. Golf carts shall not be operated upon that portion of the street right-of-way between the curb or edge of the street paving and the sidewalk (parking) unless engaged in snow removal, maintenance, lawn care, or landscaping activities on abutting properties.

**72.03 REQUIRED EQUIPMENT.** Golf carts operated within the City shall be equipped with brakes adequate to stop and hold the vehicle, a slow-moving sign attached to the rear of the vehicle, and a bicycle safety flag, the top of which shall be a minimum five feet from ground level, unless the golf cart is equipped with a canopy. Gas powered golf carts shall be equipped with an adequate muffler so as not to disturb the peace and quiet of the City.

**72.04 HOURS OF OPERATION.** Golf carts may be operated round the clock provided they are equipped with and use operational headlights and taillights between sunset and sunrise.

**72.05 SPEED LIMIT.** Golf carts shall not exceed the posted speed limit for the right-of-way upon which they are being operated, but in no event shall they exceed 35 miles per hour.

**72.06 INSURANCE REQUIREMENTS.** Each golf cart operated within the City shall have liability insurance with a minimum \$500,000.00 per person/per incident and \$100,000.00 for property damage. Upon the request of any law enforcement officer the operator shall produce proof of liability insurance coverage for the golf cart being operated.

**72.07 REGISTRATION REQUIREMENTS.** No golf cart shall be operated upon the streets or alleys within the City without its owner first securing a permit from the Police Department, which permit shall be issued annually on a calendar year basis. The permit shall only be issued to the owner of the golf cart who shall be at least 18 years of age, possess a valid Iowa driver's license and present proof there is liability insurance coverage for the golf cart meeting the limits of Section 72.06. The permit issued the golf cart shall contain the name and address of the owner of the golf cart, the date of the permit's issuance, and its expiration date, and shall be prominently displayed on the golf cart or in the possession of the operator of the golf cart. The annual fee for the permit shall be \$25.00.

**72.08 UNLAWFUL OPERATION.** A person shall not operate a golf cart under any of the following conditions:

1. In a careless, reckless, or negligent manner so as to:
  - A. Endanger any person;
  - B. Cause injury or damage to person or property; or,
  - C. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
2. Without wearing a properly adjusted and fastened seatbelt if the golf cart is so equipped from the manufacturer.
3. Possess in the golf cart an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.
4. While driving impaired from an intoxicating beverage or narcotic or habit-forming drug.
5. With more persons on the golf cart than it was designed to carry.

**72.09 PENALTIES.** Violation of any of the provisions of this chapter shall constitute a municipal infraction and subject the operator of the golf cart to the issuance of a municipal infraction citation seeking the assessment of a civil penalty not to exceed \$750.00 for first offense and not to exceed \$1,000.00 for subsequent offenses. In addition, the Police Chief or City Administrator may, in their discretion, suspend the operator of the golf cart from further operation of a golf cart within the City. If the Police Chief or City Administrator invokes this provision, the operator shall be given advance notice of the City's proposed action and be afforded the opportunity to be heard before the City Council before implementation of the suspension. If the operator of the golf cart being given notice of the proposed suspension of their operating privileges desires to invoke their right to have a hearing before the City Council before implementation of the suspension, they shall give the City written notice of that fact within seven days of receiving notice of the City's proposed suspension of their operating privileges.

[The next page is 475]

## CHAPTER 73

# SNOWMOBILE REGULATIONS

73.01 Purpose  
73.02 Definition  
73.03 General Regulations  
73.04 Places of Operation

73.05 Negligence  
73.06 Accident Reports  
73.07 Thaw Ban

**73.01 PURPOSE.** The purpose of this chapter is to regulate the operation of snowmobiles within the City.

**73.02 DEFINITION.** "Snowmobile" means a motorized vehicle weighing less than 1,000 pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis, or tread, and is designed for travel on snow or ice.

**73.03 GENERAL REGULATIONS.** No person shall operate a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation.

**73.04 PLACES OF OPERATION.** 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 which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council. Snowmobiles shall not exceed the posted speed limit for the street or alley upon which being operated, but in no event shall snowmobiles exceed 35 miles per hour within the City.
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.
  - B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided:
    - (1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
    - (2) The snowmobile is brought to a complete stop before crossing the street;
    - (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and,
    - (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

3. 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.

4. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalks 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.

**73.05 NEGLIGENCE.** The owner and operator of a snowmobile is liable for any injury or damage occasioned by the negligent operation of the snowmobile.

**73.06 ACCIDENT REPORTS.** Whenever a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$200.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within 48 hours, in accordance with State law.

**73.07 THAW BAN.** During a posted and publicized thaw ban, snowmobiles are prohibited from use. Posting shall be at City Hall, and publication shall be by an approved City newspaper.

[The next page is 481]

## CHAPTER 74

### ATV AND UTV REGULATIONS

74.01 Definitions  
74.02 General Regulations  
74.03 Required Equipment  
74.04 Hours of Operation  
74.05 Speed Limit

74.06 Insurance Requirements  
74.07 Registration Requirements  
74.08 Unlawful Operation  
74.09 Penalties

**74.01 DEFINITIONS.** The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

3. “Off-road utility vehicle” or “UTV” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, 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. “Off-road utility vehicle” or “UTV” includes the following vehicles:

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

A. “Off-road utility vehicle – Type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – Type 2” includes vehicles, other than Type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – Type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an UTV is also subject to the provisions of this chapter governing the operation of ATVs.

**74.02 GENERAL REGULATIONS.** ATVs and UTVs may be operated upon the streets and alleys of the City by persons possessing a valid driver’s license being at least 18 years old, and persons possessing a valid driver’s license being 16 or 17 years of age and having passed a

required course offered or sanctioned by the Iowa Department of Natural Resources on the operation of ATVs and UTVs.

1. ATVs and UTVs shall not be operated along the linear portion of any streets or roadways which are primary road extensions through the City; however, those streets may be crossed at intersections. Primary road extensions shall include Scott/3<sup>rd</sup> Street, N. Ford Street, Cherry Street, and Elm Street. Roadways identified as US HWY 151 or State HWY 64 may not be traveled or crossed as per the *Code of Iowa*.
2. ATVs and UTVs shall not be operated upon City sidewalks unless engaged in snow removal, lawn care, landscaping, or sidewalk maintenance of abutting properties.
3. ATVs and UTVs shall not be operated upon that portion of the street right-of-way between the curb or edge of the street paving and the sidewalk (parking) unless engaged in snow removal, maintenance, lawn care, or landscaping activities on abutting properties.

**74.03 REQUIRED EQUIPMENT.** ATVs and UTVs operated within the City shall be equipped with brakes capable of stopping and holding the vehicle and a muffler adequate to ensure operation of the ATV or UTV does not disturb the peace and quiet of the City.

**74.04 HOURS OF OPERATION.** ATVs and UTVs may be operated round the clock provided they are equipped with and use headlights and taillights between sunset and sunrise.

**74.05 SPEED LIMIT.** ATVs and UTVs shall not exceed the posted speed limit for the street or alley upon which being operated, but in no event shall ATVs or UTVs exceed 35 miles per hour within the City.

**74.06 INSURANCE REQUIREMENTS.** ATVs and UTVs operated within the City must be covered by liability insurance with the following minimum coverages: \$500,000.00 per person/per incident and \$100,000.00 for property damage. Upon the request of any law enforcement officer the operator shall produce proof of liability insurance coverage for the ATV or UTV being operated.

**74.07 REGISTRATION REQUIREMENTS.** ATVs and UTVs operated within the City must be currently registered with the State of Iowa and have on open display a current registration sticker unless the operator of the ATV or UTV has in their possession evidence of current registration of the ATV or UTV.

**74.08 UNLAWFUL OPERATION.** A person shall not operate an ATV or UTV under any of the following conditions:

1. In a careless, reckless, or negligent manner so as to:
  - A. Endanger any person;
  - B. Cause injury or damage to person or property; or,
  - C. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
2. Without wearing a properly adjusted and fastened seatbelt if the ATV or UTV is so equipped from the manufacturer.
3. Possessing on or in the ATV or UTV an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

4. While driving impaired from an intoxicating beverage or narcotic or habit-forming drug.
5. With more persons on the ATV or UTV than it was designed to carry.

**74.09 PENALTIES.** Violation of any of the provisions of this chapter shall constitute a municipal infraction and subject the operator of the ATV or UTV to the issuance of a municipal infraction citation seeking the assessment of a civil penalty not to exceed \$750.00 for first offense and not to exceed \$1,000.00 for subsequent offenses. In addition, the Police Chief or City Administrator may, in their discretion, suspend the operator of the ATV or UTV from further operation of an ATV or UTV within the City. If the Police Chief or City Administrator invokes this provision the operator shall be given advance notice of the City's proposed action and afforded the opportunity to be heard before the City Council before implementation of the suspension. If the operator of the ATV or UTV being given notice of the proposed suspension of their operating privileges desires to invoke their right to have a hearing before the City Council before implementation of the suspension they shall give the City written notice of that fact within seven days of receiving notice of the City's proposed suspension of their operating privileges.

[The next page is 487]



## CHAPTER 75

### BICYCLE REGULATIONS

75.01 Scope of Regulations	75.09 Riding on Sidewalks
75.02 Traffic Code Applies	75.10 Towing
75.03 Double Riding Restricted	75.11 Improper Riding
75.04 Two Abreast Limit	75.12 Parking
75.05 Bicycle Paths	75.13 Equipment Requirements
75.06 Speed	75.14 Special Penalty
75.07 Emerging From Alley or Driveway	75.15 Skateboards, In-Line Skates, and Other Coasters
75.08 Carrying Articles	

**75.01 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])*

**75.02 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)*

**75.03 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])*

**75.04 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])*

**75.05 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])*

**75.06 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])*

**75.07 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])*

**75.08 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])*

**75.09 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])*

**75.10 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.

**75.11 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.

**75.12 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])*

**75.13 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 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 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])*

**75.14 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 days for the first offense, 10 days for a second offense, and 30 days for a third offense.

**75.15 SKATEBOARDS, IN-LINE SKATES, AND OTHER COASTERS.** Any individual making use of skateboards, in-line skates, or other coasters within the City shall use them in a safe and prudent fashion and shall yield the right-of-way to pedestrian and vehicular traffic. No skateboards, in-line skates, or other coasters shall be used on any paved streets or alleys within the City, nor shall any skateboards, in-line skates, or other coasters be used on the sidewalks of Main Street from the intersection of Main Street and Scott Street to the intersection of Main Street and High Street. A violation of this section shall constitute a municipal infraction. First time violation of this section shall result in a written warning. A second violation of this section shall result in the imposition of a \$25.00 penalty. A third violation of this section shall result in the imposition of a \$50.00 penalty. Fourth and subsequent violations of this section shall result in the imposition of a \$100.00 penalty.

[The next page is 495]

## CHAPTER 76

### BICYCLE LICENSING

**76.01 License Required**  
**76.02 License Plates or Decals**

**76.03 Maintenance of License Records**

**76.01 LICENSE REQUIRED.** No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided herein.

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

1. License Application. Application for a bicycle license and license plate or decal shall be made upon a form provided by the City and shall be made to the Police Department. A license fee of 35 cents shall be paid to the City before each license is granted.

2. Issuance of License. The Police Department, upon receiving proper application, is authorized to issue a bicycle license that shall be effective immediately.

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

3. Transfer of License. Upon the sale or other transfer of ownership of a licensed bicycle, and upon request and payment of a transfer fee in the amount of 10 cents, the license shall be transferred to the new owner within five days. The records of the City shall be changed to reflect the new ownership.

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

**76.02 LICENSE PLATES OR DECALS.** License plates or decals are required as follows:

1. Issued. The Police Department, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the City.

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

2. Attached to Bicycle. The Police Department shall cause such license plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly seen from the rear.

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

3. Removal. No person shall remove a license plate or decal from a bicycle during the period for which issued unless said bicycle is dismantled and no longer operated upon any street in the City.

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

4. Lost License. In the event a license plate or decal is lost, destroyed, or stolen, the owner shall report such to the Police Department immediately. A new license shall be issued upon payment of a fee of 35 cents.

**76.03 MAINTENANCE OF LICENSE RECORDS.** The Police Department shall keep a record of the number of each license, the date issued, the name and address of the person to

whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected.

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

[The next page is 515]

## CHAPTER 80

### ABANDONED VEHICLES

80.01 Definitions	80.06 Disposal of Abandoned Vehicles
80.02 Authority to Take Possession of Abandoned Vehicles	80.07 Disposal of Totally Inoperable Vehicles
80.03 Notice by Mail	80.08 Proceeds from Sales
80.04 Notification in Newspaper	80.09 Duties of Demolisher
80.05 Fees for Impoundment	

**80.01 DEFINITIONS.** For use in this chapter, the following terms are defined:  
(*Code of Iowa, Sec. 321.89[1] and 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 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 10 days. However, a police authority may declare the vehicle abandoned within the 10-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 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 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 10-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 10-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 \$3.00 if claimed within five days of impounding, plus \$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 resolution of the Council.

*(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 90 days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

*(Code of Iowa, Sec. 321.89[4])*

**80.09 DUTIES OF DEMOLISHER.** Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

*(Code of Iowa, Sec. 321.90[3a])*

[The next page is 591]

## CHAPTER 90

# WATER SERVICE SYSTEM

90.01 Purpose	90.27 Removal of Tap or Connection (Structure Removal)
90.02 Definitions	90.28 Excavation For Tap
90.03 Connection Required	90.29 Reconnecting a Service Found Disconnected
90.04 Management	90.30 General Location Requirements
90.05 Disclaimer of Liability	90.31 Material For Service Pipes
90.06 Emergency Suspension of Service	90.32 Service Line Appurtenances
90.07 Water Pressure	90.33 Meter Stop Valves
90.08 Temporary Interruption of Service; Notification	90.34 Repair of Water Service
90.09 Location of Water Facilities	90.35 Cross Connections and Backflow Prevention
90.10 Water Availability	90.36 Water Service Main Extensions
90.11 Unlawful Use of City-Owned Waterworks System	90.37 Submittals and Procedures
90.12 Unauthorized Use of Un-Metered Water	90.38 Material For Service Mains
90.13 Water Supply To Other Persons Prohibited	90.39 Pressure Testing and Flushing
90.14 Customer Responsibility; Neglect, Wasting Water, Failure of Valves/Piping	90.40 Disinfection of Water Main
90.15 Water Leak Repairs	90.41 Metering
90.16 Application	90.42 Operation of Fire Hydrants
90.17 Application For Water Service Connection; Repair Permit	90.43 Penalty For Unauthorized Hydrant Use
90.18 Connection Fee	90.44 Relocation of Public Fire Hydrants
90.19 Permits and Qualified Plumbers	90.45 Obstruction of Hydrants
90.20 Obligation of Registered Plumbers	90.46 Painting of Public Fire Hydrants
90.21 Plumbing Inspection	90.47 Private Fire Protection Systems, Design and Alteration
90.22 Standards For Dwelling Units, Commercial Uses, Industrial Uses, and Fire Services	90.48 Private Fire Protection Systems, Operation and Discontinuance
90.23 Multi-Family Dwelling Units and Duplexes	90.49 Combination Domestic and Fire Service Lines
90.24 Minimum Size Service Lines For Single Family and Multi-Family and Duplexes	90.50 Water Conservation Plan
90.25 Connection Prior To Street Improvement	90.51 Water Conservation Plan Violations
90.26 Water Main Taps	90.52 Private Wells Within the City
	90.53 Water Service Fees and Charges

**90.01 PURPOSE.** The purpose of the chapters of this Code of Ordinances pertaining to water distribution is to establish rules and regulations governing the treatment and distribution of water within the City in order to protect the public health, safety, and well-being.

**90.02 DEFINITIONS.** For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. “Accessible,” when applied to a fixture, connection, appliance, or equipment, means having access thereto, but which first may require the removal of an access panel, door, or similar obstruction; “readily accessible” means direct access without the necessity of removing any panel, door, or similar obstruction.
2. “Agent” means any person or company contracted by the City to represent the City in the operation and maintenance of its water system.
3. “Apartment” means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites of rooms.
4. “Approved” means accepted or acceptable under an applicable specification or standard stated or cited in this chapter or accepted as suitable for the proposed use under procedures and authority of the City.

5. "Backflow" is the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source.
6. "Backflow preventer" means a device or means to prevent backflow into the potable water system.
7. "Combined service account" means a customer service account for the provision of two or more utility services.
8. "Contamination" means an impairment of the quality of the potable water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, or waste.
9. "Corporation stop" means a water service shut off valve located on the City or public water main.
10. "Cross connection" means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment, or device, through which it may be possible for non-potable, used, unclean, polluted, and contaminated water, or other substances, to enter into any part of such potable water system under any condition.
11. "Curb stop" means a water service shut off valve located in a water service line with the City or public right-of-way or public easement. This valve is usually operated by a water valve key which allows or stops the flow of water in a service line going to a dwelling or structure. All curb stops are the responsibility of the property owner to keep in working and operable conditions.
12. "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.
13. "Dwelling" means any building or portion thereof which is designed for and used exclusively for residential purposes.
14. "Dwelling unit" means any portion of the dwelling which is designed for and used exclusively for residential purposes.
15. "Dwelling, multiple" means a building or portion thereof designed for or occupied exclusively for residential purposes by two or more families.
16. "Excavation" means any removal or disturbance of material to a depth of more than three inches within the graveled way of any street or alley or the removal or disturbance of material to a depth of more than 10 inches in sod or soil areas of any publicly owned property. Excavation is further defined to include all tunneling, pushing, or jacking under any publicly owned property within the corporate limits of the City.
17. "Family" means one or more persons occupying a single housekeeping unit and using common cooking facilities.
18. "Fire protection systems, private" means fire service connections to the public water main and any or all of the following: standpipes, automatic sprinkler systems, fire pumps or fire hydrants.

19. “Load profile” means a written or graphical estimate of the average and peak gallon consumption for each hour of a 24-hour period.
20. “Main” means the main of any system of continuous piping is the principal artery of the system to which branches may be connected. These may be either private or public.
21. “Motel” means a building or group of buildings designed to provide sleeping accommodation to transient guests for compensation.
22. “Plumbing” means the business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof.
23. “Plumbing appurtenance” means a manufactured device, or a prefabricated assembly, or an on-the-job assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.
24. “Plumbing system” means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe, and all building drains, including their respective joints and connection, devices, receptacles, and appurtenances within the property lines of the premises and includes potable water piping, potable water treating or using equipment, fuel gas piping, water heaters and vents for same.
25. “Service line” means a line comprised of the piping and related plumbing appurtenances, including the corporation stop or tapping in valve installed from the public water main to the outlet connection of the first shut off device within the building to be served. The service line belongs to the property being served. When two or more properties are served by a common line the properties shall share all expenses to maintain the shared portion of said line. Service lines are the responsibility of the property to fix all leaks ahead and after the meter.
26. “Street” means the length as dedicated for use by the public and the width as defined by the property lines on each side thereof.
27. “Superintendent” means the Superintendent of the City water system or any duly authorized assistant, agent, or representative.
28. “Transmission mains” means feeder lines between wells and treatment facilities. Transmission mains cannot be tapped.
29. “Traveled way” means the width from curb to curb on curbed streets, from edge to edge on asphalt non-curbed streets, and from shoulder to shoulder on graveled streets.
30. “Unit, billing” means dwelling and/or building or portion thereof designed or used for residential, commercial, or industrial use. Each unit may be individually metered, or part of a system that is monitored by a master meter, or combination thereof.
31. “Utilities” includes all underground cables, conduit, and pipe used for the transportation or distribution of fuel, electricity, communication services, water, or sewage.
32. “Water distribution system, public” means and includes all wells, reservoirs, mains, laterals, filters, streams, trenches, pipes, drains, machinery, structures,

equipment, meters, hydrants, apparatus, and other requisites used in or necessary for the construction, maintenance, and operation of the existing waterworks system originally established and as it may be extended, improved, maintained, and operated by the City.

33. “Water distribution system, private” means and includes all wells, reservoirs, mains, laterals, filters, streams, trenches, pipes, drains, machinery, structures, equipment, meters, hydrants, apparatus, and other requisites used in or necessary for the construction, maintenance, and operation of the waterworks system and as it may be extended, improved, maintained, and operated by the owners of the system. Said system is not the responsibility of the City. Said system shall have a master to register the water used within the system. Units attached to said system may have its own meters and billed by the City, but the system will be monitored by the master meter and any difference between the individual unit meters and the master meter shall be the responsibility of the owners of the private system.

34. “Water main” means a water supply pipe provided for public or community use.

35. “Water service main” means a privately owned and maintained water service to a single property which must be located within an implied public access way.

36. “Water service pipe” means the pipe from the water main to the building served.

37. “Water system” or “water works” means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

**90.03 CONNECTION REQUIRED.** Every property owner abutting a public water main which is occupied by a dwelling or other water using activity shall be connected to the City water main and whenever it shall appear to the Council that the owner of such property has failed, neglected, or refused to make such connection, it may, by resolution, order the work done and the cost thereof assessed against the property. The Council may, by resolution, waive this mandatory hook-up requirement in the case of new voluntarily annexed areas. Upon connection to City water service all private wells on the property shall be plugged in accord with the regulations of the Iowa Department of Natural Resources.

**90.04 MANAGEMENT.** The water distribution system shall be under the management and control of the City Council. All revenues and moneys derived from the operation of the water distribution system shall be paid to and held by the City separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the City, shall be deposited in a separate fund designated the *Waterworks Fund Account* and the Council shall administer said fund in every respect in a manner provided by the *Code of Iowa* and all other laws pertaining thereto. The City shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the water distribution system and at regular annual intervals the Council shall cause to be made an audit of the books to show the receipts and disbursements of the water distribution system.

**90.05 DISCLAIMER OF LIABILITY.** No claim shall be made against the City by reason of the breaking or failure of any service pipe, meter, or other appurtenance, or failure of the water supply from any cause, or damage arising from suspending water service or in connection with an emergency or the making of repairs to the water distribution system. The City does not guarantee a constant supply of water to any user and the right is reserved to suspend the water supply at any time, notwithstanding any permit granted to the contrary. The water supplied to

users through the water distribution system is for human consumption and no claims will be allowed by the City.

**90.06 EMERGENCY SUSPENSION OF SERVICE.** The City may limit or temporarily suspend the use of water in the event the capacity of the water distribution system is not adequate to supply all demands for water or in the event of an emergency requiring the diversion of water for such emergency purpose.

**90.07 WATER PRESSURE.** Water pressure varies throughout the distribution system depending upon the elevation. Information on pressure at a specific location may be obtained upon request to the City.

**90.08 TEMPORARY INTERRUPTION OF SERVICE; NOTIFICATION.** The City may interrupt a customer's water supply with proper notification in order to make repairs to the system. An effort will be made to provide 24-hour advance notification of any interruption. In case of emergencies, such as a main break, mains or services may be shut down without notification. In case of emergencies the City will use whatever media to inform citizens of said emergencies as soon as possible.

**90.09 LOCATION OF WATER FACILITIES.**

1. City Owned Facilities. The City will furnish information, as available from its records, regarding locations of mains, hydrants, valves, and other fixtures owned by the City. The City will use its employees and tools in this effort at no cost to the person assisted. The City will assume the location of its mains, pipes, valves, or other fixtures. It should be understood that after the location of the facility is established, the City shall expect the facility to be protected from damage or harm.
2. Privately Owned Water Services, Valves, Etc. This subsection references private water mains and valves. On such mains and facilities, the City will make available information, if records are available, to persons who have a reasonable need for information concerning these mains and facilities from records on file with the City. Records on private mains and facilities and similar installations are furnished to the City by the owners or agents of these mains and facilities. It should be understood that these facilities are not owned or maintained by the City.
3. Private Curb Stops and Services. Curb stops and service lines are the responsibility of the property owner to maintain and to keep in an operable condition. Licensed plumbers may operate curb stop valves for repair purposes only. Curb stops are to be returned to the position they were found in prior to the repair. When the water has been shut off by the City or its agent for nonpayment of water bill, this discontinuance of water service must not be altered by anyone. (See Section 90.32)
4. Maintenance of Facilities. Whenever it shall come to the attention of the City that a water service stop box valve (including its stop box cover) is broken, does not exist, or is otherwise in a dangerous or unsafe condition, the City will make reasonable efforts to notify the occupant of the premises and, if different, the customer and the person in whose name the property is taxed. Such notification will require the immediate repair and restoration of the facility. The City may terminate water service to the premises until such repairs are made or, in case such condition poses a hazard to the public or adjoining property, it may make or cause to be made such repairs as are necessary. The costs of such termination and repairs, if any, shall be included in the next water bill and, if not paid, may result in termination of service to the premises or

the certification of such amount as a lien against the property as with other unpaid water bills. (See Section 92.10)

5. Accuracy or Validity of Records and Locate Time Allotment. The City makes no assurances to the accuracy or validity of the records or information regarding the location of private water facilities. Persons shall use their own discretion when making use of these records on private facilities. The City will, upon request, provide assistance, at its convenience, in an effort to locate a private pipe, valve, or fixture. The City may offer locating services at a fee to be established by the City Council.

**90.10 WATER AVAILABILITY.** All requests for water service will be evaluated on whether adequate capacity and pressure is available at the desired location. If adequate service is not available, alternatives may be provided to the owner to obtain the desired service.

1. In the event that a property owner makes a request to the City to extend a City water main to make service to such owner's property available, all cost of the water main extension shall be the responsibility of the party requesting service, and a City application must be completed before work is started. All requests for any extension must be presented to the City Council for approval and acceptance. If the party installs a larger main for further use, and complies with the City standards, the City may reimburse the party for a portion of the cost of the completed project.

2. If there is any type of an agreement between City and the party interested in having service extended, such terms of the agreement shall take precedence over any section in conflict with the agreement.

3. A property owner outside the corporate limits of the City so situated that such owner's property may be served by the City's waterworks system may apply to the Council for permission to connect to the waterworks system upon the terms and conditions stipulated by resolution or ordinance of the Council. Any such applications for connection to the waterworks system shall be accompanied by an application to voluntarily annex such property to the City and become a part thereof. No such application for connection to the waterworks system shall be granted absent annexation of such property.

**90.11 UNLAWFUL USE OF CITY-OWNED WATERWORKS SYSTEM.** No person shall injure, destroy, deface, or disturb any portions of the water distribution system, nor shall any person interfere with or obstruct the water supply. No person shall allow, nor shall any person make, a tap or connection to any line in the water distribution system, including any such lines or fixtures ahead of the meter within a building, without receiving an approved permit from the City. No person shall operate any water main valves or fire hydrants without the permission of the City.

**90.12 UNAUTHORIZED USE OF UN-METERED WATER.** Where a water service has been turned off at the stop box, water main, or tagged at the meter control valve for any reason, and is subsequently found turned on without proper authority, the City shall discontinue the water service. The water service shall not be reactivated until payment is made for the expense of disconnecting such water service and all delinquent bills. Each day the unauthorized use of un-metered water continues shall constitute a separate municipal infraction. The discovery of piping bypassing the meter or tampering with the meter that would allow unauthorized water to be used on the premises of a customer is in violation of Chapter 714.4 of the *Code of Iowa*. The following charges will be made against the customer in such cases:

1. Cost for removal of piping and all other incidental costs.



2. An estimated bill for water consumption, as determined by the City.
3. A penalty as established by the City. In addition to the above charges, the *Code of Iowa* provides for the punishment for each offense by a fine or by imprisonment in the County jail or by both fine and imprisonment.

**90.13 WATER SUPPLY TO OTHER PERSONS PROHIBITED.** No occupant or owner of any premises to which water is supplied will be allowed to supply water to other persons or families, or to permit the same to be taken, or use or permit the same to be used for any purpose other than stated in the application. Any consumer violating this rule will be charged double the usual rates for water (See Chapter 92) so taken or used and if such extra charge is not paid on demand, the water will be shut off from such premises.

**90.14 CUSTOMER RESPONSIBILITY; NEGLECT, WASTING WATER, FAILURE OF VALVES OR PIPING.** The customer shall be liable for all water that passes through the meter until provisions are made for the City to turn off water service or remove the meter. All water through meters will accurately measure the amount of water supplied each customer. It shall be a municipal infraction with violators subject to the provisions of Chapter 4 of this Code of Ordinances, for any person, entity, or party to alter, tamper with, or deface any water meter. It shall also be a municipal infraction for any person, party, or entity to secure City water by routing the water's flow around a water meter to avoid incurring a bill for the water used. It shall also be a municipal infraction to turn on or remove a tag from a meter that has been sealed off. When a customer is moving out of a premises and orders the water meter read on a certain day, the water must be turned off when the meter is read, unless there is an application already on file from a prospective customer. The customer shall protect and safeguard water service pipes and fixtures. The owner, at his expense, must keep service pipes from the water main and all appurtenances in good working order. The City is not responsible for service pipes and fixtures. No claims shall be made or maintained against the City for damages due to the breakage of any service pipes or appurtenances, or for accidental failure in the supply of water. In case it is found that water is wasted on account of negligence or for the want of repairs, notice thereof shall be left with the owner, agent, or occupant, or in case of such person's absence, posted on said premises; and if such waste is not remedied within 24 hours thereafter, the water shall be shut off and shall not be turned on again until proper repairs have been made. In the case of a ruptured water line, it will be at the discretion of the City to shut the service off immediately. In case of non-working shut off devices, the City reserves the right to excavate the shut off device immediately and make necessary repairs to prevent water loss. The property owner or owners will cover all said expenses of the emergency. The customer shall operate valves and other appurtenances of such customer's water piping system in such manner that pressure surges are not transmitted to the City water distribution system.

**90.15 WATER LEAK REPAIRS.** If a water leak should occur, the plumber shall make verbal contact with the City or its agent previous to any excavation (See Section 90.28). Water leaks shall have priority and must be repaired immediately, or the City may discontinue water service. All non-leak type of repairs or disconnects will be completed within six months of the date of notification.

**90.16 APPLICATION.** Applications for the use of water shall be made in writing on forms provided by the City and shall be signed by the customer. Application process shall follow City policy regarding same. If there is no water service into the premises, see Section 90.17.

**90.17 APPLICATION FOR WATER SERVICE CONNECTION; REPAIR PERMIT.** No person shall initially connect any water pipes to the City water distribution system or

thereafter repair, abandon, or disconnect the same unless such person is a qualified licensed plumber or a person employing a qualified licensed plumber and has first obtained a water permit for the same from the City Clerk. The City will issue a permit for installation of a water service from the main up to and including the water meter. Each service must have its own tap in the water main, with the exception of an approved master service. (See Section 90.24) No work of any nature shall be done in connection with the tapping of any water main, or the introduction of water into the premises (public or private) between the water main and meter, unless a permit has been obtained from the City for such work. The work authorized by a permit application shall be started within six months from the date of permit. If a water service work has not been completed at permit address within six months from the date of the permit application, the permit will expire and the applicant must re-apply. The water service line outside of the structure and the connection to the City water main must be inspected and approved by an agent designated by the City before any backfill can occur. If the plumber or contractor fails to comply and covers the line prior to inspection, said plumber or contractor must reopen the entire line and expose said line for inspection. This will be at the plumber's or contractor's cost. As part of the permit for a new service hook-up to the system, the property owner must provide the City with the legal description of the property to be served, the proposed hook-up location, and any multiple services to the premises. Legal descriptions will not be required for repairs provided replacement remains as original service line.

**90.18 CONNECTION FEE.** At the time the City receives a written notification and site plan of a proposed new service main or alteration to an existing service main, the City will determine if a connection fee over and above the standard tap charges is appropriate. A connection fee will be assessed whenever the property being served is utilizing water capacity in a pipeline for which the City has a capital cost investment.

**90.19 PERMITS AND QUALIFIED PLUMBERS.** Operating permits will be granted to practicing State-licensed plumbers only upon the payment of an annual fee set by the City Council. Permits shall be renewed each year. There shall be one permit per business. Upon making application for a permit, the applicant must furnish the City with satisfactory evidence of the following requirements:

1. Applicant must have minimum of three years' experience as a plumber and list said experience or be licensed by an adjoining county.
2. Application for permit shall be made in writing to the City and must state the full name of the applicant, applicant's place of business, and the firm name under which the business is carried on.
3. Applicant's federal I.D. number shall be included in said application.
4. Application must have a copy of the applicant's "Iowa Contractor Registration" and number.

After application for such permit has been approved and before the same shall be issued, the party applying for the same shall execute and deposit with the Clerk a performance bond in the penal sum of \$2,500.00, conditioned that such party will indemnify and save harmless the City from all accidents and damages caused by any negligence in prosecution and protecting their work, and that they will restore all earth, pavement, and other materials in and over any opening they may have made in laying any service pipes or for any other purpose to as good a state and condition as it was before said opening was made. Applicant must annually submit to the City a copy of current paid-in-full liability insurance that covers the plumbing activities of the individual or business. Said policy must have as a minimum \$500,000.00 blanket of coverage.

All plumbers employed by such permit must be experienced in their business and skilled, practical workers. Any plumber found guilty of a violation of any of the rules, regulations, or ordinances adopted by the Council shall forfeit the permit. A forfeiture of the permit of any plumber shall operate as a suspension of the permit held by said plumber's co-partner in the same business, or by any person in his employment.

**90.20 OBLIGATION OF REGISTERED PLUMBERS.** Any plumbing contractor performing work on the City distribution system must have a City Operating Permit and provide a street bond to the City. The City will refuse to recognize any plumber who fails to comply with this section. Such Bond shall be refunded upon inspection of the completed work.

**90.21 PLUMBING INSPECTION.** The City or agent will make inspections of any and all work done from the water main to and including the curb stop prior to the burying of connections or piping. Inspections between the curb stop and the water meter must also be inspected before closure by the City or its agent. Inspections must be done during water department staff hours or an overtime fee shall be charged. The inspection shall be conducted within two hours of an appointment (during staff working hours only). The purpose of the inspections is to prevent unsafe or hazardous conditions and improper plumbing standards which might contaminate or endanger the water supply. If the inspection reveals unsafe or hazardous conditions, the City will not allow water service until proper steps have been taken to correct the problem. If the inspection finds that damage has been caused to the City water distribution system by the person working on the system, said system shall be repaired to the satisfaction of the City. Registered plumbers may operate curb stop valves for repair purposes only. Curb stops are to be returned to the position they were found in prior to the repair. When the water has been shut off by the City for nonpayment of water bill, this discontinuance of water service must not be altered by the plumber. Refer to Section 90.09(1) for information regarding City-owned appurtenances.

**90.22 STANDARDS FOR DWELLING UNITS, COMMERCIAL USES, INDUSTRIAL USES, AND FIRE SERVICES.** The standards outlined in this chapter and Section 91.03 shall apply to dwelling units and all commercial and industrial projects and larger connecting to the City distribution system. The interpretation of any section of this chapter, Chapter 91, and Chapter 92, or of any difference in sections, when appropriate, shall be made by the City Administrator. This interpretation shall be binding and controlling in its application. Before any connection is made to any structure under this chapter it shall be required that a site plan be submitted indicating exterior proposed taps, connections, and valves. A load profile or an estimate from the customer's engineer shall be submitted to assist the City in properly selecting and sizing the meter (above a standard three-quarter-inch household meter) for the proposed facility. If large seasonal flow fluctuations are anticipated, a load profile must be submitted for each season of the year. The type of meter installed will be based upon size, service requirements, location of meter, and other conditions which may exist. Property owners or developers are to adequately size water lines to their building units.

**90.23 MULTI-FAMILY DWELLING UNITS AND DUPLEXES.** All duplexes shall have a curb box and curb stop located between one and six feet outside of the property line of the property to be served for each water meter. See *Figure 2*<sup>†</sup> for water meter location in each dwelling unit and installed as illustrated in *Figures 1 or 3*. While it is preferred that each meter has a curb stop on the property line, it will be acceptable to have one master curb stop on the property line if:

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<sup>†</sup> **EDITOR'S NOTE:** The *Figures* referred to in this chapter, and in Chapter 91, are on file in the offices of the City and are made a part of this Code of Ordinances by reference.

1. All required water meters are in a common utility room and access to such area is given to the water department for needed services.
2. Shut-off devices are properly installed before and after meters.
3. All units will have exterior reading devices properly marked for meter readers.
4. The wire will be installed by the developer.

**90.24 MINIMUM SIZE SERVICE LINES FOR SINGLE FAMILY AND MULTI-FAMILY AND DUPLEXES.** The following are the minimum size service lines for single family and multi-family units:

1. Single family and duplexes – ¾-inch service line; each ground unit shall have a line to the main.
2. Three-plex to four-plex – 1-inch service line
3. Five-plex to six-plex – 2-inch service line

Any structure with more than six units or multiple structures on the same lot that have more than five units shall have a water service system designed by an engineer.

**90.25 CONNECTION PRIOR TO STREET IMPROVEMENT.** Whenever the Council has ordered any street permanently improved by paving, the Council shall thereupon notify the Superintendent of the passage of the resolution of necessity and it shall thereupon be the duty of the Superintendent to report to the Council the lots and names of the owners thereof, and the number and location of the required connections from any water mains or pipes to the curb line of the abutting and adjacent property. Thereupon the Council shall pass a resolution requiring the respective owners of said abutting and adjacent properties to make said connections in the manner required by the City construction standards (See Chapters 148, 149, 165, and 166) and this chapter and fixing the time at which such work should be done. Notice of the passage of such resolution must be given to property owners at the same time and in the same manner as the notice provided in Section 384.50 of the *Code of Iowa*, to install the necessary connection within 30 days after hearing on said resolution of necessity for said street improvements. If any owner fails to install such connections and to certify the actual cost thereof to the Council, the Council shall install such connections and assess the same to the respective lots in the same manner in which other special assessments are made.

**90.26 WATER MAIN TAPS.** Each customer seeking City water service shall be responsible for tapping water service pipe into the nearest City water main. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance with the following:

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

1. Tapping shall only be done by State-licensed plumbers whose work shall be subject to the supervision and inspection of the City. This includes the installation of the corporation stop, tee, or tapping sleeve and gate valve at the main.
2. Taps will be made only after application is completed by a plumbing contractor and the property owner and all fees as outlined in this chapter, including a fee of \$20.00 for each water main tap, have been paid.
3. Any licensed plumber tapping a City main will be responsible for any leaks or defects regarding said tap for a period of one year after tap has been made.

4. No new tap shall be installed where a water service or stub-in already exists unless prior approval has been obtained from the City.
5. Taps will be made only after the plumber has received the proper permits, paid said fees, and has given at least 48-hours' notice to the City.
6. All taps will be inspected by the City. A minimum of two working days' advance notification is required for main locations (unless in the cases of an emergency).
7. Iowa One Call shall be used to assure all utilities are properly located. Failure to use Iowa One Call may lead to revocation of license.
8. Lead lines or lead connections will not be allowed, and when existing lead lines are abandoned said line must be removed from system.
9. Generally taps will be made for services at 45 degree angle above horizontal in the main directly abutting the entire property to be served. Taps, one and one-half inches or two inches will be made at a zero- to five-degree angle. The purpose of the angle is to maintain a proper gooseneck.
10. Taps on the back side of the main will be made only with permission of the City who will make sure it is properly recorded on the tap card. Tap should not be located:
  - A. Closer than 18 inches from another tap, joint, or pipe fitting;
  - B. On hydrant branches; or
  - C. Within an intersection.
11. 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.
12. Prior to covering the water main tap and service lines, the plumber responsible for the tap and service lines shall contact the City to afford the Superintendent the opportunity to inspect the water main tap and service lines to ensure it has been done in accord with the City's construction standards. Those responsible for covering water main taps and service lines in cases where the City has not been given notice and the opportunity to inspect same prior to covering shall be guilty of a municipal infraction and assessed a \$350.00 penalty.
13. 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.
14. Tapping in sleeve and valve (TIS and TIV) or tee service connections shall not be located closer than six feet from another TIS and TIV, pipe joint or fitting. Minimum size tap allowed is  $\frac{3}{4}$ ". Maximum size corporation tap allowed is as follows:
  - A. Three-quarters of an inch on two-inch main
  - B. Two inches on four-inch main
  - C. Two inches on six-inch main
  - D. Connections larger than two inches will be made by the installation of a tapping in sleeve and valve at the main, or in a similar manner, as prescribed

by the City. Fire service taps of size equal to the main size proposed to be tapped may be allowed.

15. 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.

**90.27 REMOVAL OF TAP OR CONNECTION (STRUCTURE REMOVAL).**

1. Inspection. Service taps on the public water system will be removed according to these rules and regulations. This work shall be performed at the owner's expense by a registered plumbing contractor and inspected by a representative of the City.

2. Stub-In or Removal of Service. Water service may remain stubbed and capped into a lot if the service is copper, cast iron, or PVC, and the valve shut off is 100 percent. The lot must be a buildable lot and remain as such. Valve boxes and main valves shall be operable and free from any defects. Under such conditions, the line may be cut off at the property line. Lead lines shall not be allowed for reuse or remain as stub-ins to a lot, but will be disconnected on the main line.

3. Removal of Tees or Tapping-In Valves. Services that have been connected to the water main by a tee or a tapping-in sleeve and valve will be removed from the water main and replaced with a short length of pipe or repair sleeve. In such cases the City will attempt to notify customers that may be affected at that location. Plugging or capping a pipe may be acceptable but removal of the valve will be required.

4. Corporation Stop Disconnection. When disconnecting at the corporation stop, it will be allowable to turn the water off by moving it to the off position. No leakage will be allowed around the fitting. Leakage through the valve may be plugged using a copper disc. This work will require an inspection and approval by the City.

**90.28 EXCAVATION FOR TAP.** The plumbing contractor shall be responsible for the excavation required for the tapping of a water main. 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. City employees will not enter an excavation or a trench which does not conform to OSHA and IOSHA requirements.

**90.29 RECONNECTING A SERVICE FOUND DISCONNECTED.** A water service found disconnected from the corporation stop may be re-connected if it is in compliance with the rules, regulations and specifications in this chapter and permission is obtained from the City. A joint or shared water line that is physically existing may be used if it qualifies and meets the City specifications of material and a written agreement is established between owners. This refers to a preexisting joint hook up and is not intended for new future services.

**90.30 GENERAL LOCATION REQUIREMENTS.** All service lines shall conform to the following requirements:

1. Pipe Clearance. A clearance of not less than 18 inches shall be maintained between the service line and any pipe, cable, or conduit in the same trench.

2. Pipe Bury Depth. Service lines shall have a cover, wherever feasible, of not less than five feet. Anything different must have proper approval from the City.

3. Building With a Slab Foundation. In a building with a poured floor that has no basement, the service shall extend inside the outer wall of the building and into the building a minimum of two feet, at which point it shall go vertical through the floor and a meter setting made.
4. Building With a Crawl Space. For a building with a crawl space see *Figure 3*.
5. Building With a Standard Basement. For a building with a standard basement, see *Figure 1*.
6. Service Line Material. Residential service lines shall be seamless three-quarter-inch or one-inch Type K copper from the main to curb stop, and from curb stop to meter shall not have anything but Type K copper.
7. Commercial, Industrial, Fire Service Line Size. Commercial, industrial, and fire service lines shall be properly sized for the required demand but shall be no smaller than that specified for a residential service.

### **90.31 MATERIAL FOR SERVICE PIPES.**

1. Pipe Material, Three-Quarters of an Inch to Two-Inches. All water service pipes of three-quarters of an inch through two inches in diameter shall be seamless Type K copper tubing if service line is less than 60 feet.
2. Pipe Material, Four Inches or Larger. All water services of four inches in diameter and larger shall be ductile iron pipe or DR 18 PVC.
3. Ductile Iron Pipe Spec. All ductile iron water service piping shall be cement mortar lined, Class 52 thickness and conform to AWWA Standard C151.
4. Tracing Tape. Anytime non-metallic piping is used, tracing tape shall be installed in accordance with specifications of the City or its agent. All non-metallic water mains will have a tracer wire installed below the pipe but not to exceed one foot below the pipe.
5. Fittings, Joints, and Connections. All fittings, joints, and connections shall be of type and installation according to piping material used as specified in the City standard construction specifications or if not covered in the City standard construction specifications, then the *State Plumbing Code*. Mechanical joint fittings shall be ductile iron as per ANSI/AWWA C153/A21.53.

### **90.32 SERVICE LINE APPURTENANCES.**

1. Curb Stop Standard. All water service lines shall include a curb stop or valve between the water main and the property line as follows:
  - A. No union shall be permitted on copper services three-quarters of an inch to one inch in diameter between the corporation stop and the curb stop when the distance is less than 60 feet.
  - B. A main shut-off on the water supply line for each customer shall be provided on public property, or another location approved by the City, in front of the premises to be served. The shut-off shall be installed between one foot and six feet from the property line in a public right-of way. (Note *Figure 4* as exception.)
  - C. The shut-off for one-inch through two-inch services shall consist of a "T" handle, quarter-turn, Minneapolis pattern ball stop installed within a

Minneapolis pattern stop box. The “T” handle on the curb stop will be parallel with the curb when the water is turned off.

D. When installed, the curb stop shall not exceed six feet below the surface of the ground.

E. For services having a cast iron sleeve and valve connection with the main, the gate valve at the main must open counter-clockwise and may serve as the only required shut-off outside of building. No special wrench situations will be allowed.

2. Curb Stop Box Standard (Curb Box).

A. Stop boxes for three-quarter inch through two-inch water service lines shall be of the extension type, with Minneapolis base pattern, one-and-one-fourths-inch upper section, lid, and pentagon type plug.

B. All stop box installations shall be completed in such a manner that the lid is level with the surrounding surface and does not present a hazard to the public.

C. When making a repair, an old curb stop may take an arch pattern type box. This shall be permissible, but the one-and-one-quarter-inch upper section must be maintained.

D. The design of all valves, curb stop boxes and valve boxes must meet the approval of the City.

3. Valves, Valve Boxes, Castings, and Precast Manholes.

A. Any valves, roadway boxes, castings, and precast concrete manhole vaults must meet the specifications of the City.

B. Curb stop boxes, roadway boxes, and precast concrete manhole vaults shall be installed so that they will function properly and so that an access to the shut-off device is maintained.

C. All shall be set vertically so the top is flush with the surrounding surface and not be a hazard to the public.

**90.33 METER STOP VALVES.** All service lines shall have a shut-off valve inside the building where the service enters the building. Valves shall be located before and after the meter (within 12 inches of the meter).

**90.34 REPAIR OF WATER SERVICE.** If an existing water service is to be repaired, the materials used for the repair shall be of the type and size specified for new services. If a major portion of either section of the service (between the main and the curb stop or the curb stop and the building) should be replaced, then that entire section should be replaced with material as approved for new services and a new stop box installed.



**90.35 CROSS CONNECTIONS AND BACKFLOW PREVENTION.**

*[RESERVED - PAGE LEFT BLANK INTENTIONALLY]*

**90.36 WATER SERVICE MAIN EXTENSIONS.** A water service main is usually of four-inch minimum size. Service mains may have multiple service line connections. The location of new service mains, and connections or alterations to existing service mains, must be reviewed by the City prior to the construction to ensure all City requirements are met. One “as-built record drawing” of the service main is to be submitted to the City within 30 days of its construction, unless otherwise approved by the City.

**90.37 SUBMITTALS AND PROCEDURES.** Developers or other individuals who desire to connect into a water main owned by the City with a service main shall submit a site plan to the City indicating the following minimum information:

1. Show Existing City System. Show existing City-owned main and size, relative location with respect to right-of-way lines, and existing curb lines.
2. Location of Proposed Mains. Location of the proposed tap, proposed valve locations, and routing of proposed service main within public right-of-way and on private property. In general, valves located on private property for the individual fire and domestic services must be located in such a manner as to permit operation by the City 24 hours a day. The service mains must be routed accordingly to meet this requirement.
3. Location of Proposed Building. Location of proposed or existing buildings on property to be served by service main.
4. Legal Description of Property to be Served. Legal description of property to be served by service main.
5. Proposed Paving. Proposed paved areas for parking lots, driveways, and sidewalks.
6. Dimensions Clarifications. Any dimensions required for clarity.
7. All Water Main Parts. Show all hydrants, valves, and fittings.
8. Statement of Acceptance of COA Specifications. Include statement that all service main work is to be completed under the City’s main extensions guidelines and specifications.
9. Fire Flow Requirements. Submit total fire flow requirements (if applicable for the site).
10. Load Profile. Submit a load profile for any domestic or process service which serves a service line one and one-half inches or larger in diameter.
11. Pay Connection Fees. Pay all required connection fees.
12. City Acceptance and Permit Issuance. Once the above items are completed to the satisfaction of the City, the permit for water service will be issued.

**90.38 MATERIAL FOR SERVICE MAINS.** All service main material shall comply with this Code of Ordinances, City water main specifications, and all City and State rules and regulations.

**90.39 PRESSURE TESTING AND FLUSHING.** All service mains and lines and appurtenances four inches and larger shall be tested for leakage in compliance with the City water main specifications.

1. Plumbers' Responsibilities. The plumbing contractor shall:
  - A. Notify the City when the service main is installed and ready to be filled for pressure testing, flushing, or disinfecting.
  - B. Coordinate flushing with City.
  - C. Operate flushing device (hydrants must be operated with a hydrant wrench).
  - D. Provide proper cleaning velocities (according to City water main specifications).
  - E. Provide drainage and assume responsibility for all or any damages due to flushing.
2. City Responsibilities. City personnel shall:
  - A. Operate service valves for filling of the service main.
  - B. Enforce compliance with City water main specifications.

**90.40 DISINFECTION OF WATER MAIN.** Following a satisfactory pressure test, in accordance with the current revision of AWWA Standard C-601, all service mains shall be disinfected, sampled, and tested as follows:

1. The form of chlorine used and the procedures for disinfection shall be as outlined in AWWA Standard C-601. A minimum free residual chlorine concentration of 10 mg/l shall be maintained for the 24-hour disinfection period. The plumbing contractor will supply the chlorine for disinfection purposes, and this is to be considered incidental to the project.
2. After the 24-hour disinfection period, the City personnel shall supervise the flushing of the service main to remove all free chlorine. The plumbing contractor will conduct his own flushing; this does not include operating the valve connected at the public water main.
3. 24 hours after the service main has been flushed, the City personnel shall take a sample of water from the service main to be tested for compliance with the physical, chemical, and bacteriological standards as prescribed by the National Interim Primary Drinking Water Standards. Testing will be provided by the City laboratory personnel. Test results shall be available within 48 hours from the time when the sample was taken. Water used for flushing and sampling shall be provided by the City for up to two flushing and sampling procedures, if required, to pass laboratory tests.
4. If the first two samples do not pass laboratory tests, any labor and equipment costs incurred by the City for further disinfection, flushing, or sampling shall be billed to the plumbing contractor.

**90.41 METERING.** Any private main that is used to provide service for more than one purpose or end user is to be master metered with that service cost assessed to the owner of the private pipeline. Individual meters for each tenant may be installed providing there is an individual service and stop box from the service main to each unit to be metered. Stop boxes must be located and installed according to *Figure 1*. (See also Chapter 91)

**90.42 OPERATION OF FIRE HYDRANTS.** Public fire hydrants are installed primarily for fire protection. They may also be used by the City or its agent to flush water mains, for street sweeping, and storm and sanitary sewer flushing. Fire hydrants placed in new subdivisions shall be placed at locations approved by the City (See Chapter 166). Hydrants shall be furnished by the City and installed by developer or its agent. Hydrants shall not be used for any other purpose without express permission of the City. All non-fire use of water will be metered, and quantity will be reported to the City.

**90.43 PENALTY FOR UNAUTHORIZED HYDRANT USE.** Anyone who shall operate or attempt to operate a fire hydrant without permission of the City may be prosecuted as provided by law and lose his or her status as a licensed plumber.

**90.44 RELOCATION OF PUBLIC FIRE HYDRANTS.** Where an existing public fire hydrant interferes with a property owner's use or proposed use of such person's property, the hydrant may be relocated only if feasible and if relocation does not detract from the fire-fighting function at the property owner's expense. Where the grade of an existing street or property is changed at the request of the property owner, such that an existing public fire hydrant will not be at the proper elevation with respect to the ground, the hydrant will be raised or lowered at the expense of the property owner. Approval from the City must be obtained prior to any work being done.

**90.45 OBSTRUCTION OF HYDRANTS.** Nothing shall be erected or planted which shall interfere with the use of a fire hydrant. Sufficient clearance shall be maintained around the hydrant to permit easy connection of hoses and full circle operation of the hydrant using regular hydrant wrenches and hose spanners. Shrubs, trees, flowers, or weeds shall not be planted or permitted to grow so as to prevent full view of a fire hydrant.

**90.46 PAINTING OF PUBLIC FIRE HYDRANTS.** Painting of fire hydrants will be done by the City. The following numbers will indicate the flow capacity for the fire hydrant.

Hydrant Class	Number	Flow
Class A	1	1,000 gpm or greater
Class B	2	500 – 999 gpm
Class C	3	Less than 500 gpm

**90.47 PRIVATE FIRE PROTECTION SYSTEMS, DESIGN AND ALTERATION.** Private fire service connections and fire lines shall be designed to comply with all applicable rules, regulations, and specifications in this chapter. When requested by the owner and approved by the City, a private fire system can be altered by a building owner who shall be responsible for any related fees charged by the City.

**90.48 PRIVATE FIRE PROTECTION SYSTEMS, OPERATION AND DISCONTINUANCE.** Owners of private fire protection systems may request annual flushing and a maintenance check by the City. Said owners will hold the City harmless of any and all failures and or repairs discovered. Owners will maintain and immediately cause to be repaired any private hydrant found to be out of service. Private fire protection systems are installed primarily for fire protection for the property on which they are installed and are not to be used for any other purpose without the express written permission of the City. Should a request be made to the City to turn off a fire service, it shall be made by the owner of the property in writing to the City. In either case, the City shall notify the Fire Department immediately when shut off (out of service) and re-notified when turned back on.

**90.49 COMBINATION DOMESTIC AND FIRE SERVICE LINES.** A property requiring a domestic service line and a fire protection service line may be served from a single tap if approved by the owner's fire insurance underwriter. When a single tap is used, the fire protection service line shall extend straight from the main to the property line. A domestic service tee may be placed on an existing fire line as per *Figure 4*. Domestic service branches shall be metered in accordance with Chapter 91. Fire service adequacy is the responsibility of the owner and their contractor to determine.

**90.50 WATER CONSERVATION PLAN.** The City Council may declare a water conservation emergency whenever the supply of water or water system facilities are found to be inadequate for the needs of the City or whenever there appears to be a substantial and imminent danger of such inadequacy. A resolution making such findings and declaring such emergency shall be published, if time permits, for one publication in a newspaper of general circulation in the City. During a water conservation emergency, potable processed water from the municipal water system, which does not include water that has been reclaimed or recycled from an authorized primary use, shall not be used for any of the following purposes:

1. The use of water consuming air-conditioning equipment which consumes in excess of five percent of the water circulating in such equipment.
2. Watering or irrigation of lawns and all other outside vegetation except that direct applications of water not exceeding one inch per week are permitted between the hours of 10:00 a.m. and 6:00 p.m. on flower and vegetable gardens, trees and shrubs less than four years old, and areas which were newly seeded or sodded prior to issuance of the emergency resolution.
3. The washing of cars, trucks, trailers, and other mobile vehicles or equipment except at commercial establishments which provide that service.
4. The cleaning of outdoor surfaces including buildings, sidewalks, driveways, and porches.
5. The non-essential cleaning of commercial and industrial equipment, machinery, and interior spaces.
6. The filling of private swimming pools, wading pools, reflecting pools, ornamental fountains, or any other structure making similar use of water.
7. Permitting the loss of water through defective plumbing or fixtures, except where the customer can provide proof of prompt repair of the defect.
8. Use by a business or industry of an amount of water exceeding the amount used during the corresponding month of the preceding year except where the business or industry is declared by resolution of the Council to be necessary for the public health, safety, and welfare. Where there is no corresponding period of the use the City Council shall give advance notice to the business or industrial customer of the public hearing to determine the allowable use.

**90.51 WATER CONSERVATION PLAN VIOLATIONS.** Any person found to be using City water in violation of a declared water conservation emergency shall be charged twice the rate which would otherwise apply, as provided in Chapter 92 of this Code of Ordinances, in addition any other sanctions available to the City. This rate shall apply to all metered service through the service connection used in the violation during any month that a water conservation emergency is declared by the City Council to exist and during which the violation has occurred or continued.

**90.52 PRIVATE WELLS WITHIN THE CITY.**

1. Scope. The provisions of this section shall apply to drinking and non-drinking private water wells, other than monitoring wells used in connection with soil and groundwater contamination within the City limits.
2. Private Wells Prohibited. No person shall construct a private well within the City limits after the effective date of the ordinance codified by this section (December 2, 2004), and no private well shall be allowed in any contaminated area, as determined by the City or the Iowa Department of Natural Resources. This prohibition shall not apply to closed loop geothermal wells.
3. Registration of Pre-Existing Wells. Any person who owns property in the City which has a water well as of the effective date of the ordinance codified by this section (December 2, 2004), other than a monitoring well, shall register said well with the City. There shall be no fee for the registration of a pre-existing well. Registration shall include, but not be limited to, exact location, well history, separation from public water supply, and vulnerability to contaminants. Any pre-existing well located in a contaminated area shall be plugged and sealed in accordance with the Iowa Department of Natural Resources regulations at the owner's cost. (See also Section 90.03) In addition, closed loop geothermal wells must be registered with the City upon commencement of construction, the same as pre-existing wells.
4. Penalty. Any person found guilty of a violation of any provisions of this section shall be subject to a civil penalty of \$500.00 for each violation. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

**90.53 WATER SERVICE FEES AND CHARGES.** *[See Chapter 92 of this Code of Ordinances]*

[The next page is 621]

## CHAPTER 91

# WATER METERS

91.01 Purpose	91.10 Meter Costs
91.02 Water Use Metered	91.11 Right of Entry
91.03 General Meter Standards	91.12 Meter Testing
91.04 Type and Size of Meters	91.13 Accuracy Test
91.05 Installation Charges	91.14 Changes In Load
91.06 Fire Sprinkler Systems; Exception	91.15 Meter Failures
91.07 Location of Meters	91.16 Meter Maintenance
91.08 Meter Setting	91.17 Meter Removal Restricted
91.09 Meter Valves	91.18 Meter Tampering

**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 the City. All meters to be used for billing purposes shall be supplied by the City and be owned by the City. The City reserves the right to read, inspect, or test the meter at any reasonable time or with such frequency as deemed necessary.

**91.03 GENERAL METER STANDARDS.** All water must be metered except water authorized by the City for the use by other governmental units, for the purpose of firefighting, for street and sewer flushing, for flushing or maintaining new and existing mains under the supervision of the City, and for water usage for special purposes or demonstrations when approved by the City. The following standards apply to the various types of structures and developments within the City limits:

1. Single-Family Residences. Each single-family residence will have its own meter. Mobile homes may be individually metered but maintenance will be the responsibility of the park owner.
2. Mobile or Manufactured Home Parks.
  - A. The park owner shall:
    - (1) Set all new meter installations for future homes.
    - (2) Report to the City the address and meter identification numbers upon the installation of each new water meter.
    - (3) Relinquish ownership of all meters to the City upon installation.
    - (4) Notify the City upon any replacement or alterations to any metering installation that may affect the billing or record keeping of the City.
    - (5) Respond to any leaks or meter freeze-ups.
    - (6) Replace any meter that is out of service for any reason. All frozen or faulty meters must be returned to the City for testing for accuracy and for billing of the customer for any damages.

(7) Be responsible for all water shut-offs and turn-ons for any reason. All skirting, insulation, heat tape, ice block and other insulation equipment will be removed by owner of the home or by the park manager or owner of the park.

B. City Responsibility. The City shall:

(1) Maintain ownership of all water meters.

(2) Read all meters monthly including the master meter on the same day.

(3) Notify mobile home park owners of any stopped meters so replacements can be made.

(4) Test meters' accuracy on any meter removed from service prior to it being returned to service.

3. Apartments, Duplexes, and Condominiums. Each building must have at least one individual meter that does not take water from another metered line or building. Master metering of more than one building in a complex is an option when approved by the City. If the premises to be served are multiple and one meter is to serve more than one tenant, it will be necessary for the owner of the premises or their authorized agent to apply for the meter. Each water meter will have its own meter control valve. Existing meters without a control valve will be modified to conform with these rules and regulations when work is performed on said system. Meters serving multi-units will be centrally located.

4. Multi-Unit Developments. When units are served by a private water system there shall be a master meter ahead of any individual unit meters. Said usage registered on the unit meters shall be compared periodically to the master meter. This shall be done periodically. Any difference between the master meter and the individual unit meters shall be the responsibility of the management of the development to pay. If individual meters are installed, sources of water usage will be metered.

5. Shopping Centers and Commercial Downtown Businesses. Each business will be required to have its own meter. Design of system must be approved by the City. Additional meters may be purchased and installed by the owner for tenants in the same building. Each meter installed shall have its own meter control valve and shall be centrally located with other meters.

6. Industrial Complexes. Plants or industrial complexes shall be master metered providing the buildings are all required for a central operation and are not separated by a public thoroughfare.

7. Institutions. Educational facilities, public housing complexes, and other institutions with a number of buildings may be master metered if they are not separated by a public thoroughfare. Master metering of such complexes must be requested in writing and approved by the City.

8. Construction Sites. Water may be used for building or other construction purposes only after application has been made to the City for a temporary construction meter and all proper fees paid.

**91.04 TYPE AND SIZE OF METERS.** The type and make of meter used will be specified by the City. Meter sizing shall be based on flow requirements only and not on pressure loss through the meter. Information shall be supplied by the prospective user or his agent before a



meter can be sized. Meters, five-eighths inch through one and one-half inch, will be sized by the City based on the recommended application listed below.

<b>METER SIZE</b>	<b>RECOMMENDED APPLICATIONS</b>
Five-Eighths Inch	Demand flow rates one quarter to 25 gpm Maximum continuous demand 10 gpm
Three-Quarter Inch	Demand flow rates one half to 30 gpm Maximum continuous demand 15 gpm
One Inch	Demand flow rates three quarters to 50 gpm Maximum continuous demand 25 gpm
One and One-Half Inch	Demand flow rates one and one-half to 100 gpm Maximum continuous demand 80 gpm
Two Inches and Larger	Must be sized by the City based on the load profile provided by the owner.

**91.05 INSTALLATION CHARGES.** The following fees shall be paid by each customer before the City shall furnish the necessary water meter(s).

#### **SCHEDULE OF CONNECTION FEES**

<b>DIAMETER OF WATER SERVICE METER</b>	<b>CONNECTION FEE</b>
$\frac{3}{4}$ " x $\frac{5}{8}$ " .....	\$ 185.00
1 $\frac{1}{2}$ " .....	\$ 410.00
2" .....	\$ 564.00

Any meter or apparatus that is required by the City that is not on this list will be charged to the applicant at the cost of the meter plus 15 percent as the meter connection fee. The water meters furnished by the City shall include connections for meter installation. Remote meters shall be provided by the City for all water meters furnished for water service pipes having a diameter of three inches or less. For multiple residential units, mobile home parks, and trailer parks being served by one meter, there shall be assessed as an additional connection fee the sum of \$15.00 per dwelling unit.

**91.06 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 other open, unmetered 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.

#### **91.07 LOCATION OF METERS.**

1. All water meters installed within buildings shall be so located that they may be easily maintained and are as near as possible to the point where the water service enters the building.
2. All water meters shall be installed with an outside remote reading device to permit easy reading of the water meter from outside the building or premises. If a customer does not permit the installation of a remote reading device upon request, then the customer shall be notified that water service will be discontinued 15 days after the date of receipt of such notice.

3. Meters are to be set in the horizontal position with or without meter horn, as per manufacturer's instructions.
4. Meters shall not be exposed to damage by freezing. After the first meter has been removed due to freezing, corrections will have to be made before the second meter can be installed. All cost of repair or replacement associated with the damage to the water meter due to freezing will be the responsibility of the property owner.
5. Water meters and meter control valves shall be easily accessible at all times. No appliances or other fixtures can be built over or in front of the meter setting. If obstructions exist which interfere with meter reading or maintenance of the meter, the water service may be discontinued until the obstructions are removed.
6. Installation of meters up to one inch shall be as follows: The inlet valve for the meter setting shall not be more than 18 inches from the point where the service enters the building. (*Figures 1-4*) Meters will not be installed in crawl spaces. Meter pits will be permitted with the City's approval.
7. Installation of one-and-one-half-inch to two-inch meters shall be as follows: The inlet valve for the meter setting shall not be more than 36 inches from the point where the service enters the building.
8. Meters three inches and larger shall be set level and in a horizontal position on a solid floor or solid base not more than 24 inches high. There must be at least six feet of clearance above, and not less than 30 inches behind, the meter. Meters may be suspended or supported by the piping. There shall be an adequate floor drain or pit within five feet of the meter setting for disposal of water. (*Figure 8*)
9. By-pass lines must be designed, valved, and installed on lines three inches and above in accordance with this Code of Ordinances. Prior approval must be granted by the City. (*Figure 8*) By-pass lines around meters three inches in diameter and larger must be locked and sealed by the City to prevent accidental usage.
10. Mobile home park meters will be installed and maintained by the park owner. [See Section 91.03(2)]

**91.08 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.

**91.09 METER VALVES.** Water meters shall be equipped with shut-off valves at each end. Not more than one shut off will be allowed between where the service enters the building and the meter. A multi meter set may have a master shut off valve. Each meter shall have its own meter valves on both sides within 12 inches from the meter (*Figures 1-3*).

**91.10 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.

**91.11 RIGHT OF ENTRY.** The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, test, or change a meter.

**91.12 METER TESTING.** The Superintendent or any designee shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of five percent or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy, but not more than five percent of the total water bill and not for a longer period than three months. If the meter is found to be accurate or slow or less than five percent fast, the user shall pay a testing charge of \$35.00.

**91.13 ACCURACY TEST.** The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing, but not more often than once in six months. Such request shall be accompanied by a refundable deposit of \$25.00, guaranteeing payment of costs if found due. If the meter is found to overrun to the extent of two percent or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than three months, plus the meter test deposit. If the meter is found to be accurate or slow, or less than two percent fast, the customer deposit shall be forfeited as the reasonable costs of the test, and the customer shall be liable for any deficiency over two percent up to three months.

**91.14 CHANGES IN LOAD.** In cases where production, or other changes in the water supply or system result in a meter being substantially undersized or oversized, the City may require the property owner to buy and have installed a larger or smaller meter. Any alterations in the meter setting will be at the owner's expense.

**91.15 METER FAILURES.** In the event a water meter fails to register properly, the water charges for the monthly period involved shall be fixed on the basis of average water consumption measured by such meter for the preceding active 12 months. Additional usage may be added to cover anticipated usage until repairs are made.

**91.16 METER MAINTENANCE.** The City will provide the following maintenance on the meter:

1. Residential. Repair or replace the meter with a new or rebuilt meter of the same size if the meter becomes inoperative through no fault of the customer. If there is evidence of physical damage externally or to the interior of the meter from hot water, freezing, or other casualties, through carelessness or neglect by the customer, the customer will be billed for the cost of repairs. The City may test or exchange the meter periodically to ascertain its accuracy. The exchange meter will be new or rebuilt and will be the same size if water usage remains the same as designed. (See Section 91.04) The City will test any meter upon request by the customer. The fees for such test will be established by resolution from the City Council. Larger meters may have an additional charge. Customer will not be billed for the meter test, if the meter exceeds 102 percent of design flow.
2. Industrial and Commercial. Meters two inches and smaller will be maintained in the same manner as residential meters. Meters three inches and larger will be repaired at no cost to the property owner providing there is not evidence of physical damage as described in Subsection 1 of this section.

**91.17 METER REMOVAL RESTRICTED.** No person other than authorized City personnel or agent shall remove a water meter from its setting or interfere with its reading without written permission from the City.

**91.18 METER TAMPERING.** It shall be a municipal infraction, with violators subject to the provisions of Chapter 4 of this Code of Ordinances, for any person to alter, tamper with, or deface any water meter. It shall also be a simple misdemeanor for any person to secure City water by routing the water's flow around a water meter to avoid incurring a bill for the water used. (See also Sections 90.11 - 90.13)

[The next page is 635]

## CHAPTER 92

### WATER RATES

92.01 Service Charges  
 92.02 Rates For Service  
 92.03 Rates Outside the City  
 92.04 Bulk Water Rates  
 92.05 Customer Deposits  
 92.06 Meter Reading For Billing  
 92.07 Billing For Water Service

92.08 Service Disconnected  
 92.09 Turn Off and Collection Procedures  
 92.10 Lien for Nonpayment  
 92.11 Lien Exemption  
 92.12 Lien Notice  
 92.13 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 shall be furnished at the following monthly rates per meter within the City:

*(Code of Iowa, Sec. 384.84)*

#### MONTHLY BASE RATES

User Type	Dec. 1, 2020	Dec. 1, 2021	Dec. 1, 2022	Dec. 1, 2023	Dec. 1, 2024
Residential	\$10.00	\$7.00	\$5.00	\$5.00	\$5.00
Commercial	\$14.00	\$12.00	\$10.00	\$10.00	\$10.00
Industrial	\$100	\$150	\$200	\$250	\$300

#### MONTHLY VOLUMETRIC RATES

User Type	Volume (cubic feet)	Rate Per Cubic Foot				
		Dec. 1, 2020	Dec. 1, 2021	Dec. 1, 2022	Dec. 1, 2023	Dec. 1, 2024
Residential	0 – 100 CF	\$0.055	\$0.06	\$0.065	\$0.068	\$0.07
	101 – 750 CF	\$0.06	\$0.07	\$0.075	\$0.078	\$0.08
	751 – 1,500 CF	\$0.07	\$0.08	\$0.09	\$0.095	\$0.10
	1,501 + CF	\$0.09	\$0.10	\$0.11	\$0.115	\$0.12
Commercial	0 – 500 CF	\$0.055	\$0.06	\$0.065	\$0.068	\$0.07
	501 – 3,750 CF	\$0.06	\$0.07	\$0.075	\$0.078	\$0.08
	3,751 – 7,500 CF	\$0.07	\$0.08	\$0.09	\$0.095	\$0.10
	7,501 + CF	\$0.09	\$0.10	\$0.11	\$0.115	\$0.12
Industrial	0 – 900,000 CF	\$0.05	\$0.055	\$0.06	\$0.065	\$0.07
	900,001 – 1,000,000 CF	\$0.05	\$0.06	\$0.07	\$0.075	\$0.08
	1,000,001 – 1,100,000 CF	\$0.06	\$0.07	\$0.08	\$0.09	\$0.10
	1,100,001 + CF	\$0.08	\$0.09	\$0.10	\$0.11	\$0.12

1. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

A. Residential: A meter that measures water being provided to an area where residential activities are the primary activities. Apartment buildings and assisted living facilities that typically provide for long term residence will be considered residential.

B. Commercial: A meter that measures water to an area being provided where commercial activities are the primary activities. Hospitals, nursing homes, and hotels that provide temporary residential services will be considered commercial.

C. Industrial: If a user meets the following criteria regarding its wastewater discharge, it will be considered an industrial user for both water and wastewater utilities, regardless of how the other user classifications may apply:

(1) Discharges an average of 25,000 gallons per day or more of processed wastewater.

(2) Contributes a processed waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the City's wastewater treatment facility.

(3) Is subject to National Pretreatment Standards under Title 40 of the Code of Federal Regulations.

(4) Is designated by the Iowa Department of Natural Resources as a significant industrial user on the basis that the contributing industry, either singly, or in combination with other contributing industries, has a reasonable potential for adversely affecting the operation of, or effluent quality from, the City's wastewater treatment facility or for violating any pretreatment standards or requirements.

2. Residential outside water meters will be charged a flat volumetric rate equal to the 1,501 + CF volume tier.

3. Each individual residential and commercial unit being supplied City water, including each individual home within a mobile home park, shall be assessed, on a monthly basis, a base rate for water usage, whether separately metered or not. For example, each occupied unit of a four-plex being provided City water shall be assessed for a base rate each month. The usage rate, however, shall be assessed per meter, not per unit served. Units within a complex, whether residential, commercial, or mobile home park, separately metered for water usage shall be separately billed for both base and usage rates and the amount of water used by those units within the complex shall be subtracted from the amount of water shown as being used by the master meter for the complex for purposes of billing usage to the owner of the complex. Returning to the four-plex example, if all four units were occupied and being provided City water through one meter, the party owning the property would be billed for four monthly base rates, and the usage rate would be assessed against that party for all water used in excess of 960 cubic feet of water per month, i.e., the usage in excess of the water provided each of the four occupied units with their monthly base rate charges. If one of the four-plex units were separately metered, that unit would be billed separately for not only its base rate, but for its usage as well, and the amount of water it used would be subtracted from

the master meter reading to determine the usage to be billed the owner of the complex and that party would be billed for that usage, as well as for three base rates.

**92.03 RATES OUTSIDE THE CITY.** Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates 200 percent of the rates provided in this section. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

*(Code of Iowa, Sec. 364.4 and 384.84)*

**92.04 BULK WATER RATES.** Bulk water is available at the Water Treatment Plant. All volumes must be recorded and submitted to the City or its agent for the purpose of billing the water recipient at current bulk rates.

**92.05 CUSTOMER DEPOSITS.** There shall be required from every new water and sewer customer not the owner of the premises served a \$100.00 deposit intended to guarantee the payment of bills for service. One-half of the required security deposit shall be paid before water and sewer service is provided, but the customer may elect to pay the balance of the security deposit over a two-month period, being assessed \$25.00 each month. The customer's security deposit shall be held in its entirety until the customer's account is closed.

*(Code of Iowa, Sec. 384.84)*

**92.06 METER READING FOR BILLING.** Meters will be read monthly. If weather creates unsafe conditions or human life is in danger by an animal, the City will estimate that month's water usage. All customers shall make it possible for the City to obtain readings of any water meters attached to the water service serving the premises. The water service may be discontinued if the City or its agent is not allowed to read the meters.

**92.07 BILLING FOR WATER SERVICE.** Only the parties requesting water and sewer service and posting security deposit pursuant to Section 92.05 shall be responsible for payment of all bills submitted by or on behalf of the City for water and sewer service provided them. 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 on or before the fifteenth day of each month. Those bills shall be mailed by ordinary U.S. mail to the responsible parties within, as nearly as practical, 48 hours of the meter reading. All water bills will be mailed monthly and shall be due and payable on or before the due date. Payment may be made by mail or at City Hall, 107 S. Ford, Anamosa, IA, or at other designated pay stations. A list of the pay stations and addresses is available.
2. **Bills Payable.** Bills for combined service accounts shall be due and payable at the office of the Clerk by the first Monday of the following month. Reminders for all bills not paid by the due date will be issued the day after the due date (on the first Tuesday of each month).
3. **Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five percent of the amount due shall be added to each delinquent bill.

4. Right To Protest. Any person having any cause to question or contest a water and sewer bill may file a protest in writing with the Clerk within the time provided for payment. The protest shall succinctly set forth the basis for the party's challenge. Upon receipt of such a protest the Clerk shall suspend collection efforts with regard to the bill and shall schedule a time for the aggrieved party to address the Council at its next regular meeting.

**92.08 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued or disconnected 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 or disconnection.

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.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the City Administrator's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.

4. Fees. Each delinquent customer shall be assessed a fee of \$30.00 each time City water service is disconnected, and an additional fee of \$30.00 shall be assessed each time City water service is reconnected. Such disconnection or reconnection fees assessed under this subsection may be waived by the City when the service is required for the purpose of repairing a water line. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

**92.09 TURN OFF AND COLLECTION PROCEDURES.** Where a curb stop is placed upon private property, laid through another customer's premises, branched off another service line or requires the meter or the meter stop valve to be locked out, the City shall have the right to enter upon private premises to inspect or shut off water to any premises. Any interference with a service line that has been locked out shall be deemed a violation of this Code of Ordinances. A disconnect notice will be generated for each customer. The day following the due date on the disconnection notice the City will disconnect service to any customer who has not paid the past due amount or has not made payment arrangements. If the customer is shut off for nonpayment, there will be a disconnection and reconnection fees, as specified in Subsection 92.08(4), in order to restore services to the customer during regular working hours.



After hours reconnection fees will be at a rate of two times the regular reconnect fee. The City or agent will collect all fees prior to reconnecting any water supply.

**92.10 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 property or 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)*

**92.11 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 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, stormwater 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 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 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 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 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 10 business days of the completion of the change of ownership.
4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home

park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

**92.12 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 30 days prior to certification of the lien to the County Treasurer.

*(Code of Iowa, Sec. 384.84)*

**92.13 TEMPORARY VACANCY.** A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$30.00 fee collected for shutting the water off at the curb valve and a \$30.00 fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

[The next page is 665]

## 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 days at 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 feet (one and one-half 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.
  - A. “Building sewer – conforming” means a line that has a diameter of at least four inches, is less than 150 feet from the property line in length, and is a direct connection from the building to the City sewer line with no other connections. A conforming building sewer line will not cross any adjacent property lines.
  - B. “Building sewer – nonconforming” means a building sewer that meets any of the following criteria would be considered to be nonconforming: is more than 150 feet from the property line in length; has a diameter of less than four inches; has other building sewer lines connected to it; crosses property lines before connecting to the City sewer line; or has a sump pump or perimeter tile attached.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Control manhole” means a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for a City representative to sample and/or measure discharges.

6. "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.
7. "Easement" means an acquired legal right for the specific use of land owned by others.
8. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
  - A. "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
9. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
10. "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.
11. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
12. "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 15 persons (1,500 gpd) or less.
13. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
14. "Public sewer" means a sewer, provided by or subject to the jurisdiction of the City and controlled by public authority, in which all owners of abutting properties have equal rights. It also includes sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary or combined sewer system, even though those sewers may not have been constructed with City funds.
15. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from stormwater, surface water, and industrial waste.
16. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
17. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
18. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
19. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
20. "Sewer main line" means a pipe or conduit for carrying sewage.

- A. “Conforming sewer main line” - any new City sewer line placed in the City, which shall be at least eight inches in diameter, be located in a City right-of-way, and be inspected by an agent of the City before any backfill can take place. A City sewer line is the property and responsibility of the City and is officially accepted by the City Council.
  - B. “Nonconforming sewer main line” - any line that has a diameter of less than eight inches, or is not in the City right-of-way, or ownership has not been transferred to the City.
- 21. “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.
  - 22. “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 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
  - 23. “Standard methods” means the examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water, Sewer, and Industrial Wastes*, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.
  - 24. “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.
  - 25. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
  - 26. “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.
  - 27. “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 60 days after date of official notice from the City to do so provided that said public sewer is located within 200 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])*

*(567 IAC 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 or ordinance of the Council. Any such applications for connection to the public sewer shall be accompanied by an application to voluntarily annex such property to the City and become a part thereof. No such application for connection to the public sewer shall be granted absent annexation of such property.

*(Code of Iowa, Sec. 364.4[2 and 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 679]



## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

96.01 Permit

96.02 Permit Fee and Connection Charge

96.03 Plumber or Contractor 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 60 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

**96.02 PERMIT FEE AND CONNECTION CHARGE.** The person who makes the application shall pay a fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge to reimburse the City for costs borne by the City in making sewer service available to the property served. All fees and connection charges will be set by resolution of the City Council.

**96.03 PLUMBER OR CONTRACTOR REQUIRED.** All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber or contractor. The Superintendent shall have the power to suspend the approval of any plumber or contractor for violation of any of the provisions of this Code of Ordinances. A suspension, unless revoked, shall continue until the next regular meeting of the Council. The Superintendent shall notify the plumber or contractor immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber or contractor will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. Plumbers or contractors shall meet requirements as outlined in Sections 90.19 and 90.20 of this Code of Ordinances. Before a sewer main tap and sewer service lines are covered by earth or aggregate, the Superintendent shall be given notice and afforded the opportunity to inspect the tap and service lines to ensure the tap and service lines were done in accord with the City's construction standards. A party responsible for covering a sewer main tap and sewer service lines without giving notice to the City affording the opportunity to inspect the tap and service lines before covering shall be guilty of a municipal infraction and assessed a penalty of \$350.00.

**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 Section 90.28 and Chapter 135 of this Code of Ordinances. No backfill shall be placed until the work has been inspected by the City.

**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 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 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 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 inch per foot.
  - B. Minimum grade of one-eighth inch per foot.
  - C. Minimum velocity of two 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 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 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” 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 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 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 693]

## CHAPTER 97

### USE OF PUBLIC SEWERS

97.01 Stormwater	97.08 Testing of Wastes
97.02 Surface Waters Exception	97.09 Replacement of Conforming City Sewer Main
97.03 Prohibited Discharges	97.10 Replacing Existing City-Owned Nonconforming City Sewer Main With Conforming City Sewer Main
97.04 Restricted Discharges	97.11 Extension of the City Sewer Main In Previously-Platted and Recorded Sections or Developed Areas Within the Corporate City Limits
97.05 Restricted Discharges; Powers of Superintendent	
97.06 Special Facilities	
97.07 Control Manholes	

**97.01 STORMWATER.** No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater 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 in 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 (CN) in excess of two 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.

A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more than 350 parts per million by weight of suspended solids; or (iii) 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.

B. 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 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) 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 City Council 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 City Council 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 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°C 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 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 City Council 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 City Council 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 OF SUPERINTENDENT.** 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 City Council 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 City Council 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 City Council 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 City Council 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 City Council, 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 City Council. 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.)

**97.09 REPLACEMENT OF CONFORMING CITY SEWER MAIN.** It will be the responsibility of the City to replace and repair any City sewer main that is in the City right-of-way and is the property of the City. If a City sewer main needs to be replaced, the City will replace that main with one that has a diameter of at least eight inches. It will be the responsibility of the City to connect all building sewer lines that were previously connected to the main that has been replaced.

**97.10 REPLACING EXISTING CITY-OWNED NONCONFORMING CITY SEWER MAIN WITH CONFORMING CITY SEWER MAIN.** When an agent designated by the City determines that a City-owned nonconforming sewer main has to be replaced with a conforming City sewer main, the expense of the conforming sewer main will be the responsibility of the City. It will be the responsibility of the property owner to connect the owner's building sewer line to the new City sewer main. Property owners are required to connect to the new sewer line within one year. If the property owner does not connect to the City sewer main, when the main is installed, the property owner will be required to make an application to the City and pay the associated fees. The City sewer main and the building lines must be inspected and approved by an agent designated by the City before any backfill can take place. The City sewer main will remain the property and responsibility of the City.



**97.11 EXTENSION OF THE CITY SEWER MAIN IN PREVIOUSLY PLATTED AND RECORDED SECTIONS OR DEVELOPED AREAS WITHIN THE CORPORATE CITY LIMITS.** The City may refuse service to persons not presently customers when, in the opinion of the City Council, the capacity of the municipal sewer system will not permit such service. The City may construct or authorize construction of extensions to its sewer lines within its service area, but the City shall not be required to make such extensions.

1. Extension of a Conforming City Sewer Main. In the event that a property owner requests that the City sewer main be extended to make service to said owner's property available, all costs of the sewer extension shall be the responsibility of the party requesting service. The City may reimburse the customer for the additional cost of materials, including manholes and/or cleanouts, to upgrade from a standard four-inch building sewer to a conforming City sewer main. All of the criteria of the City sewer line must be met and the costs of installing and connecting the building sewer will be the responsibility of the property owner requesting service. All sewer line extensions shall be evidenced by a contract signed by the City and the customer for such extension. Such contracts shall be approved by the City Council. When the application for main extension has been filed, and the contract approved, the City will accept the responsibility of hiring a contractor and supervising the installation. The City sewer main and the building line must be inspected and approved by an agent designated by the City before any backfill can take place. Once the City sewer main has been inspected and approved, the City sewer main will become the property and responsibility of the City. The person requesting service will be responsible for the application for permit fee. If a City sewer main extension passes by other properties, each property or lot will be required to have a sewer tap and a stub extending to their property line. Each sewer tap will have a connection fee as set by resolution of the City Council and the property owner will be responsible for the cost of extending the service on such owner's property line.

2. Extension of a City Sewer Main Into Private Property. In the event that a property owner requests that a City sewer main be extended into property that is currently privately owned, all costs of the installation, materials, engineering, and manholes will be the responsibility of the property owner. The property owner will provide to the City a public easement through all of the properties involved. All costs of installing and connecting the building sewer line will be the responsibility of the property owner. All City sewer main extensions shall be evidenced by a contract signed by the City and the customer for such extension. Such contracts shall be approved by the City Council. When the application for main extension has been filed, and the contract approved, the City will accept the responsibility of hiring a contractor and supervising the installation. The City sewer main and the building sewer line must be inspected and approved by an agent appointed by the City before any backfill can take place. After the City sewer main has been inspected and approved, the City may elect to take over the main and accept ownership and responsibility of the main. The customer will be responsible for the application and for the permit fee.

If there is any type of an Agreement between City and the party interested in having service extended, such terms of the Agreement shall take precedence over any section in conflict with the Agreement.

[The next page is 707]

## 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  
98.09 Minimum Lot Area

**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[3ff])*

**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.

*(567 IAC 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.

*(567 IAC 69.1[3 and 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.

*(567 IAC 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[3ff])*

**98.08 DISPOSAL OF SEPTAGE.** No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

**98.09 MINIMUM LOT AREA.** No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than one acre.

[The next page is 715]

## CHAPTER 99

### SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required

99.02 Rates For Sewer Service

99.03 Sewer Rates Outside the City

99.04 Special Sewer Rates

99.05 Customer Deposits

99.06 Disposal of Waste From Cesspools, Septic Tanks,  
or Privy Vaults

99.07 Private Water Systems

99.08 Payment of Bills

99.09 Lien For Nonpayment

99.10 Sewer User Fee Adjustments

99.11 Sewer Discount For Water Not Entering the Sanitary  
Sewer System

99.12 Special Agreements Permitted

**99.01 SEWER SERVICE CHARGES REQUIRED.** Each customer shall pay to the City sewer service fees as hereinafter provided.

*(Code of Iowa, Sec. 384.84)*

**99.02 RATES FOR SEWER SERVICE.** Contributors shall pay the City, through its collection process at the same time payment of City water service is made, a sewer rental payable in accordance with the provisions of Chapter 92 of this Code of Ordinances. The sewer rentals shall be based on the quantity of water used on or in the premises or property as shown by the water meter when all of the water added on the premises passes through a City water meter. The following rates shall be charged per month for sewer rental:

#### MONTHLY BASE RATES

User Type	Dec. 1, 2020	Dec. 1, 2021	Dec. 1, 2022	Dec. 1, 2023	Dec. 1, 2024
Residential	\$12.00	\$8.00	\$5.00	\$5.00	\$5.00
Commercial	\$16.00	\$13.00	\$10.00	\$10.00	\$10.00
Industrial	*	*	*	*	*

#### MONTHLY VOLUMETRIC RATES

User Type	Volume (cubic feet)	Rate Per Cubic Foot				
		Dec. 1, 2020	Dec. 1, 2021	Dec. 1, 2022	Dec. 1, 2023	Dec. 1, 2024
Residential	0 – 100 CF	\$0.06	\$0.07	\$0.07	\$0.07	\$0.07
	101 – 750 CF	\$0.07	\$0.08	\$0.08	\$0.08	\$0.08
	751 – 1,500 CF	\$0.08	\$0.09	\$0.10	\$0.10	\$0.10
	1,501 + CF	\$0.10	\$0.11	\$0.12	\$0.12	\$0.12
Commercial	0 – 500 CF	\$0.05	\$0.06	\$0.07	\$0.07	\$0.07
	501 – 3,750 CF	\$0.06	\$0.07	\$0.08	\$0.08	\$0.08
	3,751 – 7,500 CF	\$0.07	\$0.08	\$0.09	\$0.10	\$0.10
	7,501 + CF	\$0.08	\$0.09	\$0.10	\$0.11	\$0.12
Industrial	0 – 900,000 CF	\$0.05	\$0.055	\$0.06	\$0.065	\$0.07
	900,001 – 1,000,000 CF	\$0.06	\$0.065	\$0.07	\$0.075	\$0.08
	1,000,001 – 1,100,000 CF	\$0.07	\$0.075	\$0.08	\$0.09	\$0.10
	1,100,001 + CF	\$0.08	\$0.09	\$0.10	\$0.11	\$0.12

1. In lieu of a base rate, industrial users shall pay two cents per cubic foot for wastewater discharge in excess of the volume of water used by the industrial user, regardless of source.
2. By changing the base rate and volumetric rate charged sewer service customers located outside the corporate City limits under
3. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:
  - A. Residential: A meter that measures water being provided to an area where residential activities are the primary activities. Apartment buildings and assisted living facilities that typically provide for long term residence will be considered residential.
  - B. Commercial: A meter that measures water to an area being provided where commercial activities are the primary activities. Hospitals, nursing homes, and hotels that provide temporary residential services will be considered commercial.
  - C. Industrial: If a user meets the following criteria regarding its wastewater discharge, it will be considered an industrial user for both water and wastewater utilities, regardless of how the other user classifications may apply:
    - (1) Discharges an average of 25,000 gallons per day or more of processed wastewater;
    - (2) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the City's wastewater treatment facility;
    - (3) Is subject to National Pretreatment Standards under Title 40 of the *Code of Federal Regulations*; or
    - (4) Is designated by the Iowa Department of Natural Resources as a significant industrial user on the basis that the contributing industry, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the operation of or effluent quality from the City's wastewater treatment facility or for violating any pretreatment standards or requirements.
4. Each individual residential and commercial unit being supplied City sewer, including each individual home within a mobile home park, shall be assessed, on a monthly basis, a base rate for sewer rental, whether separately metered for water or not. For example, each occupied unit of a four-plex being serviced with City sewer shall be assessed for a base rate each month. The usage rate, however, shall be assessed per meter, not per unit served. Units within a complex, whether residential, commercial, or mobile home park that has a master meter and then each unit is separately metered for water usage shall be separately billed for both base and usage rates and the amount of water used by those units within the complex shall be subtracted from the amount of water shown as being used by the master meter for the complex for purposes of billing usage to the owner of the complex. Returning to the four-plex example, if all four units were occupied and being provided City water through one meter, the party owning the property would be billed for sewer service at the rate of four monthly base rates, and the usage rate would be assessed against that party for all water used in excess of 960 cubic feet (CF) of water per month, i.e., the usage in excess of the cubic feet provided

to each of the four occupied units with their monthly base rate charges (i.e., 4 x 240 CF = 960 CF). If one of the four-plex units were separately metered, that unit would be billed separately for not only its base rate, but for its usage as well, and the amount of water it used would be subtracted from the master meter reading to determine the usage to be billed the owner of the complex and that party would be billed for that usage, as well as for three base rates.

5. When some or all of the water used by a contributor does not pass into a sanitary utility or when some or all of the water used by a contributor does not pass through the City water meter, then the amount of water or waste discharged into the sanitary utilities shall be determined by the City in such equitable manner as it may elect, provided, however, the contributor may install and maintain a meter acceptable to the City for this purpose.

6. In order that the rates and charges may be justly and equitable adjusted to the service rendered, the City shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes deposited by the contributor. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged either directly or indirectly into the sanitary utilities, in such manner and by such methods as it may deem practicable in the light of the conditions and circumstances of the case in order to determine the proper charge. Extra charges based on strength of the sewage and liquid wastes shall be made on the following basis:

A. For suspended solids in excess of two and one-half pounds for each 100 cubic feet of sewage and waste, an additional charge of one cent shall be made for each pound.

B. The determination of suspended solids in the waste shall be in accordance with *Standard Methods for the Examination of Water and Sewage*.

**99.03 SEWER RATES OUTSIDE THE CITY.** The base rate and usage rate for sewer service customers located outside the corporate City limits shall be 200 percent of the base and volumetric rates charged sewer service customers within the City's corporate limits.

**99.04 SPECIAL SEWER 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.  
(*Code of Iowa, Sec. 384.84*)

**99.05 CUSTOMER DEPOSITS.** [*See Section 92.05 of this Code of Ordinances*]

**99.06 DISPOSAL OF WASTE FROM CESSPOOLS, SEPTIC TANKS OR PRIVY VAULTS.** Any contributor engaged in cleaning cesspools, septic tanks or privy vaults shall discharge all effluent into a designated location at the sewage treatment plant. The rate for receiving such waste shall be determined by the City. It shall be unlawful for any contributor to place any effluent or waste from cesspools, septic tanks, or privy vaults in any other location in the City except at the designated location at the sewage treatment plant.

**99.07 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.

*(Code of Iowa, Sec. 384.84)*

**99.08 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 92.07 of this Code of Ordinances. Sewer service may be discontinued or disconnected in accordance with the provisions contained in Section 92.08 if the combined service account becomes delinquent, and the provisions contained in Section 92.12 relating to lien notices shall also apply in the event of a delinquent account.

**99.09 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.11 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 property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**99.10 SEWER USER FEE ADJUSTMENTS.** The Mayor and City Administrator may grant a one-time adjustment to sewer user fees for water leaks that have resulted in unusually high sewer user fees, provided that the adjustment meets the following criteria:

1. The amount of the adjustment shall equal the sum of the sewer bill that exceeds the average monthly sewer fee for the most recent three-month period, up to a maximum adjustment of \$500.00.
2. The customer can demonstrate the following:
  - A. The excessive sewer fee was the result of a leak in the plumbing system on their property.
  - B. The leak has been completely repaired.
  - C. The leak was not caused by the owner's negligence.
3. The adjustment is limited to the sewer user fee bill for only one month.
4. The business or customer and spouse have not been granted any previous adjustment on either a residence account or business account during their lifetime as a customer of the City.
5. This policy shall not apply to charges for water services.

**99.11 SEWER DISCOUNT FOR WATER NOT ENTERING THE SANITARY SEWER SYSTEM.** The City shall charge a fee of \$150.00 for the purchase of an additional water meter for the purpose of measuring water that does not enter the City's sanitary sewer system. The property owner shall be responsible for the proper installation and maintenance of the meter in compliance with the City's standard specifications and Chapters 90 and 91 of this Code of Ordinances. After the installation, the meter shall be inspected by the Public Works Department to verify that the water measured by the additional meter cannot enter the City's sanitary sewer system. The property owner shall pay the current usage rate for water that is consumed and measured by the additional meter during any month when water is consumed through the additional meter. The property owner shall not be required to pay the sewer user base rate or sewer usage charge for the water consumed and measured by the additional meter.



It shall be the property owner's responsibility to advise the City when the additional meter is not in use and that water to the additional meter has been shut off. If it is the observation of the City Administrator and the Superintendent that the water measured by this separate meter has been discharged into the City's sanitary sewer system or the water is actually used by another person or entity, then the City may remove the meter or deny the written request. The decision of the City Administrator may be appealed in writing to the City Council.

**99.12 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.

[The next page is 725]

## CHAPTER 100

# PRETREATMENT REQUIREMENTS

### 100.01 Pretreatment

### 100.02 Wastewater Discharge Permits

**100.01 PRETREATMENT.** Users shall provide necessary wastewater treatment as required to comply with these Sanitary Sewer chapters and shall achieve compliance with all federal categorical pretreatment standards and schedules where applicable. Any non-domestic user of the wastewater system may be required to have a pretreatment agreement and will be required to achieve certain pollutant discharge limits. If pretreatment is necessary to achieve these limits the facility constructed or installed to meet the limits shall be provided, operated, and maintained at the user or owner's expense.

**100.02 WASTEWATER DISCHARGE PERMITS.** Any violation of the terms and conditions of a wastewater pretreatment agreement shall be deemed a violation of this Code of Ordinances and subjects the non-domestic user to extra sewer charges and sanctions described in the agreement. Obtaining a pretreatment agreement does not relieve a user of its obligation to comply with all federal, State, or local laws. The wastewater pretreatment agreement may require:

1. Pretreatment of industrial wastewaters prior to discharge to the wastewater system.
2. Flow equalization to reduce peak flows.
3. Discharge of certain wastes only to specific sewers.
4. Relocation of discharge points.
5. Prohibition of certain discharges.
6. Restriction of some discharges to specific hours of the day.
7. Payment of charges to defray costs that may be related to specific discharges.
8. Extra charges for discharges over limits.
9. Other conditions that may be needed to implement activities consistent with the intent of these Sanitary Sewer chapters.

No person shall discharge wastewater to the wastewater system in excess of the quantity or quality limits established in the wastewater pretreatment agreement. A schedule for complying with agreement requirements, effluent limits, self-monitoring requirements, or other requirements deemed necessary by the Superintendent shall be submitted to the City for approval by the non-domestic user in a time frame established by the City. The City may require compliance schedule progress reports, a report on final compliance with effluent limits and standards, and periodic reports on continued compliance. The City may require a non-domestic user to submit to compliance independent of a compliance schedule.

[The next page is 745]

## CHAPTER 105

# SOLID WASTE CONTROL

105.01 Purpose	105.08 Separation of Yard Waste Required
105.02 Definitions	105.09 Segregation of Recyclable Materials
105.03 General Prohibition	105.10 Littering Prohibited
105.04 Business Activities	105.11 Toxic and Hazardous Waste
105.05 Sanitary Disposal Required	105.12 Waste Storage Containers
105.06 Health and Fire Hazard	105.13 Prohibited Practices
105.07 Open Burning Restricted	105.14 Sanitary Disposal Project Designated

**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. “Building” means any structure with a fully enclosed interior space designed for the storage, shelter, or protection of persons, animals, or property.
2. “Collector” means any person authorized to gather solid waste from public and private places.
3. “Discard” means to place, cause to be placed, throw, deposit, drop, or store a substance or material upon real property for a continuous period of more than seven days under conditions where it serves no reasonable functional purpose and has no direct supporting relationship to the responsible person’s lawful use of the property.

*(Code of Iowa, Sec. 455B.361[1])*

4. “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.

5. “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.

*(567 IAC 100.2)*

6. “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.

*(567 IAC 20.2)*

7. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

*(Code of Iowa, Sec. 455B.361[2])*

8. "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.
9. "Recyclable materials" includes the following:
- A. Aluminum and tin cans.
  - B. All plastic containers bearing a number one or a number two designation within the recycling symbol affixed thereto, plastic milk jugs, plastic pop bottles, plastic dish and laundry soap containers, and plastic motor oil bottles. Recyclable plastics do not include plastic wraps such as Saran wrap, plastic bread bags, and plastic prescription medication bottles.
  - C. Paper, excluding paper towels, tissues, and wax coated paper.
  - D. Glass with the exception of window glass, ceramics, china, light bulbs, and TV or radio tubes.
  - E. Corrugated cardboard with the exception of wax coated cardboard.
  - F. Newspapers, excluding those advertisements and coupons printed on slick, shiny paper. Newspapers do not include magazines and catalogs with glued backs or bindings.
10. "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.  
(567 IAC 100.2)
11. "Residential premises" means a single-family dwelling and any multiple-family dwelling up to and including two separate dwelling units.
12. "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.  
(567 IAC 20.2)
13. "Responsible person" means any person having the right to control the use of real property either as a record titleholder, or as the purchaser under an executory contract, or as a tenant in possession under a lease agreement, or by virtue of having any other interest in the real property, and includes such person's agent or managing officer who is authorized to exercise control over the use of the real property.
14. "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.  
(567 IAC 100.2)
15. "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.  
(567 IAC 100.2)
16. "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. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

(*Code of Iowa, Sec. 455B.301*)

17. “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.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.

G. Post-use polymers or recoverable feedstocks that are any of the following:

(1) Processed at a pyrolysis or gasification facility.

(2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

18. “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.

19. “Waste container” means a fully enclosed rust-proof and watertight container specifically designed and manufactured for the temporary storage of solid waste.

20. “Yard waste” means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

**105.03 GENERAL PROHIBITION.** A person shall not place or store solid waste on real property except inside a building or inside a waste container or at a sanitary disposal facility. A person may store construction debris, as defined in Section 105.02(17) above, on the real property generating the debris until the construction, maintenance, repair, or demolition project

has been completed. The construction, maintenance, repair, or demolition project shall be deemed to have been completed when the principal contractor has retired from the scene.

**105.04 BUSINESS ACTIVITIES.** Even though it may serve a reasonable functional purpose or have a direct supporting relationship to a person's lawful use of the real property, a person shall not place or store any solid waste on real property used for commercial or industrial purposes for a continuous period of more than seven days, except inside a building or inside a waste container or inside an area fully enclosed by a solid opaque fence or wall of uniform design and color not less than six feet high.

**105.05 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 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)*

**105.06 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.

**105.07 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:

*(567 IAC 23.2 and 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.

*(567 IAC 23.2[3] "a")*

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.

*(567 IAC 23.2[3] "b")*

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.

*(567 IAC 23.2[3] "c")*

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

*(567 IAC 23.2[3] "d")*

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. Rubber tires shall not be burned in a recreational fire.

*(567 IAC 23.2[3] “e”)*

6. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less.

*(567 IAC 23.2[3] “f”)*

7. 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.

*(567 IAC 23.2[3] “g”)*

8. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium, or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(567 IAC 23.2[3] “h”)*

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(567 IAC 23.2[3] “i”)*

10. 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.

*(567 IAC 23.2[3] “j”)*

11. 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.

*(567 IAC 23.2[2])*

**105.08 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or placed in acceptable containers and set out for collection. No yard waste shall be burned upon any street, alley, or other public place within the City. Residents may also haul yard waste to the designated City yard waste disposal location.

**105.09 SEGREGATION OF RECYCLABLE MATERIALS.** Recyclable materials shall be segregated from other solid waste when set out for collection. It is illegal to include any recyclable materials in any accumulation of solid waste set out for collection. All recyclable materials set out for collection shall be contained in such containers as shall, from time to time, be prescribed or permitted by resolution of the Council. In addition, the following practices shall be observed by all persons in setting out recyclable materials for collection:

1. All aluminum cans shall be cleaned and flattened.
2. All tin cans shall be rinsed clean, all labels removed, both ends shall be cut out, and the tin can flattened.
3. All plastic containers shall be rinsed clean and all caps removed.

4. All glass containers shall be rinsed clean and all caps removed.
5. All corrugated cardboard shall be flattened.
6. Newspapers shall be separately bundled from other paper products and newspapers with stapled bindings shall be bundled separately from other newspapers.

Except for the segregation of recyclable materials from other solid waste set out for collection and the use of a prescribed container for the collection of recyclable materials, recyclable materials shall be treated as solid waste under the provisions of this chapter and Chapter 106.

**105.10 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)*

**105.11 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.

*(567 IAC 100.2)*

*(567 IAC 102.13[2] and 400 IAC 27.14[2])*

**105.12 WASTE STORAGE CONTAINERS.** The responsible person shall provide and make available for the use of all persons occupying the real property sufficient waste containers for the temporary storage of all solid waste produced by the activities conducted on the real property.

1. All waste set out for collection shall be contained in waste containers weighing not more than 75 pounds each unless placed in a covered dumpster.
2. Responsible persons shall keep their waste containers and dumpsters in good repair and shall periodically clean out the waste containers to prevent the accumulation of materials offensive to smell or attractive to insects or vermin.
3. Waste containers shall not be filled to overflowing or to the extent their covers will no longer fit securely.
4. Solid waste set out for collection 12 hours or more in advance of its scheduled collection shall be contained within a waste container sealed adequately to prevent the accumulation of rain or snow within the container and the intrusion of dogs, cats, or wildlife.
5. No person shall place solid waste for collection with the solid waste of another person unless both parties occupy the same premises.
6. Containers for the storage of solid waste and recycling, and all yard waste awaiting collection, shall be placed outdoors at ground level and at some easily accessible place for collection. Waste containers and yard waste shall not be placed on any public street or alley.

**105.13 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.

**105.14 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Jones County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

[The next page is 757]

## CHAPTER 106

### COLLECTION OF SOLID WASTE

106.01 Collection Service	106.09 Collector's License
106.02 Exceptions	106.10 Revocation or Suspension of License
106.03 Collection Vehicles	106.11 Solid Waste Assessment Fee
106.04 Loading	106.12 Notice of Violation
106.05 Frequency of Collection	106.13 Hearing on Notice
106.06 Bulky Rubbish	106.14 Method of Giving Notice
106.07 Right of Entry	106.15 Municipal Infraction
106.08 Disposal of Solid Waste, Yard Waste, and Recyclable Materials	

**106.01 COLLECTION SERVICE.** The collection of solid waste within the City shall be only by collectors licensed by the City.

**106.02 EXCEPTIONS.** Nothing herein is to be construed so as to prevent any of the following:

1. Transport by Owner. Any person transporting solid waste or yard waste accumulating upon premises owned, occupied, or used by such person, provided the collection, transportation, and disposal of said waste is done in a manner consistent with this chapter, and Chapter 105, and the laws of the State, and the regulations of the Department of Natural Resources;
2. Grading or Excavation Excepted. The removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks, or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way; and
3. Construction Work. The collection and transportation of construction debris as defined by Section 105.02(17) by one or another of the contractors engaged by the person owning the real property under construction, maintenance, repair, or demolition. The collection, transportation and disposal of such construction debris shall be done in a manner consistent with this chapter, and Chapter 105, and with the laws of the State, and the regulations of the Department of Natural Resources.

**106.03 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.

*(567 IAC 104.9)*

**106.04 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.

**106.05 FREQUENCY OF COLLECTION.** All solid waste shall be collected and transported by licensed waste collectors from residential premises at least once each week and

from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week. The frequency of the collection and transportation of yard waste from residential, industrial, and commercial customers shall be determined by agreement between the parties. The type and form of solid waste and yard waste to be collected and transported by licensed waste collectors shall be determined, as well, by agreement between the parties.

**106.06 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 established by the Council.

**106.07 RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

**106.08 DISPOSAL OF SOLID WASTE, YARD WASTE AND RECYCLABLE MATERIAL.** All solid waste and yard waste collected and transported within the City, whether privately or by licensed waste collectors, shall be collected and transported to the Jones County Solid Waste Facility, processed or disposed of in accordance with this chapter and Chapter 105, the laws of the State, and the regulations of the Department of Natural Resources. All recyclable material, as referenced in Section 105.09 of this Code of Ordinances, shall be separated from the non-recyclable materials and shall be collected and transported in that separated status, whether privately or by licensed waste collectors, to any licensed recycling center for transport at a later time to a recycling center.

**106.09 COLLECTOR'S LICENSE.** No person shall engage in the business of collecting, transporting, processing, or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:
  - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
  - B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
  - C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
  - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. Insurance. No collector's license shall be issued until and unless the applicant, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily Injury: ..... \$500,000.00 per person.  
\$500,000.00 per occurrence.

Property Damage: .....\$100,000.00

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation, or other termination of coverage not less than 10 days prior to the effective date of such action.

3. License Fee. A license fee in the amount of \$25.00 shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

4. Inspection of Equipment. Prior to the issuance of any collection license, the applicant shall produce the equipment proposed to be used in the collection and transportation of solid waste and yard waste for inspection by the City Administrator. Following the inspection of the applicant's equipment and the method and manner of collection and disposal proposed by the applicant, the City Administrator shall make a written recommendation to the Council as to whether or not the applicant's application should be approved or denied.

5. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process, or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.

6. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application, and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment, and facilities in use.

7. Vehicle Permits. Each vehicle proposed to be used by licensed waste collectors in the collection, transportation, or disposition of solid waste or recyclable items within the City shall be produced for inspection by the City Administrator. Guidelines for said inspection shall be adopted by the Council by resolution. These guidelines shall outline the frequency, the cost, and other pertinent items related to the inspection of the vehicles. Only vehicles having been issued a permit under this subsection shall be used by the licensed waste collectors in the collection, transportation, or disposition of solid waste within the City.

8. License and Permit Not Transferable. No license or vehicle permit authorized by this chapter may be transferred or assigned to another person.

9. Disposal of Solid Waste. All solid waste collected by any solid waste collector in the City shall be delivered to the Jones County Solid Waste Landfill Transfer Station. Failure to comply with this section shall be grounds for the immediate suspension or revocation of the license of the solid waste collector in accordance with Section 106.10, and a civil penalty not to exceed \$1,000.00 if not required to be licensed by the City.

10. Collection from City Alleys Prohibited. The collection of refuse from alleys in the City's residential districts is prohibited, except in the following instances:

A. During the temporary construction or repair of the City streets in front of the residences and such construction necessitates the collection of refuse from the alley until such a time that the street is re-opened for public use.

B. For a residence that does not have access to a public street and the only access is from the City alley.

C. For special exceptions for which City Council approval has been granted in writing.

11. These restrictions do not apply to refuse collection services provided in the City's commercial or industrial districts or to nonconforming businesses located in residential districts.

12. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied, or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.

13. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

**106.10 REVOCATION OR SUSPENSION OF LICENSE.** Should the Council find, on its own motion or upon application of the City Administrator, that any licensed waste collector is in violation of the terms of this chapter, or the laws of the State, or regulations of the Department of Natural Resources with regard to the collection, transportation or disposition of any solid waste or yard waste, the City may by resolution suspend or revoke the license of the waste collector. If suspension of the waste collector's license is deemed appropriate, the City shall specify the period of suspension and identify the corrective measures to be undertaken by the waste collector during the period of suspension to enable the waste collector to regain the license. Whether the sanction is suspension or revocation of the license, the resolution adopting the sanction shall set forth the reasons for the sanction, and a certified copy of the resolution shall be sent to the waste collector, who shall then have seven days within which to file a written request with the Clerk for the opportunity to be heard by the Council with respect to the proposed sanction. The filing of such a written request for hearing shall stay the suspension or revocation of the license until the waste collector has been afforded the opportunity to be heard on the matter, which hearing shall be held within 30 days after the date the waste collector files the written request for the hearing. Following hearing, the Council may affirm, revoke, or modify the sanction previously proposed as the circumstances of the case warrant.

**106.11 SOLID WASTE ASSESSMENT FEE.** In order to collect sufficient revenues to pay the City's annual assessment for the operation of the Jones County Sanitary Landfill and the cost of yard waste disposal, the Clerk shall assess and collect a monthly fee of \$2.00 from each resident, dwelling unit, commercial or professional business, and industry within the City. The assessment shall be billed to each responsible party with the monthly water and sewer (combined services) assessment. If the assessment fee is not timely paid by the owner or responsible party, it shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes. The aforementioned solid waste assessment fee is separate from, and in addition to, any collection fees assessed by licensed waste collectors for the service of the collection, transport, processing, or disposition of solid waste within the City.

*(Code of Iowa, Sec. 384.84)*

**106.12 NOTICE OF VIOLATION.** If the City Administrator determines that there is probable cause to believe a violation of this chapter or Chapter 105 has occurred, the City Administrator shall either give written notice thereof to the alleged violator or file a criminal



complaint against the alleged violator. If the City Administrator elects to give notice to the alleged violator, the notice shall:

1. Specify the alleged violation.
2. Order the alleged violator to eliminate or cure the violation within seven days after the notice is given or within such other specified period of time as is reasonable under the circumstances.
3. Advise the alleged violator of the right to have a hearing before the Council concerning the alleged violation by filing a writing request therefor with the Clerk within seven days after the notice is given.

**106.13 HEARING ON NOTICE.** A person who receives a violation notice from the City Administrator is entitled to a hearing before the Council concerning the alleged violation if the alleged violator files a written request therefor with the Clerk within seven days after being given the notice by the City Administrator. Within 30 days after the filing of a request for hearing by the alleged violator, the Council shall hold the hearing and, by resolution, either affirm, modify, or revoke the City Administrator's proposed action. The Clerk shall promptly give notice to the alleged violator of the Council's action in the form of a certified copy of the resolution. The alleged violator shall comply with the provisions of the City Administrator's order as affirmed or modified by resolution of the Council.

**106.14 METHOD OF GIVING NOTICE.** Any notice or demand required or permitted by this chapter shall be sufficient and deemed given when expressed in writing and either:

1. Delivered personally to the person entitled thereto;
2. Deposited at the office of the United States Postal Service in the City in the form of certified mail addressed to the last known mailing address of the person entitled thereto; or
3. Served on the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

**106.15 MUNICIPAL INFRACTION.** Any person who violates any provision of this chapter or Chapter 105 or any order of the City Administrator or of the Council issued pursuant to these chapters is guilty of a municipal infraction, with violators subject to the provisions of Chapter 4 of this Code of Ordinances. Each day of continuing violation constitutes a separate offense.

[The next page is 775]

## CHAPTER 110

# NATURAL GAS FRANCHISE

110.01 Franchise Granted	110.07 Franchise Fees
110.02 Term	110.08 Confidential Information
110.03 Governing Rules and Regulations	110.09 Force Majeure
110.04 Construction and Maintenance of Company Facilities	110.10 Hold Harmless
110.05 Extension of Company Facilities	110.11 Non-Waiver
110.06 Relocation of Company Facilities	110.12 Repeal Conflicting Ordinances

**110.01 FRANCHISE GRANTED.** The City (hereinafter referred to as "Grantor") hereby grants a non-exclusive franchise to Aquila, Inc, d/b/a Aquila Networks, a Delaware corporation, (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits, and appliances necessary or convenient for transmitting, transporting, distributing, and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

**110.02 TERM.** The rights and privileges granted by this chapter shall remain in effect for a period of 25 years from the effective date of the ordinance codified in this chapter.<sup>†</sup>

### **110.03 GOVERNING RULES AND REGULATIONS.**

1. This franchise is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by State or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality, and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. In determining the rights and duties of the Grantee, the terms of this franchise ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

2. If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 723, adopting a natural gas franchise for the City, was passed and adopted on August 23, 2004. The Grantee accepted the franchise ordinance on September 23, 2004.

or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

#### **110.04 CONSTRUCTION AND MAINTENANCE OF COMPANY FACILITIES.**

1. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and to the general public as is reasonably necessary; and repairs and replacements shall be made as soon as reasonably practicable by Grantee, leaving such properties in as good a condition as existed immediately prior to excavation.
2. Grantee agrees that for the term of this grant, it will use its best efforts to maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants, and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.
3. Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affect Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which this work is to proceed. The notice shall be given to the Grantee a sufficient length of time, considering seasonable working conditions, in advance of the actual commencement of the work to permit the Grantee to make any additions, alterations, or repairs to its facilities.

**110.05 EXTENSION OF COMPANY FACILITIES.** Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria under its Iowa tariff, and in accordance with the rules and regulations of the Iowa Utilities Board, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

**110.06 RELOCATION OF COMPANY FACILITIES.** If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is necessary for completion of the project, at the cost and expense of Grantee. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to complete the project, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of vacating of a public right-of-way. Vacating of a public right-of-way shall not deprive the Grantee of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are first paid to the Grantee, unless an

easement for the existing facilities is reserved for the benefit of Grantee by Grantor. Any person or corporation desiring to move a building or other structure along, or to make any unusual use of any street, alley, avenue, bridge, public right-of-way, or public place which shall interfere with the facilities or equipment of the Grantee, shall first give notice to the Grantor and the Grantee, and pay a sum sufficient to cover the expense and damage incident to the moving of Grantee's facilities and equipment.

#### **110.07 FRANCHISE FEES.**

1. In exchange for the franchise granted herein, Grantee shall collect from its customers located within the corporate limits of the Grantor, and pay to the Grantor, an amount equal to an amount not greater than two percent of gross receipts derived from the sale, distribution or transportation of natural gas delivered within the present or future limits of the Grantor as may be specified by resolution of the City Council. Gross receipts as used herein are revenues received from the sale, distribution, or transportation of natural gas, after deducting refunds issued for correction of bills theretofore rendered.
2. The amount paid by Grantee shall be in lieu of, and Grantee shall be exempt from, all other taxes which the Grantor may impose for the rights and privileges herein granted or for the privilege of doing business within the City including, but not limited to, local sales and services tax and local school infrastructure excise tax, and in the event any such fee, charge, license, tax or assessment shall be imposed by the Grantor, the payment to be made in accordance with the provisions of this section shall be reduced in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Grantee. Ad valorem property taxes imposed generally upon all real and personal property within the Grantor shall not be deemed to affect the obligation of the Grantee under this section.
3. Any consideration hereunder shall be reported and paid to the Grantor by Grantee on a monthly basis. Such payment shall be made within 30 days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portion of the period at the beginning and end of the term of the ordinance codified by this chapter.
4. Grantee shall list the local franchise fee collected from customers as a separate item on bills for utility service issued to customers. If at any time the Iowa Utilities Board, or other authority having proper jurisdiction, prohibits such recovery, then Grantee will no longer be obligated to collect and pay the franchise fee herein contemplated.
5. The Grantor shall provide copies of annexation ordinances and resolutions changing the franchise fee to Grantee on a timely basis to ensure appropriate franchise fee collection from customers within the corporate limits of the Grantor.
6. The Grantor shall have access to and the right to examine during normal business hours, those of Grantee's books, receipts, files, records, and documents that are necessary to verify the correctness of payments due hereunder. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery, such that any under-payment by Grantee shall be paid within 30 days of the recalculation and any over-payment by Grantee shall be discounted from the next payment(s) due.

**110.08 CONFIDENTIAL INFORMATION.** Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to such proprietary or commercial value, Grantor and its employees, agents, and representatives shall maintain the confidentiality of that information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained.

**110.09 FORCE MAJEURE.** It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: (i) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; (ii) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; (iii) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

**110.10 HOLD HARMLESS.** Grantee, during the term of this franchise, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating, and maintaining of distribution and transmission facilities or appliances of Grantee; provided, however, that Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

**110.11 NON-WAIVER.** Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character.

**110.12 REPEAL CONFLICTING ORDINANCES.** This franchise ordinance, when accepted by Grantee, shall constitute the entire agreement between the Grantor and the Grantee<sup>†</sup> relating to this franchise and the same shall supersede all prior ordinances pertaining to this franchise agreement, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 476 of the City is hereby repealed as of the effective date hereof.

[The next page is 789]

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<sup>†</sup> **EDITOR'S NOTE:** Control of Aquila, Inc., d/b/a Aquila Networks, was transferred to Black Hills Energy on July 14, 2008.

## CHAPTER 111

# ELECTRIC FRANCHISE

111.01 Franchise Granted	111.13 Service Interruptions
111.02 Placement and Maintenance of Equipment	111.14 Franchise Fee
111.03 Indemnification	111.15 Fee Applied to Customers' Bills
111.04 Excavations	111.16 Company's Obligation Limited
111.05 Notice of Excavation	111.17 Annexation or Change in City Limits
111.06 Relocation of Equipment	111.18 Fees Paid Quarterly
111.07 Installation of Meters	111.19 Use of Public Property
111.08 System Standards	111.20 Term of Franchise
111.09 Insurance	111.21 Reservation of Authority
111.10 Franchise Nonexclusive	111.22 Police Powers of City
111.11 Regulation by City	111.23 Prior Agreement Repealed
111.12 Maps of System	

**111.01 FRANCHISE GRANTED.** There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, 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 transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City, to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of 25 years subject to a limited right of cancellation at the end of the tenth- and twentieth-year anniversaries of the anniversary date as defined within; also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.<sup>†</sup> No services other than those related to the manufacture and generation, transmission, and distribution of electricity are authorized by this chapter.

**111.02 PLACEMENT AND MAINTENANCE OF EQUIPMENT.** The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said 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 arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

**111.03 INDEMNIFICATION.** The Company shall defend, indemnify, and hold the City harmless at all times during the term of this franchise from and against all claims for injury or damage to persons or property caused by the construction, erection, operation or maintenance of its properties, or the negligence of its contractors or its employees. In case of any suit or action at law being commenced against the City, upon any claim for damage arising out of any loss, injury or damage, claimed to have been caused by any installation, improvement, obstruction, or excavation in any street, alley, sidewalk or public place in the City, and which installation, improvement, obstruction, or excavation was made or left in, under or upon a such

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 814 adopting an electric franchise for the City, was passed and adopted on November 26, 2007.

street, sidewalk, alley, or public place by said Company, its agents, contractors, or employees, upon being notified in writing by the City of such action or proceeding, the Company shall appear and make proper defense thereto; and if any final and unappealable judgment is rendered against the City therein, the Company hereby agrees to assume, pay, and satisfy such judgment or decree, with the costs thereof.

**111.04 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, 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.

**111.05 NOTICE OF EXCAVATION.** Company shall provide reasonable advance notice to City before excavating in streets or public grounds of the City. Such notice shall state a particular part or point of the street where the excavation is to be made and the length of time in which such work will take to be done. In cases where emergency work must be performed, Company shall notify City as soon as practical after the emergency work is completed. In making excavations in the streets the Company shall proceed with such work as to cause the least possible inconvenience to the public. The Company shall protect property, according to safety standards generally accepted at the time of placement, or as may be determined by the Iowa Utilities Board. All excavations and obstruction shall have proper shoring, surface plates, barricades, warning lights, and such other or additional devices as circumstances may warrant. The Company shall be exempt from the permit application requirements of Section 135.09 of this Code of Ordinances as long as the franchise remains in effect. Temporary street surfacing will be placed in such excavations as soon as the same has been backfilled. Pavements, sidewalks, curb and gutters, or other portions of streets and public places opened, disturbed, or damaged by the Company shall be promptly restored and replaced with like materials by the Company at its own expense and left in as good condition as before.

**111.06 RELOCATION OF EQUIPMENT.** 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 a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance, or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City asks the Company to relocate existing facilities or equipment for the primary benefit of a commercial or private project, a non-public entity, or for a commercial or private developer, the Company shall receive payment for the cost of relocation as a precondition to relocating its existing 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. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are paid to the Company.

**111.07 INSTALLATION OF 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.



**111.08 SYSTEM STANDARDS.** 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 said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

**111.09 INSURANCE.** The Company shall maintain liability insurance coverage during the term of this franchise as is usual and customary in the industry for similarly situated utility companies. The Company shall provide to the City evidence of such coverage in the form of a certificate of insurance upon written request. The Company shall endeavor to provide 30 days' notice of cancellation or non-renewal. Nothing in this section shall be construed to limit the liability of the Company under this chapter. The Company shall require contractors or subcontractors involved in the construction, installation, maintenance, or operation of Company's electric system to maintain insurance coverage appropriate to the risk and extent of involvement.

**111.10 FRANCHISE NONEXCLUSIVE.** The franchise granted by this chapter shall not be exclusive.

**111.11 REGULATION BY CITY.** In the event the State of Iowa or the United States ceases to regulate any aspect of the delivery of electrical service now regulated by either or both, the City reserves the right upon such cessation to regulate such matters to the extent such matters are local affairs impacting the health, safety, or welfare of the City.

**111.12 MAPS OF SYSTEM.** The Company shall, promptly after the award of the franchise, make available for inspection at Company offices, detailed maps of its distribution system within the franchised area. The Company shall thereafter maintain updated maps showing the distribution system. Prior to excavating in the rights-of-way, both parties shall contact and shall follow the procedures therefor of the corporation organized pursuant to Chapter 480 of the *Code of Iowa* or an entity with a similar function utilized by both the City and the Company, currently the Iowa One-Call System.

**111.13 SERVICE INTERRUPTIONS.** Service to be rendered by the Company under this chapter shall be continuous unless prevented from doing so 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.

**111.14 FRANCHISE FEE.** In its monthly billing, Company shall include a franchise fee of two percent on the gross receipts from the sale of electricity for customers within the limits of the City. The Company shall commence collecting the two percent franchise fee on the date of July 1, 2015. The Grantor shall give the Company a minimum six-month notice prior to the request to implement an increase in the franchise fee. Grantor 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. Collection of the franchise fee shall cease at the earlier of the City's repeal of the franchise fee or the end of the franchise term.

**111.15 FEE APPLIED TO CUSTOMERS' BILLS.** The franchise fee shall be applied to all customers' bills in accordance with Chapters 364.2(f), 423B.5 and 423E.2(3) of the *Code of Iowa*. The Company shall not grant exemptions or refunds of the franchise fee beyond that granted by the *Code of Iowa*. If at any time the Iowa Utilities Board (or another authority having proper jurisdiction) prohibits the collection or payment of a franchise fee, the Company shall be relieved of its obligation to collect and pay to the City the franchise fee.

**111.16 COMPANY'S OBLIGATION LIMITED.** City agrees that Company's obligations related to the franchise fee are limited to those obligations set forth in Sections 111.14, 111.15, and 111.18 herein.

**111.17 ANNEXATION OR CHANGE IN CITY LIMITS.** Upon receipt of a final and unappealable order or approval authorizing annexation or changes in the limits of the City, the City Clerk shall provide written notification to an officer of Company of such annexation or change in the limits of the City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the limits of the City, commencing six months from receipt of the written notice.

**111.18 FEES PAID QUARTERLY.** The Company shall remit collected franchise fees to the City on a quarterly basis, within 30 days after last day of the last revenue month of the quarter.

**111.19 USE OF PUBLIC PROPERTY.** 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 poles, lines, wires, conduits, and other appliances for the transmission 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 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 the franchise.

**111.20 TERM OF FRANCHISE.** The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the said Company, as herein provided. The City may cancel the franchise on the tenth or twentieth anniversary of the anniversary date of the franchise by notifying Company in writing of its desire to do so, said notification to be given within 30 days of the tenth or twentieth anniversary respectively of this franchise. If Company is not notified of the cancellation by the tenth or twentieth anniversary, then the franchise shall continue without cancellation until the twenty-fifth year. The anniversary date shall be the date this franchise is filed with the City Clerk or otherwise effective by operation of law.

**111.21 RESERVATION OF AUTHORITY.** This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the Twenty-Fifth Amendment to the Iowa Constitution granting cities municipalities home rule powers.

**111.22 POLICE POWERS OF CITY.** In the exercise of its police powers the City reserves to itself the right to make reasonable regulation of the Company's use of streets and other public property, provided that such exercise shall not violate any State or federal regulations related to the safety of Company's facilities, or access thereto.

**111.23 PRIOR AGREEMENT REPEALED.** 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 electric system ordinance between the Company and the City as of the date the ordinance codified herein 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.

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[The next page is 805]

## CHAPTER 112

### CABLE TELEVISION FRANCHISE

112.01 Term of Franchise  
112.02 System Operation  
112.03 Access Equipment Grant  
112.04 Activated Channels  
112.05 Service Area

112.06 Franchise Nonexclusive  
112.07 Police Powers  
112.08 Transfer of Franchise  
112.09 Notices

**112.01 TERM OF FRANCHISE.**<sup>†</sup> D.D. Cable Holdings, Inc., its successors and assignees are hereby granted a renewal of their nonexclusive right, franchise and authority for a period of 15 years to maintain and operate a cable television system in the City and to sell and supply individuals, firms and corporations within the corporate limits of the City cable service and other services in, along, among, upon, across, above, over, under or in any manner connected with public ways within the service areas and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments and other related property or equipment as may be necessary or appurtenant to the cable system, subject to the conditions and restrictions provided and subject to all applicable laws of the State and the United States of America.

**112.02 SYSTEM OPERATION.** The system shall be operated in accordance with performance standards which meet or exceed FCC regulations. The system shall include or provide:

1. Grantee shall adhere to the FCC's Emergency Alert Standards (EAS) as applicable for the provision of an emergency alert override system.
2. "Upstream capability" to allow live broadcast on the local access channel from the following locations: Anamosa City Hall and the Anamosa Community High School, upon request of the City and where there is a demonstrated need as determined by the Council. [See also Chapter 27 (Local Access Television Commission)]
3. Closed Captioning. Grantee shall pass through all closed-circuit signals received by the system for the hearing impaired. Closed-caption devices will be provided for sale and installed by the Grantee at standard installation rates and consistent with the FCC's EAS standards.
4. System Upgrade. Grantee shall upgrade system to 450 MHz which is capable of delivering 60 channels. Construction shall commence no later than 18 months after the effective date of the ordinance codified by this subsection and conclude no later than 30 months after said date.

**112.03 ACCESS EQUIPMENT GRANT.** Within 120 days after the effective date of this franchise agreement, the Grantee will provide the City with a \$10,000 up-front capital grant to

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 610, adopting a cable television franchise for the City, was passed and adopted on May 30, 1996, and published on July 11, 1996. The Grantee accepted the franchise on June 24, 1996. The franchise will expire on July 11, 2006.

be used exclusively for access equipment and/or facilities as the City deems necessary. The Grantee may divide the payment of the capital grant into two equal payments of \$5,000 each, with the first payment due upon acceptance of the franchise agreement and upon request by the City and the second payment due 12 months after the acceptance of the franchise agreement.

**112.04 ACTIVATED CHANNELS.** The Grantee shall provide a minimum of 24 activated channels on the basic/expanded basic tier of service.

**112.05 SERVICE AREA.**

1. Service to All Potential Subscribers. The Grantee shall offer cable television residential service to all areas of the City which are in the corporate limits of the City.
2. Service Area. The service area of Grantee shall be the entire corporate boundaries of the City and include any areas annexed to the City in the future based on the minimum density standards set forth in the Cable Television Regulatory Ordinance.
3. Commercial Service. Grantee shall, upon request, make service available to commercial/industrial establishments located within 150 feet of its existing system at standard installation rates for aerial installations. Service shall be provided upon request of the commercial establishment beyond 150 feet of its existing system at the expense of the commercial establishment.

**112.06 FRANCHISE NONEXCLUSIVE.** This franchise shall not be construed as any limitation upon the right of the City to grant to other persons rights, privileges, or authorities similar to the rights, privileges and authorities herein set forth, in the same or other streets, alleys, or other public ways or public places. The City specifically reserves the right to grant at any time during the term of this franchise or renewal thereof, if any, such additional franchises for a cable communications system as it deems appropriate.

**112.07 POLICE POWERS.** In accepting this franchise, Grantee acknowledges that its rights hereunder are subject to police powers of the City to adopt and enforce general ordinances necessary for the safety and welfare of the public and it agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to such powers.

**112.08 TRANSFER OF FRANCHISE.** The Grantee's right, title or interest in the franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity, controlling, controlled by or under common control with the Grantee, without the prior consent of the franchising authority; such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation or by assignment of any rights, title, or interest of the Grantee in the cable system in order to secure indebtedness. Within 30 days of receiving the request for transfer, the Franchising Authority shall in accordance with FCC rules and regulations, notify the Grantee in writing of the information it requires to determine the legal, financial, and technical qualifications of the transferee.

**112.09 NOTICES.** Unless expressly otherwise agreed between the parties, every notice or response required by this chapter to be served upon the franchising authority or the Grantee shall be in writing and shall be deemed to have been duly given to the required party five business days after having been posted in a sealed and correctly addressed envelope when hand delivered or sent by certified or register mail, postage prepaid. The notices or responses to the franchising authority shall be addressed as follows:

City Hall  
City of Anamosa  
Anamosa, Iowa 52310

The notices or responses to the Grantee shall be addressed as follows:

D.D. Cable Holdings, Inc.  
424 Church Street - Suite 1600  
Nashville, Tennessee 37219

with a copy to:

Midwest CableVision  
514 South Main Street  
P.O. Box 40  
Westby, Wisconsin 54667

The franchising authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other.

[The next page is 815]



**CHAPTER 113**  
**CABLE TELEVISION**  
**CUSTOMER SERVICE STANDARDS**

**113.01 ADOPTION OF STANDARDS.** Pursuant to legal authority to adopt and enforce customer service standards for the cable television system in the City as permitted by the Cable Television Consumer Protection and Competition Act of 1992, and upon review of the customer service standards adopted by the Federal Communications Commission on March 11, 1993, by MM Docket No. 92-263 of the FCC, and deeming it in the best interests of the City, the Council has adopted the above mentioned customer service standards for cable television service and the same are included herein by reference.

[The next page is 821]

## CHAPTER 114

# REGULATION OF RATES CHARGED BY CABLE TELEVISION OPERATORS

114.01 Administration of Rules and Regulations  
114.02 Rate Regulation Proceedings

114.03 Cable Programming Service Tier  
114.04 Delegation of Powers Permitted

**114.01 ADMINISTRATION OF RULES AND REGULATIONS.** 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, concerning Cable Rate Regulation, 47 Code of Federal Regulations §§76.900 et. seq., as they currently read and hereafter may be amended, which are herewith incorporated by reference.

**114.02 RATE REGULATION PROCEEDINGS.** Any rate regulation proceedings conducted under Section 114.01 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 and by this Code of Ordinances, 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 by Section 362.4 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 or charges for equipment to receive such basic service tier, as defined by the Federal Communications Commission ("FCC").
2. The 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 by resolution the responsibility to conduct the proceeding to any duly qualified and eligible individuals or entities. If the City cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may toll 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 shall be 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 State laws and by this Code of Ordinances 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 by resolution and release a written decision as to whether or not the rates or proposed rate increase are 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 laws of the State of Iowa, 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 shall be submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

**114.03 CABLE PROGRAMMING SERVICE TIER.** 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 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 business days after the change becomes effective.

**114.04 DELEGATION OF POWERS PERMITTED.** The City may delegate by resolution 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 835]

## CHAPTER 116

# CEMETERY

116.01 Establishment

116.02 General Operation

116.03 Burials

116.04 Markers, Monuments and Decorations

116.05 Mausoleums

116.06 Cemetery Charges

116.07 Sale of Lots; Perpetual Care

116.08 Long-term Care of Lots

116.09 Records

116.10 Liability

116.11 Platting

116.12 Penalties

**116.01 ESTABLISHMENT.** On January 1, 1983, the Council assumed complete ownership and complete charge of all funds, lands, and property of Riverside Cemetery, and the management of same, and established it as the municipal cemetery of the City.

**116.02 GENERAL OPERATION.** The following rules govern general operations of the cemetery:

1. Persons within the cemetery shall at all times maintain a decorum of speech and action, including avoidance of loud talking or other noise within earshot of graveside ceremonies if not part of the group participating in the ceremonies, and workers shall suspend their work when near such ceremonies.
2. No person shall drive any vehicle faster than 15 miles per hour or in a careless manner upon the cemetery roads.
3. Persons shall walk only on roads and walkways or footpaths except when absolutely necessary for maintenance of gravesites, inspection of plots, installation of markers, or decoration of graves.
4. No person shall deface or otherwise damage any marker, headstone, monument, cemetery fence, or other cemetery structure.
5. Public vehicular traffic within the cemetery shall be limited to the hours of between sunrise and sunset and confined to designated roadways.
6. No person, except an authorized City employee, shall cut, remove, or carry away any flowers, trees, shrubs, plants, or vines from any lot. However, the owner of a lot may remove and carry away any flowers, plants, or vines that the owner has placed upon said lot. No person, other than the owner of the lot or City employees in the performance of their duties, shall remove, carry away or destroy any vases, flower pots, urns, or other objects which have been placed upon any lot.
7. No person may consume or possess beer or liquor of any kind on the cemetery grounds.
8. No person shall allow any dog or other animal belonging to said person or under his or her control to run at large in the City cemetery, or any part thereof.
9. No person, other than law enforcement officers and persons engaged in military funerals or like ceremonies whose functions require the carrying of firearms, may carry any firearm in or upon the City cemetery grounds.
10. All persons using the cemetery grounds shall deposit their rubbish and trash in the receptacles placed in the cemetery for that purpose.

11. The operation of recreational motor vehicles upon cemetery lots and lands is not permitted.

**116.03 BURIALS.** The following rules apply to burials within the City cemetery. The Council, by resolution, may adopt further regulations not in conflict herewith with regard to burials.

1. Lot owners are forbidden to resell their lots or burial spaces upon their lots for remuneration in excess of current pricing.
2. No filling, sodding, seeding, boxing, mounding, or other work upon single graves or lot graves shall be done except by persons contracted or employed by the City.
3. No interment of any body other than a human being shall be permitted or made in the City cemetery, nor shall there be more than one body per grave, except in the case of cremains. Any further exceptions to this section must be made by the Council. Interment of parent and infant child shall be permitted in one grave.
4. There shall be no burials without a casket or vault. Vaults shall be of cement, steel, or fiberglass. A vault will not be required for an aluminum casket.
5. Arrangements for interments shall be made by the owner of the burial space, by a member or members of the family acting and authorized by law to act for the owner, or by an authorized undertaker or other authorized agent of the owner.
6. Notice of interment must be given to the Clerk at least 48 hours in advance of burial, 72 hours' notice in the event the ground is frozen. The grave opener must be present at all interments and have full charge of opening, closing, and sodding or seeding of all graves.
7. The City shall in no manner be liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations of the cemetery have not been complied with. The City shall be under no duty to recognize any protest of interment unless it be in writing and filed with the Clerk. The City shall not be responsible for errors resulting from orders or instructions given by telephone, and the Clerk or grave opener may require such orders to be in writing before finalizing any action.
8. Disinterment shall be governed by the above Subsections 2, 3, 4, 5, 6, 7.
9. The grave opener shall exercise reasonable care in making a removal, and the City shall not assume any liability for damages to any casket or burial case or urn incurred in making the removal.
10. All grave openings and closing shall be performed by companies or persons who have written agreements with the City of Anamosa for such services that have been approved in advance by the City Council.

**116.04 MARKERS, MONUMENTS, AND DECORATIONS.**

1. Definitions. For use in this section the following terms are defined:
  - A. "Monument" refers to the large family lot stones which do not identify any specific grave.
  - B. "Marker" refers to a stone located at and identifying a specific grave, usually bearing the name, date of birth, and date of death.



- C. "Headstone" refers to a grave marker placed at the head of the specific burial, and also usually bearing specific name and dates.
  - D. "Footstone" refers to a grave marker placed at the foot of the specific burial, and also usually bearing specific name and dates.
2. Rules. The following rules apply to the erection of monuments and markers within the City cemetery. The Council, by resolution, may adopt further regulations not in conflict herewith in regard to monuments and markers.
- A. Monuments and grave markers of every description shall have suitable foundations adequate to prevent tipping or sinking.
  - B. No monument or headstone, and no structure of any vault above ground, shall be constructed of any material other than cut stone or real bronze, except military stone as recommended by the Veterans Administration shall take the place of headstone.
  - C. No headstone or grave marker will be allowed less than four inches or more than 14 inches in thickness.
  - D. Only one monument will be permitted on a family burial lot, and no monument will be allowed on a single grave section.
  - E. All monuments and markers installed shall be bordered by a six-inch wide concrete rim flush with the surface and consistent with the contour of the land and extending no less than one foot into the ground. In addition to six-inch wide concrete mowing rim, each monument, marker, or headstone which is over 12 inches in height shall have a concrete base extending 36 inches into the ground immediately below and which concrete base must have the same outside dimensions as the monument, marker, or headstone. Monuments, markers, or headstones under 12 inches in height, above ground level, shall have a six-inch concrete mowing rim and foundation, both of which shall extend not less than one foot into the ground immediately below.
  - F. Only one monument, marker, or headstone for each grave will be allowed except where noted above.
  - G. Any trees, plants, or flowers growing on the lot shall not be removed or trimmed without the permission of the City.
  - H. Every installer of a monument, marker, or headstone shall contact the Clerk's office prior to commencement of installation and before depositing materials on the cemetery lot where the monument, marker, or headstone is to be installed. Installers shall furnish the City with their name, business address, telephone number, and place of installation, together with the name, address, and telephone number of the party purchasing or arranging for the installation of the monument, marker, or headstone.
  - I. The entire area between the southern and eastern boundary lines of the cemetery and the southern-most (lower circle) road is designated as a Memorial Section. The Memorial Section shall not be opened for lot sales until special rules and regulations are adopted to apply to the Memorial Section. Such rules and regulations shall include but not be limited to prohibition of the installation of any monument, marker, or headstone which projects above ground level. The plats indicating the lot markers for a portion of the Memorial Section shall

be retained but not recorded until such time as affirmative action is taken to authorize lot sales in the Memorial Section.

J. If any vault, tomb, mausoleum, or like structure in which bodies are entombed in the cemetery falls into a state of dilapidation or decay, or is determined by the Council to be offensive or in any way injurious to the appearance of the cemetery, no adequate provisions having been made by the owner for repair and preservation of such structure, the City shall have the right to remove the said offensive or objectionable structure and to inter any bodies contained therein in the earth upon the lot in which such structure was located, maintaining such lot thereafter in good and similar condition as done with other lots in the cemetery.

K. No fences or enclosures around lots shall be permitted.

L. Flowers (artificial or natural) in unbreakable (no glass or ceramic) containers are permitted if placed within 12 inches of the point the monument or its base or foundation protrudes from the ground, in receptacles attached to the monument, or hung from a shepherd's hook provided the base of the shepherd's hook is within 12 inches of the point the monument or its base or foundation protrudes from the ground. Other small items of a commemorative nature will be permitted if placed within 12 inches of the point the monument or its base or foundation protrudes from the ground. Any flowers, flower containers or other commemorative items placed at the gravesite found lying on the ground beyond the 12 inches of the point the monument or its base or foundation protrudes from the ground shall be removed by the City/Cemetery personnel from the site without notice or accounting to the owner(s) of the burial lot or the family members of the deceased interred or inurned in the lot. The City shall not be liable to the lot owner(s) or the family of the deceased interred or inurned in the lot for any flowers, flower containers or other commemorative items placed at the gravesite other than on the base or foundation of the monument that are inadvertently damaged by City/Cemetery personnel in mowing or trimming the Cemetery. Further, natural flowers that are dead and wilted and artificial flowers that are discolored as a result of exposure to the elements will be removed semi-annually by City/Cemetery personnel without notice or accounting to the lot owner(s) or the family of the deceased interred or inurned in the lot the week preceding Memorial Day and the week preceding Veteran's Day. Notice of those semi-annual clean-ups shall be published in the *Anamosa Journal-Eureka* a minimum one week prior to the semi-annual clean-up.

M. Other than flowers and commemorative items permitted under Subsection L above, all burial lots within Riverside Cemetery shall be kept clear of other items or things and any such items or things found in violation of this subsection are subject to removal by City/Cemetery personnel without notice or according to the lot owner(s) or the family members of the deceased interred or inurned in the burial lot. Further, neither the lot owner(s) nor the family members of the deceased interred/inurned in the burial lot shall change the grade of the lot or the surface vegetation of the lot without the permission of the City Council.

N. Lot owners and others are prohibited from placing on lots or graves any toys, cases, boxes, globes, shells, cans, jugs, bottles, bric-a-brac of every

description, wooden benches, chairs, settees, headboards, or wooden articles of any kind. Any such articles found on the cemetery grounds may be removed.

O. Floral frames shall not be kept over one week from day of interment.

P. Receptacles for cut flowers should be sunk below the lawn level.

Q. No trees or shrubs shall be planted by any person on any portion of Riverside Cemetery, unless approved in advance by the City's Tree Board (See Chapter 26), and if such approval is granted by the Tree Board, all such plantings shall be done in compliance with Chapters 150 and 167 of this City Code of Ordinances.

R. In order to facilitate mowing and lot care, no permanent planting of any kind by lot owners is permitted.

**116.05 MAUSOLEUMS.** The following regulations are adopted pertaining to the erection of mausoleums in Riverside Cemetery:

1. Above-surface vaults or mausoleums are not permitted on lots containing less than 600 square feet. The vault or mausoleum shall be set back at least four feet from each of the four perimeter lot lines.
2. No above-surface vault or mausoleum shall be constructed unless the owner of the lot in question has been issued a permit by the Council.
3. Permits shall be issued by the Council only following written application thereof. The written application shall include complete plans and specifications for the proposed construction including a detailed list of the materials to be used and the method of construction to be undertaken. The permit application shall also include a sketch of the proposed construction revealing the dimensions of the structure and the location and placement of the materials to be used in its construction. The application shall also include the projected cost of the proposed structure.
4. The permit application and supporting information shall be reviewed for comment by the City Engineer prior to the issuance of the desired permit. The City reserves the right to refuse to issue a permit for the construction and erection of any above-surface vault or mausoleum which is not considered safe, suitable, desirable, appropriate, or within the architectural scheme of the cemetery.
5. Before any above-surface vault or mausoleum may be erected, the lot owner shall pay to the City, for future care and maintenance of the structure and adjoining ground, an amount equal to the cost of the structure. The sum shall be deposited in the cemetery maintenance fund maintained by the City.
6. Above-surface vaults or mausoleums are permitted only in those areas of the Riverside Cemetery designated for those structures by resolution of the Council. Any such resolution shall be kept with this chapter.

**116.06 CEMETERY CHARGES.** The Council may set from time to time, by resolution, charges for burials or other services.

**116.07 SALE OF LOTS; PERPETUAL CARE.**

1. Purchasers of burial space in the City cemetery, whether by lots or parts thereof, shall be entitled, upon payment of the full purchase price, to a deed for the space purchased, said deed to be signed by the Mayor and countersigned by the Clerk, and

specifying that said deed vests in the purchaser, the heirs, or the assigns of said purchasers a right in fee simple to such lots, lot or part thereof for the sole purpose of sepulcher alone, for human bodies only, subject to the rules and regulations and ordinances governing the cemetery as they exist at the time of interment, and that the City reserves the control of said lots, lot, or part of lot in the cemetery in order to properly maintain the cemetery. No deed shall be delivered until the purchaser has made final payment of the full fee for purchase plus the payment required for perpetual care. Once the full fee (lot fee and perpetual care fee) is paid, the owner, or heirs and assigns of the owner, shall be relieved of any annual liability for a care fee except for mausoleums.

2. Any unoccupied lot will be presumed abandoned when under the conditions set out in State law for reversions, and the City may sell such reverted lot, the proceeds from which shall be deposited in the perpetual care fund to provide for the care of any occupied area of the reverted property or if there be no occupied portion, the proceeds from the sale portion may be invested, and the interest thereon be used wherever deemed useful for the care of the cemetery.

3. The Council shall, from time to time as conditions require, set by resolution prices for the conveyance of a deed for lots, based on the size and location of each. The price shall include a portion for perpetual care charge as set by said resolution. The proceeds from the sale portion shall be deposited in the General Fund. The prices may be increased and the proportion for perpetual care changed when the Council finds that the needs of the cemetery require it.

4. The City reserves and shall have the right to correct any errors that may be made in making either interments, disinterments, or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City or in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves the right to remove and transfer such remains to such other property of equal value and location as far as reasonably possible.

**116.08 LONG-TERM CARE OF LOTS.** The purchase price shall include a portion to be called the perpetual care charge, to be set as a percentage of the full price, and the Clerk shall deposit such amount into a cemetery perpetual care fund. The Council, by resolution, may accept gifts or donations of land, money, or investment assets to be placed to the credit of the perpetual care fund. The assets of the perpetual care fund shall be invested by the Clerk as permitted by State law for municipal cemetery investments. The City shall use the income from such investments in caring for the property of the donor, or as provided in the terms of such gift or donation, or as agreed in the instrument for sale and purchase of a cemetery lot. Nothing herein required shall be construed as destroying any vested right as to investments heretofore made prior to the date that City acquired title to the cemetery or said fund, but such investments may be continued until their maturity and then reinvested according to the provisions of this section.

**116.09 RECORDS.**

1. The City shall keep a burial card record which shall consist of an individual page or card for each lot, arranged by blocks according to lot number. Each page or card shall contain a record of the name and complete address, as nearly as possible, of

each lot owner, the lot and block number, the purchase receipt number, date of purchase, and space for recording transfers. A diagram of the lot shall be drawn on the page, including numbering and showing the location of each grave. A space is to be provided to record the name and grave number of each person buried in the lot.

2. A deed record book shall be maintained by the City in which all deeds shall be recorded and which show all lots purchased.

3. The City shall keep an alphabet card, arranged alphabetically by last name of deceased, for each body buried. Each card shall contain the deceased's full name, date of birth, date of death or burial, age, grave number, name of funeral home, and lot and block number. This will supplement the deed book and burial card records and provide for a starting point when only the name of the deceased is known.

**116.10 LIABILITY.** The City shall take reasonable precautions to protect plot owners and the property rights of plot owners within the cemetery from loss or damage, but it expressly shall not be liable for loss or damage beyond its control, and particularly from damage caused by the elements, an Act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, or unavoidable disorder, whether the damage be direct or consequential.

**116.11 PLATTING.** It is hereby made the duty of the City to provide for the surveying, platting, grading, fencing, ornamentation, and improvement of all the cemetery grounds and the avenues leading thereto, from time to time, as in the opinion of the Council may be necessary and advisable.

**116.12 PENALTIES.** Violation of provisions of this chapter or failure to comply with any of its requirements shall constitute a municipal infraction, unless a specific provision of the *Code of Iowa* requires otherwise. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties provided for in Chapter 4 of this Code of Ordinances. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, unless the violation of this chapter is defined as a felony or misdemeanor by State law.

[The next page is 865]

## 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  
120.07 Alcohol Compliance Training  
120.08 Certificate of Completion  
120.09 Penalties

**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 and 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 and 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a retail alcohol license, 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 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 a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division.

*(Code of Iowa, Sec. 123.32[2])*

**120.05 PROHIBITED SALES AND ACTS.** A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

*(Code of Iowa, Sec. 123.49[2b])*

2. Sell or dispense any alcoholic beverage 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 liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may

sell or dispense alcoholic liquor, wine, or beer 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 123.150)*

3. Sell alcoholic beverages 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 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

*(Code of Iowa, Sec. 123.49[2f])*

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, 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.

*(Code of Iowa, Sec. 123.49[2j])*

8. Keep on premises covered by a retail alcohol 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.

*(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 or employees of the licensee 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])*

12. Permit or allow any person under 21 years of age to enter or remain upon licensed premises between the hours of 9:00 p.m. and closing, where more than 35 percent of the business conducted on such premises is the sale or dispensing of liquor, wine, or beer, except as set forth herein. The phrase “business conducted on such premises” means the total business revenue generated on such premises during the previous calendar year. The prohibition does not apply to:

A. An underage person who is an employee of the licensee or permittee or who is performing a contracted service for the licensee or permittee on the premises.

B. An underage person who is accompanied on the premises at all times by a parent, guardian, or spouse who is not under the age of 21.

C. An underage person on the premises during a period of time when the licensee or permittee, in accordance with a written plan given to and approved by the Police Chief, has suspended dispensing alcoholic liquor, wine, or beer on the licensed or permitted premises or in a clearly delineated area of the licensed or permitted premises. During such period of time, the licensee or permittee shall not permit any underage person to purchase or possess any alcoholic liquor, beer, or wine on the premises. Police officers shall be admitted to the premises at any time to monitor

13. The licensee or permittee of any business that sells alcoholic liquor, wine, or beer for on-premises consumption shall be required to post in a conspicuous place a notice stating:

**NOTICE TO PERSONS UNDER 21 YEARS OF AGE:**

**You are subject to a maximum fine of \$200.00 for entering or remaining on these premises between the hours of 9:00 p.m. and closing, unless you are employed by the owner or are accompanied by a parent, guardian, or spouse who is not under the age of 21. <sup>†</sup>**

**120.06 AMUSEMENT DEVICES.** The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.)

*(Code of Iowa, Sec. 99B.57)*

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

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<sup>†</sup> **EDITOR’S NOTE:** The prohibition defined in Subsections 120.05(12) and (13) is also specifically referenced in Section 46.04 (Minors in Bars) of this Code of Ordinances.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

**120.07 ALCOHOL COMPLIANCE TRAINING.** All persons involved in the selling, serving, or dispensing of alcoholic beverages shall participate in and complete a free alcohol training program (in-person or online) offered by the Iowa Alcoholic Beverage Division's approved training, the City Police Department, or its designee. All persons required to complete training, shall do so within 90 days of the date on which the person becomes subject to the training requirement (date of hire or enactment of this ordinance). If such training is not offered within 90 days, the person subject to the requirements of this subsection shall notify the City Police Department of that fact and the date upon which the employee can complete the required training. All persons completing the training required by this section shall maintain active certification. Approval of liquor license applications is contingent on all servers and sellers completing the required training within the 90-day timeframe mentioned above. If a business fails a compliance check, all servers and sellers who do not hold the in-person certification must complete the in-person classroom training with the City Police Department, or its designee, within 90 days of the violation. Persons involved in the selling, serving, or dispensing of alcoholic beverages at festivals, carnivals, fundraisers, and other temporary events are not required to take the training, but it is strongly recommended.

**120.08 CERTIFICATE OF COMPLETION.** All persons completing the required alcohol compliance training shall receive a certificate of completion, which shall be kept on file at the location where the person sells, serves, or dispenses alcoholic beverages, and maintained by that person's employer. The certificate shall remain on file as long as the person is employed at that location and shall be returned to the employee when his or her employment ends. These certificates shall be available for inspection during business hours to law enforcement personnel authorized to enforce federal, State, and local liquor laws and regulations.

**120.09 PENALTIES.** Consistent with the provisions of this Code of Ordinances, the City Police Department is charged with primary responsibility for enforcement of Sections 120.07 and 120.08. Penalties for violation of Sections 120.07 and 120.08 shall be assessed against the person or entity holding a license for the sale of alcoholic beverages under the State. The penalties assessed against the licensee for violations of Sections 120.07 and 120.08 are as follows:

1. For the first violation, a fine not exceeding \$100.00.
2. For subsequent violations within a two-year period, a fine not exceeding \$200.00 and a written report sent to the State Alcoholic Beverages Division for possible suspension of the liquor license.

[The next page is 879]

## 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. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
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, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes, or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “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.
6. “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.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes

an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

### **121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products 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. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

*(Code of Iowa, Sec. 453A.47A)*

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor 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 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 and 453A.47A)*

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

*(Code of Iowa, Sec. 453A.13 and 453A.47A)*

<b>FOR PERMITS GRANTED DURING:</b>	<b>FEE:</b>
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 to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

**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 and 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes 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 \$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 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 \$1,500.00 or the retailer's permit shall be suspended for a period of 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 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 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.** 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 tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes 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 30 days of the revocation or suspension.

*(Code of Iowa, Sec. 453A.22)*

[The next page is 891]

## CHAPTER 122

# PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation/Denial of License
122.03 License Required	122.12 Hearing
122.04 Application for License	122.13 Record and Determination
122.05 License Fees	122.14 Appeal
122.06 Bond Required	122.15 Effect of Revocation
122.07 License Issued	122.16 Rebates
122.08 Display of License	122.17 License Exemptions
122.09 License Not Transferable	122.18 Charitable and Nonprofit Organizations

**122.01 PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

**122.02 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions, or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

**122.03 LICENSE REQUIRED.** Any person engaging in peddling, soliciting, or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

**122.04 APPLICATION FOR LICENSE.** An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address, and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business, and the length of time sought to be covered by the license. An application fee of \$2.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

**122.05 LICENSE FEES.** The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of \$20.00 per year.
2. Peddlers or Transient Merchants.
  - A. For one day.....\$10.00
  - B. For one week.....\$20.00
  - C. For up to six months.....\$40.00
  - D. For one year or major part thereof.....\$50.00

**122.06 BOND REQUIRED.** Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

**122.07 LICENSE ISSUED.** If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

**122.08 DISPLAY OF LICENSE.** Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

**122.09 LICENSE NOT TRANSFERABLE.** Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

**122.10 TIME RESTRICTION.** All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

**122.11 REVOCATION/DENIAL OF LICENSE.** Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.
4. The owner and/or the business itself has failed to pay lawfully levied fees or failed to pay lawful debts owed to the City. No license shall be reinstated or approved until all fees and lawful debts are paid.

The Clerk shall send the written notice to the licensee at the licensee's local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.



**122.12 HEARING.** The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

**122.13 RECORD AND DETERMINATION.** The Clerk shall make and record findings of fact and conclusions of law and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

**122.14 APPEAL.** If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

**122.15 EFFECT OF REVOCATION.** Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

**122.16 REBATES.** Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least \$5.00 of the original fee shall be retained by the City to cover administrative costs.

**122.17 LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Anamosa 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.

**122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS.** Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which

such activities are to be carried on, and whether any commissions, fees, or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

[The next page is 901]

## CHAPTER 123

### HOUSE MOVERS

123.01 House Mover Defined  
123.02 Permit Required  
123.03 Application  
123.04 Bond Required  
123.05 Insurance Required  
123.06 Permit Fee

123.07 Permit Issued  
123.08 Public Safety  
123.09 Time Limit  
123.10 Removal by City  
123.11 Protect Pavement  
123.12 Overhead Wires

**123.01 HOUSE MOVER DEFINED.** A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

**123.02 PERMIT REQUIRED.** It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building, or similar structure to be moved. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

**123.03 APPLICATION.** Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and, if a corporation, the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the City Administrator, Street Superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

**123.04 BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

**123.05 INSURANCE REQUIRED.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$100,000.00 per person; \$300,000.00 per accident.
2. Property Damage – \$100,000.00 per accident.

**123.06 PERMIT FEE.** A permit fee of \$100.00 shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

**123.07 PERMIT ISSUED.** Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

**123.08 PUBLIC SAFETY.** At all times when a building or similar structure is in motion upon any street, alley, sidewalk, or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind, and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk, or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind, and ahead of the building or structure.

**123.09 TIME LIMIT.** No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

**123.10 REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of Section 123.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

**123.11 PROTECT PAVEMENT.** It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

**123.12 OVERHEAD WIRES.** The holder of any permit to move a building shall see that all telephone, cable television, and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

[The next page is 925]

## CHAPTER 135

### STREET USE AND MAINTENANCE

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|--|--|
| 135.01 Removal of Warning Devices              | 135.08 Burning Prohibited                              |
| 135.02 Obstructing or Defacing                 | 135.09 Excavations                                     |
| 135.03 Placing Debris On                       | 135.10 Property Owner's Responsibility for Maintenance |
| 135.04 Playing In                              | 135.11 Failure to Maintain                             |
| 135.05 Traveling On Barricaded Street or Alley | 135.12 Dumping of Snow                                 |
| 135.06 Use for Business Purposes               | 135.13 Driveway Culverts                               |
| 135.07 Washing Vehicles                        | 135.14 Curb Cuts and Driveways                         |

**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 unless such person first obtains a required permit as hereinafter provided:

1. Application. Before such permit is granted, 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. Deposit Required. The applicant shall deposit \$200.00 in cash with the City or, at the discretion of the Public Service Supervisor, a penal bond, issued by a surety company authorized to issue such bonds in the State, in an amount to be determined by the Public Service Supervisor which shall be posted with the City to guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
  - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
  - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys, and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, 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 24 hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 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 for such work to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

11. Permit Fee. A permit fee of \$25.00 shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

12. Permit Issued. Upon approval of the application, filing of deposit or bond and insurance certificate, and payment of any required fees, a permit shall be issued.

13. Permit Exemption. Utility companies which are franchised or licensed to do business within the corporate limits of the City are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions of this chapter. The utility companies which are exempt pursuant to this subsection are designated by resolution of the Council.

**135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. 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, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.<sup>†</sup>

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

**135.11 FAILURE TO MAINTAIN.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

**135.12 DUMPING OF SNOW.** It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the Business District it is absolutely

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<sup>†</sup> **EDITOR'S NOTE:** See also Section 140.04 relating to property owner's responsibility for maintenance of sidewalks.

necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

**135.13 DRIVEWAY CULVERTS.** The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

**135.14 CURB CUTS AND DRIVEWAYS.** No person shall cut or remove any street curbing to enable ingress and egress to private property, or for any other purpose remove any street curbing, nor shall any person install a new driveway access or alter their existing driveway access without first securing from the Clerk's office a permit therefor. The permit shall be secured by submitting a written application therefor to the City on such forms as shall be prescribed by the City. The permit application shall include, at a minimum, the applicant's name, address, legal description of the private property to be served by the curb cut or driveway access, the length of the curb proposed to be removed, and the width of the driveway access to be installed or modified. The Public Service Supervisor shall approve the permit application upon a finding that the curb cut or driveway access installation or modification proposed will not adversely affect the drainage of surface water from the public right-of-way and that the exercise of ingress and egress to and from the private property in question at the proposed location will not pose a hazard, threat, or concern to pedestrian or vehicular traffic. In granting any such permit, the Public Service Supervisor shall specify the time within which the street curbing in question shall be replaced by curbing of Portland cement. One having been denied a permit following formal application may appeal the decision to the Council.

[The next page is 937]



## CHAPTER 136

# VACATION AND DISPOSAL OF STREETS

136.01 Power to Vacate

136.02 Planning and Zoning Commission

136.03 Notice of Vacation Hearing

136.04 Findings Required

136.05 Disposal of Vacated Streets or Alleys

136.06 Disposal by Gift Limited

**136.01 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])*

**136.02 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 30 days after the date the proposed vacation is referred to the Commission.

*(Code of Iowa, Sec. 392.1)*

**136.03 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.

**136.04 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.

**136.05 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)*

**136.06 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] and 364.7[3])*

<b>EDITOR'S NOTE</b>			
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.			
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>
14	1867	384	November 9, 1964
20	August 3, 1868	389	July 5, 1965
27	September 14, 1869	390	November 2, 1965
70	June 27, 1872	393	November 8, 1965
115	March 14, 1877	398	August 22, 1966
118	July 10, 1877	426	January 20, 1970
126	July 2, 1878	426a	April 14, 1970
147	October 6, 1879	432	August 24, 1971
150	May 10, 1880	433	August 24, 1971
151	July 5, 1880	435	April 11, 1972
181	August 7, 1882	442	May 17, 1973
190	July 2, 1883	443	July 17, 1973
198	July 10, 1884	444	December 11, 1973
278	July 2, 1900	448	April 11, 1974
306	August 18, 1902	458	October 13, 1975
307	May 4, 1903	459	October 13, 1975
311	December 7, 1903	462	December 1, 1975
125	May 2, 1921	494	June 14, 1982
133	October 6, 1921	497	March 14, 1984
159	December 7, 1925	499	June 18, 1984
172	May 7, 1928	500A	March 11, 1985
196	October 11, 1934	506	February 16, 1987
203	February 3, 1936	515	June 13, 1988
242	May 15, 1944	516	October 10, 1988
250	January 10, 1946	523	September 11, 1989
252	March 3, 1947	546	September 9, 1991
261	September 9, 1948	564	June 22, 1992
262	September 9, 1948	589	June 27, 1994
263	February 10, 1949	591	August 22, 1994
273	May 10, 1951	604	June 26, 1995
290	August 12, 1953	619	May 30, 1996
293	April 5, 1954	627	April 14, 1997
297	August 12, 1954	639	April 27, 1998
306	December 8, 1955	651	November 11, 1998
314	March 4, 1957	683	October 8, 2001
326	February 4, 1960	686	November 12, 2001
355	November 13, 1961	705	September 8, 2003
358	August 13, 1962	709	December 22, 2003
362	May 2, 1963	710	January 12, 2004
376	June 8, 1964	729	December 13, 2004

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.

CODE OF ORDINANCES, ANAMOSA, IOWA  
939

[The next page is 945]

## CHAPTER 137

# STREET GRADES

**137.01 Purpose and Definition**  
**137.02 Established Grades**

**137.03 Record Maintained**

**137.01 PURPOSE AND DEFINITION.** This chapter is designed to meet the requirements of the *Code of Iowa* for the establishment of street grades. As used herein, “grade” means the longitudinal reference lines, as established by ordinance of the Council, which designate the elevation at which a street or sidewalk is to be built.

**137.02 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.

**137.03 RECORD MAINTAINED.** The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR’S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
3b	April 14, 1858	412	April 2, 1968
163	July 5, 1881	413	April 2, 1968
212	November 19, 1888	414	April 2, 1968
314	January 4, 1904	471	September 12, 1977
317	May 2, 1904	495	July 12, 1982
1	May 2, 1904	534	January 14, 1991
22	August 1, 1905	626	March 10, 1997
27	September 6, 1906		
55	September 7, 1908		
66	May 3, 1909		
115	August 28, 1914		
118	March 6, 1916		
121	September 4, 1918		
167	April 25, 1927		
232			
354	September 14, 1961		
368	July 2, 1963		
405	April 2, 1968		
406	April 2, 1968		
407	April 2, 1968		
408	April 2, 1968		
409	April 2, 1968		
410	April 2, 1968		
411	April 2, 1968		

[The next page is 955]

## CHAPTER 138

### NAMING OF STREETS

138.01 Naming New Streets  
138.02 Changing Name of Street  
138.03 Recording Street Names

138.04 Official Street Name Map  
138.05 Revision of Street Name Map

**138.01 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.

**138.02 CHANGING NAME OF STREET.** The Council may, by resolution, change the name of a street.

**138.03 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)*

**138.04 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 Anamosa, Iowa."

**138.05 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.

[The next page is 965]



## CHAPTER 139

# CONTROLLED ACCESS FACILITIES

139.01 Exercise of Police Power	139.06 Permitted Access Points
139.02 Definition	139.07 Speed Limits
139.03 Right of Access Limited	139.08 Parking Restricted
139.04 Access Controls Imposed	139.09 Arterial Highway Established
139.05 Unlawful Use of Controlled Access Facility	

**139.01 EXERCISE OF POLICE POWER.** This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, and safety and for the promotion of the general welfare.  
*(Code of Iowa, Sec. 306A.1)*

**139.02 DEFINITION.** The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.  
*(Code of Iowa, Sec. 306A.2)*

**139.03 RIGHT OF ACCESS LIMITED.** No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.  
*(Code of Iowa, Sec. 306A.4)*

**139.04 ACCESS CONTROLS IMPOSED.** There are hereby fixed and established controlled access facilities within the City, described as follows:  
*(Code of Iowa, Sec. 306A.3)*

1. Project No. FN-86. On the Primary Road System extension improvement, Project No. FN-86, Primary Road No. US HWY 151, within the City, described as follows:

*Sta. 327 + 37.0 to Sta. 347 + 03.7*

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-86, on file in the office of the Clerk.

2. Project No. F-163(4). On the Primary Road System extension improvement, Project No. F-163(4), Primary Road No. 64, within the City, described as follows:

*A four-lane facility from East Main Street on Scott Street and Third Street to the east corporate line*

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-163(4), on file in the office of the Clerk.

**139.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY.** It is unlawful for any person to:

*(Code of Iowa, Sec. 306A.3 and 321.366)*

1. Cross Dividing Line. Drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line that separates such service road from the controlled access facility property.

**139.06 PERMITTED ACCESS POINTS.** Points of access are hereby permitted as follows:

*(Code of Iowa, Sec. 306A.4)*

1. Project No. FN-86. The compiled list furnished by the Iowa Highway Commission of drives and entrances opening onto US HWY 151, provided for access under the improvement specified as Project No. FN-86, is hereby recorded as follows:

STATION	SIDE OF STREET	WIDTH	USE OF DRIVE OR ENTRANCE
327 + 65	Right	57 feet	Commercial
327 + 65	Left	57 feet	Commercial
328 + 99	Left	22 feet	Commercial
341+ 92	Left	75 feet	Commercial
344 + 17	Right	50 feet	Commercial
346 + 37	Right	60 feet	Joint — Commercial

**139.07 SPEED LIMITS.** The maximum speed limits on said projects are hereby established as follows:

1. Project No. FN-86. Speed limits on Project No. FN-86 are as follows:
  - A. 35 mph from Station 327 + 37.0 to Station 347 + 03.7
  - B. 30 mph on that portion of Old HWY 151 from Station 327 + 37.0 to Station 342 + 23.3
  - C. 45 mph on that portion of Old HWY 151, also known as South Elm Street, between the Riverside Cemetery Road and Wapsipinicon Bridge

**139.08 PARKING RESTRICTED.** The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Minor Street Approaches. Parking shall be prohibited on all minor street approaches for a distance of 35 feet in advance of the stop sign.
2. Minor Street Exits. Parking shall be prohibited on the exit side of a minor street for a distance of 35 feet.

3. Diagonal Parking on Minor Street. Where diagonal parking is permitted, on the minor street approach, parking shall be restricted so that a 55-foot stop sign distance is maintained.
4. Intersection. Parking shall be prohibited on the Primary Road Extensions a distance of 55 feet in advance of the near crosswalk and a distance of 22 feet beyond the far crosswalk.
5. Project No. FN-86. Parking of any nature is prohibited on Project No. FN-86 from Station 327 + 37.0 to Station 347 + 03.7
6. Project No. F0163(4). Parking of any nature is prohibited on Project No. F0163(4) from Station 108 + 19.98 + Station 8 + 19.98

**139.09 ARTERIAL HIGHWAY ESTABLISHED.** Main Street in the City, from the west line of Jackson Street to the east line of Scott Street, is hereby established as an arterial highway. Any person operating a motor vehicle upon any street or alley in the City shall, when approaching said arterial highway from either the north or south side thereof, bring said motor vehicle to a full stop before entering or driving upon said arterial highway.

[The next page is 975]

## CHAPTER 140

### SIDEWALK REGULATIONS

140.01 Purpose	140.11 Interference with Sidewalk Improvements
140.02 Definitions	140.12 Awnings
140.03 Removal of Snow, Ice, and Accumulations	140.13 Encroaching Steps
140.04 Property Owner's Responsibility for Maintenance	140.14 Openings and Enclosures
140.05 City May Order Repairs	140.15 Fires or Fuel on Sidewalks
140.06 Sidewalk Construction Ordered	140.16 Defacing
140.07 Permit Required	140.17 Debris on Sidewalks
140.08 Sidewalk Standards	140.18 Merchandise Display
140.09 Barricades and Warning Lights	140.19 Sales Stands
140.10 Failure to Repair or Barricade	140.20 Obstruction of Public Sidewalks

**140.01 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.

**140.02 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.

**140.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.** The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 24 hours after the snow or ice event ends, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

**140.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

**140.05 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 and e])*

**140.06 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)*

**140.07 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 \$10.00.

**140.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be constructed in accordance with the City's standard specifications. An official copy of the specifications is on file at City Hall. All such work shall be done under the direction and supervision of, and subject to inspection and approval of, the Public Service Supervisor. If such work does not comply with the provisions of this chapter, the Public Service Supervisor, after notice to the property owner, shall cause the sidewalks to be constructed in the proper manner and assess the cost for such work against the abutting property for collection in the same manner as a property tax.

**140.09 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.

**140.10 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.

**140.11 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.

**140.12 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 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.

**140.13 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.

**140.14 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 feet of any sidewalk.

**140.15 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.

**140.16 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)*

**140.17 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])*

**140.18 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 feet of the sidewalk next to the building be occupied for such purposes.

**140.19 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 a written permit from the Council.

**140.20 OBSTRUCTION OF PUBLIC SIDEWALKS.** No one shall obstruct the flow of pedestrian traffic on public sidewalks in person or by the placement of animate or inanimate objects. The prohibition in this section shall not apply to the temporary obstruction of a public sidewalk incorporated in a driveway to a property by the parking of a vehicle for the purpose of delivering or picking up items to or from the property.

[The next page is 991]



## 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  
145.09 Failure to Construct In a Timely Fashion

**145.01 ENFORCEMENT OFFICER.** The City Administrator or his/her designee, as Building Official, 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 and 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 months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
6. Blighted Area. Whenever the building or structure or any portion thereof is not maintained in good repair or in a structurally sound and sanitary condition so as to contribute to the creation of a blighted area.

7. Threat to Safety. Whenever the building or structure or any portion thereof is not maintained in good repair or in a structurally sound and sanitary condition so as to adversely affect the public health, safety, or welfare, or the health, safety, or welfare of its occupants.

**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 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 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 upon the owner either by personal service in the manner allowed for the service of original notices in a civil legal proceeding or by certified mail, return receipt requested, to 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. Where there is no record of the owner of the property, the notice may be made by one publication in a newspaper of general circulation within the City. 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, or in the case of publication, upon publication.
2. Hearing. Such notice shall, except in cases of immediate danger, 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.<sup>†</sup>

**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 ANAMOSA, IOWA." Such notice shall remain posted until the required demolition,

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<sup>†</sup> **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.

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 of such work shall be transmitted to the Council. In lieu of, or in addition to the above-outlined course of action, the City may elect to forego the Council hearing and determination procedure and may elect to fil a municipal infraction citation against the offending property and property owner, according to the procedures outlined in Chapter 50 of this Code of Ordinances, to see abatement of the dangerous building or dangerous building conditions constituting a 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])*

**145.09 FAILURE TO CONSTRUCT IN A TIMELY FASHION.** All residential construction projects, such as roofing, siding, concrete repairs, and landscaping shall be completed within 12 months of the start of construction.

[The next page is 1005]

## CHAPTER 146

# MANUFACTURED AND MOBILE HOMES

### 146.01 Definitions

### 146.02 Conversion to Real Property

### 146.03 Foundation Requirements

#### **146.01 DEFINITIONS.** For use in this chapter the following terms are defined:

*(Code of Iowa, Sec. 435.1)*

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**146.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

*(Code of Iowa, Sec. 435.26)*

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**146.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

*(Code of Iowa, Sec. 103A.10 and 414.28)*

[The next page is 1015]

## CHAPTER 147

# BUILDING NUMBERING

### 147.01 Definitions

### 147.02 Owner Requirements

### 147.03 Building Numbering Plan

**147.01 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.
3. “Unit” means any dwelling unit or commercial unit that is in any building or a portion thereof, which is designed or exclusively used for separate residential or commercial purposes.

**147.02 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 City Clerk’s office.  
*(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 or unit the assigned number in a conspicuous place to the street or the primary entrance of the unit, in figures not less than three inches in height and of a contrasting color with their background.  
*(Code of Iowa, Sec. 364.12[3d])*
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 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])*

**147.03 BUILDING NUMBERING PLAN.** Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

[The next page is 1025]



## CHAPTER 148

# MINIMUM DWELLING STANDARDS

148.01 Supplied Facility  
148.02 Adherence to Code  
148.03 Kitchen Requirements  
148.04 Lavatory Requirements

148.05 Water Heating Facilities Required  
148.06 Connection of Sanitary Facilities to Water and  
Sewer Systems

**148.01 SUPPLIED FACILITY.** Every supplied facility, piece of equipment, and required utility shall be constructed and installed such that it will not constitute a violation of this Code of Ordinances nor expose occupants to any unsafe or unsanitary conditions.

**148.02 ADHERENCE TO CODE.** Buildings and structures erected with applicable permits and inspections, and in possession of certificates of occupancy, shall be deemed as meeting the intent of this chapter. Modifications of said structures shall satisfy current Code requirements. Dwelling units under repair or renovation shall be considered exempt until a reasonable time for completion of said improvements has been met and approved by the City.

**148.03 KITCHEN REQUIREMENTS.** Every dwelling unit shall have a kitchen room or kitchenette. Every kitchen or kitchenette shall be equipped with the following:

1. A kitchen sink.
2. Space capable of properly accommodating a refrigerator and a stove or range or microwave.
3. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range in addition to two duplex outlets.
4. At least one cabinet suitable for the storage of food and eating and cooking utensils.
5. Counters for food preparation, with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.
6. At least one switched ceiling- or wall-type electric light fixture.

### **148.04 LAVATORY REQUIREMENTS**

1. Every dwelling unit shall contain a toilet.
2. Every dwelling unit shall contain a bath.
3. Every dwelling shall contain a lavatory basin within or adjacent to the room containing the toilet.
4. One toilet and a minimum of one bath shall be contained within a room or within separate rooms which afford privacy for a person within said rooms.

**148.05 WATER HEATING FACILITIES REQUIRED.** Every kitchen sink, bath, and lavatory basin required by this chapter shall be properly connected to supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable

of heating water to such a temperature as to permit an adequate amount of water to be drawn at every kitchen sink, bath, and lavatory basin as required by this chapter.

**148.06 CONNECTION OF SANITARY FACILITIES TO WATER AND SEWER SYSTEMS.** Every kitchen sink, toilet, lavatory basin, and bath shall be properly connected to an approved water and sewer system.

[The next page is 1035]

## CHAPTER 149

# HEALTH REGULATIONS – MINIMUM LIVING STANDARDS

149.01 Persons Regulated	149.10 Method of Service
149.02 Sanitary Premises	149.11 Request For Hearing
149.03 Pollution of Water Courses	149.12 Emergency Abatement
149.04 Impure Water	149.13 Abatement By City
149.05 Plumber Required	149.14 Collection of Costs
149.06 Refuse Disposal	149.15 Paying Cost of Abatement
149.07 Minimum Living Standards	149.16 Failure to Abate
149.08 Prohibited Acts	149.17 City Authority
149.09 Notice to Abate Prohibited Acts	

**149.01 PERSONS REGULATED.** Whenever in the health regulations of this Code of Ordinances any acts in reference to any premises are commanded or forbidden or any specified condition of any premises is enjoined or prohibited, it shall be jointly and severally the duty of the lessee, occupant, owner, or person having control of such premises, to do such acts as are commanded, and prevent the doing of acts that are forbidden, and to put and keep the premises in the condition enjoined.

**149.02 SANITARY PREMISES.** Every building and premises, and the alley adjoining thereto, shall be kept in clean and wholesome condition, free from filth, stagnant water, other nuisances, and all avoidable conditions causing or promoting disease. No person shall store on residential property any material the presence of which is economically detrimental to the neighborhood considering the zoning and use classification of the area.

**149.03 POLLUTION OF WATER COURSES.** No person shall deposit upon any parcel of ground or into any gutter, river, lake, pond, creek, or any other body of water or upon the banks thereof, any animal or vegetable matter, garbage, rubbish, ashes, or any nauseous or unwholesome substance, fluid, or thing, except such as are authorized by the Board of Health.

**149.04 IMPURE WATER.** No one shall keep open, use, or allow to be used for drinking or culinary purposes any cistern or reservoir. All residential, commercial, and industrial facilities within the corporate City limits shall be connected to the City water supply or approved private facilities or permitted by the City to utilize a private system for the purpose of irrigation, etc.

**149.05 PLUMBER REQUIRED.** In the event of alteration, reconstruction, or repair of the water supply system, or the installation of additional sanitary facilities, a licensed plumber is required.

**149.06 REFUSE DISPOSAL.** No offal, garbage, or other wastes shall be thrown or deposited upon any lot or land, or into any ravine or open ditch, stream, or pond, or upon any land adjoining which is subject to overflow. Any wastes not properly disposed of as garbage and common sewage shall be disposed of by independent disposal means.

**149.07 MINIMUM LIVING STANDARDS.** Any person living within the City limits shall obtain and sustain the following adequate living values while in occupancy:

1. Continuous water supply from City well or approved private facilities, as regulated in Section 149.04 of this chapter.
2. Continuous sanitary waste removal as assigned by the City.
3. Subscription to and maintenance of garbage removal as assigned by the City.
4. Maintenance of sanitary conditions inside the dwelling so as not to cause exposure outside the dwelling whereas the public may be in contact with:
  - A. Rodents, not limited to mice and rats.
  - B. Insects, not limited to roaches.
  - C. Refuse that may cause noxious odors.

**149.08 PROHIBITED ACTS.** The creation or maintenance of infractions of this chapter is prohibited, whether public or private, and may be abated in the manner provided for in this chapter or Section 657.3 of the *Code of Iowa*.

**149.09 NOTICE TO ABATE PROHIBITED ACTS.** Whenever the Zoning Administrator or other authorized municipal officer finds that a breach exists, such officer shall cause to be served upon the property owner a written notice to abate the breach in code within a reasonable time after notice. The notice to abate shall contain:

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

1. Description of breach and what constitutes the breach.
2. Location of said infraction
3. Acts necessary to abate
4. Reasonable time
5. A statement of City costs that if the condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person/property.

**149.10 METHOD OF SERVICE.** The notice may be in the form of an ordinance or letter sent by certified mail to the property owner and dwelling occupant or by personal service by a municipal officer, if not the same.

**149.11 REQUEST FOR HEARING.** Any person ordered to abate may have a hearing with the Council as to whether a breach 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 the breach exists and 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 breach exists, it shall be ordered abated within a reasonable time under the specific circumstances.

**149.12 EMERGENCY ABATEMENT.** If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required in this chapter without prior notice. The City shall assess the

costs as provided in section 149.13 after notice to the property owner under the applicable provisions of sections 149.09 and 149.10, and a hearing as provided in section 149.11.

**149.13 ABATEMENT BY CITY.** If the party notified to abate a breach or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expenses incurred.

**149.14 COLLECTION OF COSTS.** On behalf of the City, the Clerk shall send a statement of the total itemized abatement expenses 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])*

**149.15 PAYING COST OF ABATEMENT.** If the amount expended to abate the nuisance or condition exceeds \$100.00, the City shall permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against the benefited property under State law.

**149.16 FAILURE TO ABATE.** Any person causing or maintaining a breach that 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.

**149.17 CITY AUTHORITY.** The Mayor and City Council have the authority and may exercise the right to engage an officer assigned with the County to act in the interest of the City. The City may also impose a fine in such instance that the breach has not been abated according to this chapter. A municipal infraction will be issued under the discretion of the City.

[The next page is 1045]

## CHAPTER 150

# WATER WELL PROTECTION

### 150.01 Definitions

### 150.02 Deep Well Protection

### 150.03 Nonconforming Uses

**150.01 DEFINITION.** For use in this chapter, “deep public well” means a public well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at least 25 feet below the normal ground surface and above the aquifer from which the water is drawn.

**150.02 DEEP WELL PROTECTION.** No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth from a deep public well within the City.

1. Well house floor drains – Five 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 five feet.
  - B. Five to 50 feet – must be watertight sewer pipe.
5. Well house floor drains to sewer, water plant wastes to storm sewer or sanitary sewers or drains:
  - A. Within 25 feet – prohibited.
  - B. 25 to 75 feet – must be water main material.
  - C. 75 to 200 feet – must be watertight sanitary sewer pipe.
6. Force mains:
  - A. None permitted within 75 feet.
  - B. 75 to 400 feet – must be water main materials.
  - C. 400 to 1,000 feet – must be water main or watertight sanitary sewer pipe.
7. Land application of solid waste<sup>†</sup> – 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.

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<sup>†</sup> **EDITOR’S NOTE:** Solid wastes are those derived from the treatment of water or wastewater. Certain types of solid wastes from water treatment processes may be land-applied within the separation distance on an individual case-by-case basis.

12. Soil absorption fields – 200 feet.
13. Lagoons – 400 feet.
14. Chemical application to ground surface – 100 feet.
15. Chemicals and mineral storage:
  - A. Above ground – 100 feet.
  - B. On or underground – 200 feet.
16. Animal pasturage – 50 feet.
17. Animal enclosure – 200 feet.
18. 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.
19. Earthen silage storage trench or pit – 100 feet.
20. Basements, pits, sumps – 10 feet.
21. Flowing streams or other surface water bodies – 50 feet.
22. Cisterns – 50 feet.
23. Cemeteries – 200 feet.
24. Private wells – 200 feet.
25. Solid waste landfills and disposal sites<sup>†</sup> – 1,000 feet.
26. Transmission pipeline (such as fertilizer, liquid petroleum, or anhydrous ammonia) – 200 feet.
27. Railroad – 200 feet.
28. Water plant treatment process wastes that are treated onsite:
  - A. Zero to five feet – prohibited.
  - B. Five to 50 feet – if sanitary sewer pipe.

The proscriptions set forth in this section apply to all public water wells existing within the City except public water wells formerly abandoned for use by resolution of the Council.

**150.03 NONCONFORMING USES.** The use of structures or facilities existing as of January 11, 2010, may be continued even though such use may not conform with the regulations of this chapter, i.e., such structures or facilities may be located within the distances set forth. However, such structures or facilities not in conformance with the terms of this chapter may not be enlarged, extended, reconstructed, or substituted subsequent to such date.

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<sup>†</sup> **EDITOR'S NOTE:** 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.



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[The next page is 1055]

## 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 City Tree Board

**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.** The planting of trees and shrubs within the public rights-of-way and other public places of the City is prohibited. Trees planted on private property shall be set back at least six feet from the City rights-of-way.

**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 15 feet above the surface of the street and eight 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 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 and 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 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 and h])*

**151.07 CITY TREE BOARD.** *[See Chapter 26 of this Code of Ordinances.]*

[The next page is 1065]

## CHAPTER 160

# FLOODPLAIN MANAGEMENT

160.01 Definitions	160.06 Variance Procedures
160.02 Statutory Authority, Findings of Fact, and Purpose	160.07 Nonconforming Uses
160.03 General Provisions	160.08 Penalties for Violation
160.04 Administration	160.09 Amendments
160.05 Floodplain Management Standards	

**160.01 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. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure
2. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year and is also commonly referred to as the “100-year flood.”
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “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.”
5. “Development” means any man-made change to improved or unimproved real estate, including (but not limited to) buildings 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 or grading.
6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:
  - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 160.05(1)(D)(1) of this chapter.
  - 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.
  3. 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 base flood elevation.
  4. The enclosed area is not a basement as defined in this section.
7. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

8. “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 floodplain management regulations adopted by the community.
9. “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).
10. “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 which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. “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.
12. “500-year flood” means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.
13. “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.
14. “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.
15. “Flood insurance study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Maps. The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
17. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including (but not limited to) emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
18. “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.
19. “Floodway” means the channel of a river or stream and those portions of the floodplains 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.

20. "Floodway fringe" means those portions of the Special Flood Hazard Area outside the floodway.
21. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. "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.
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by 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.
23. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area Below Lowest Floor are met.
24. "Maximum damage potential development" means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
25. "Minor projects" means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.
26. "New construction" (new buildings, factory-built home parks, accessory structures) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. "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 the first floodplain management regulations adopted by the community.
28. "Recreational vehicle" means a vehicle which is:
- A. Built on a single chassis.

- B. 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.
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarter for recreational, camping, travel, or seasonal use.
29. "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.
30. "Special flood hazard area" (SFHA) means the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. "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.
32. "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, grain storage facilities, and/or other similar uses.
33. "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. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of



such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. "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 effective date of the first floodplain 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.

35. "Variance" means a grant of relief by a community from the terms of the floodplain management regulations.

36. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

#### **160.02 STATUTORY AUTHORITY, FINDINGS OF FACT, AND PURPOSE.**

1. The Legislature of the State of Iowa has in Chapter 364, *Code of Iowa*, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

2. Findings of Fact.

A. The flood hazard areas of the City 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.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

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 Paragraph 2(A) of this section with provisions designed to:

A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. 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.

C. 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.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

#### **160.03 GENERAL PROVISIONS.**

1. Lands to Which Chapter Apply. The provisions of this chapter shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Jones County and Incorporated Areas, City of Anamosa, Panels 19105C0125F, 0210F, and 0250F, dated November 19, 2021, which were prepared as part of the Jones County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Jones County Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering floodplain management regulations.

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. Where uncertainty exists with respect to the precise location of the base flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. When an interpretation is needed as to the exact location of a boundary, the Administrator shall make the necessary interpretation. The Zoning 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 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 Floodplain (Overlay) District 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 thereunder.
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 ADMINISTRATION.**

1. Appointment, Duties, and Responsibilities of Local Official.
  - A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
  - B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
    - (1) Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.
    - (2) Review floodplain 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 floodplain construction.
    - (3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
    - (4) 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.
    - (5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

(6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

(7) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Board of Adjustment of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:

- a. Development placed within the floodway results in any of the following: (i) an increase in the Base Flood Elevations, or (ii) alteration to the floodway boundary;
- b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
- c. Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this chapter.

(11) Forward all requests for Variances to the Zoning Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Zoning Board of Adjustment.

## 2. Floodplain Development Permit.

A. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, 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 (e.g., lot, block, track, street address, or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions.

- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure 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 floodplain 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 Zoning Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Floodplain 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, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

#### **160.05 FLOODPLAIN MANAGEMENT STANDARDS.**

1. General Floodplain Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

A. All Development. All development shall within the special flood hazard areas shall:

- (1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

B. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed 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 located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Floodplain Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

C. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, 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 base flood; and that the structure, below the base flood elevation 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 1988) to which any structures are floodproofed shall be maintained by the Floodplain Administrator.

D. All New and Substantially Improved Structures.

(1) 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:

a. 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.

b. The bottom of all openings shall be no higher than one foot above grade.

- c. 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. Where the distance between the floor and ceiling of the fully enclosed area below the “lowest floor” is five feet or more, the applicant shall be required to sign and record with the Jones County Recorder a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in this subsection.

(2) 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.

(3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

E. Factory-Built Homes:

(1) All new and substantially improved 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 base flood elevation.

(2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the *State Building Code*.

F. Utility and Sanitary Systems.

(1) 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.

(2) 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 base flood elevation.

(3) 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 base flood elevation.

(4) 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.

G. Storage of Equipment and Materials. Storage of equipment and materials that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.

H. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

J. Subdivision. 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 base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

1. Accessory Structures to Residential Uses.

(1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than one foot above the base flood elevation must be constructed of flood-resistant materials.



- b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
  - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - d. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
  - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
  - f. The structure's walls shall include openings that satisfy the provisions of Paragraph D(1) of this subsection.
- (2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. **Recreational Vehicles.** Recreational vehicles are exempt from the requirements of Paragraph E of this subsection 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.

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 Paragraph E of this subsection regarding anchoring and elevation of factory-built homes.

M. **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.

N. **Maximum Damage Potential Development.** All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, 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 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation 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 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance

flood elevation data has not been provided in the Flood Insurance Study, 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 determinations.

#### **160.06 VARIANCE PROCEDURES.**

1. The Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. 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.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for structures 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 \$25.00 for \$100.00 of insurance coverage and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

2. Factors Upon Which the Decision of the Zoning Board of Adjustment Shall be Based - In passing upon applications for Variances, the Zoning Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept on to other land or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- E. The importance of the services provided by the proposed facility to the City.
  - F. The requirements of the facility for a floodplain location.
  - G. The availability of alternative locations not subject to flooding for the proposed use.
  - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - L. 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.
  - M. Such other factors which are relevant to the purpose of this chapter.
3. Conditions Attached to Variances. Upon consideration of the factors listed above, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:
- A. Modification of waste disposal and water supply facilities.
  - B. Limitation of periods of use and operation.
  - C. Imposition of operational controls, sureties, and deed restrictions.
  - D. 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.
  - E. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Zoning Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

#### **160.07 NONCONFORMING USES.**

- 1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in 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 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.

Except as provided in Subsection 1(B) of this section, any use which has been permitted as a variance shall be considered a conforming use.

**160.08 PENALTIES FOR VIOLATION.** Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a simple 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 \$65.00 not more than \$650.00 or imprisoned for not more than 30 days. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation, but not limited to, the filing of Municipal infractions.

**160.09 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 1101]

## CHAPTER 165

# ZONING REGULATIONS

165.01 Short Title	165.19 Nonconforming Structures
165.02 Purpose	165.20 Nonconforming Uses of Structures or of Structures and Premises in Combination
165.03 Application of District Regulations	165.21 Repair and Maintenance of Nonconforming Structures
165.04 Establishment of Districts: Provision for Official Zoning Map	165.22 Uses Under Special Exception Provisions Not Nonconforming Uses
165.05 Rules for Interpretation of District Boundaries	165.23 Supplementary District Regulations
165.06 Definitions	165.24 Administration and Enforcement
165.07 Zoning Districts Established	165.25 Development and Occupancy Permits Required
165.08 A-1 - Agricultural District	165.26 Zoning Board of Adjustment: Powers and Duties
165.09 R-1 - Residential Single-Family District	165.27 Appeal Process
165.10 R-2 - Residential Multi-Family District	165.28 Amendments
165.11 MH - Mobile Home District	165.29 Penalties for Violation
165.12 C-1 - Central Business Commercial District	165.30 Schedule of Fees, Charges, and Expenses
165.13 C-2 - Arterial Commercial District	165.31 Complaints Regarding Violations
165.14 M-1 - Light Industrial District	165.32 Zoning Regulations Appendix – Diagram 1 - Lots
165.15 M-2 - Heavy Industrial District	165.33 Zoning Regulations Appendix – Diagram 2 - Yards
165.16 General Management of Nonconformities	165.34 Zoning Regulations Appendix – Diagram 3 - Corner Lots
165.17 Nonconforming Lots of Record	
165.18 Nonconforming Uses of Land (or Land with Minor Structures Only)	

**165.01 SHORT TITLE.** This chapter shall be known and may be cited as the “City of Anamosa, Iowa, Zoning Regulations.”

**165.02 PURPOSE.** The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare of the City and the unincorporated lands described as follows.

**165.03 APPLICATION OF DISTRICT REGULATIONS.** The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, other open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, chapters, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

5. There shall be no more than one principal structure allowed upon any lot.
6. All dwelling units, including attached garages, shall be placed on and secured to a permanent frost-free perimeter foundation.
7. Every principal building hereafter erected or moved shall be on a lot adjacent to a public street, Carson Lane, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for utilities servicing, fire protection, and required off-street parking.

**165.04 ESTABLISHMENT OF DISTRICTS; PROVISION FOR OFFICIAL ZONING MAP.**

1. Official Zoning Map. The City and surrounding unincorporated lands shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance. One map shall identify the unincorporated and incorporated areas. If, in accordance with the provisions of this chapter and Chapter 414 of the *Code of Iowa*, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows:

*By official action of the City Council, the following changes were made in the Official Zoning Map. (Indicating the changes by ordinance numbers and date of publication.)*

No amendment of this chapter which involves a matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words:

*This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map per Ordinance No. \_\_\_\_\_ of the City of Anamosa, Iowa.*

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

**165.05 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Board of Adjustment shall interpret the district boundaries.
8. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.
9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

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**165.06 DEFINITIONS.** For purposes of this chapter, the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied.” Certain additional terms or words used herein shall be interpreted as follows:

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street.
3. “Accessory building” means a subordinate building in excess of 150 square feet located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in the subordinate manner, as by a wall or roof, such accessory building shall be considered part of the main building. The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings.
4. “Accessory structure” means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences or playground equipment.
5. “Accessory use” means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
6. “Agriculture” means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
7. “Alley” means a public way, other than a street, 24 feet or less in width, affording secondary means of access to abutting property.
8. “Animal shelter” means a facility providing services for animal care with opportunities for animal adoption. Supporting services may include medical care, exercise areas, and adoption centers.
9. “Basement” means a story having part but not more than one-half its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five feet.
10. “Bed and breakfast house” means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
11. “Board” means the Zoning Board of Adjustment (**See Chapter 23**).
12. “Boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for four or more persons.

13. “Building” means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
14. “Building Codes” means laws or ordinances regulating construction.
15. “Building, height of” means the vertical distance of a building measured from the average elevation of the finished grade next to the structure to the highest point of the roof.
16. “Commercial livestock facility” means livestock confinement of 500 or more animals where the owner does not reside on the premises.
17. “District” means a section or sections of the City within which the regulations governing the use of buildings and premises, or the height and area of buildings and premises, are uniform.
18. “Dwelling” or “dwelling unit” means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
19. “Dwelling, multiple” means a building or portion thereof designed for, or occupied exclusively for, residence purposes by two or more families.
20. “Dwelling, single-family” means a building designed for, or occupied exclusively for, residence purposes by one family.
21. “Family” means one or more persons related by blood, marriage, or adoption occupying a single dwelling unit. A family may include four, but not more than four, persons not related by blood, marriage, or adoption, but further provided that domestic employees employed on the premises may be housed on the premises without being counted as a family or families.
22. “Family group home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the *Code of Iowa*.
23. “Garage” means a building or portion thereof in which a motor vehicle containing gasoline or other volatile, flammable liquid in its tank is stored, repaired, or kept.
24. “Garage, private” means a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on except as a home occupation.
25. “Garage, public or storage” means a building or part thereof (other than a private garage) for the storage of motor vehicles and in which service station activities may be carried on.
26. “Grade” means the average elevation of the finished ground at the exterior walls of the main building.

27. “Gross floor area” means the sum of the gross horizontal area of all floors of a building measured from the interior face of the exterior walls; it does not include parking areas or areas where the ceiling height is below six feet.
28. “Ground floor” means the first floor of a building other than a cellar or basement.
29. “Habitable space” means space in a dwelling unit for living, sleeping, eating, or cooking. A habitable space shall not include any storage space, garage, or basement. There shall be a minimum of 800 square feet of habitable space in each dwelling unit.
30. “Health care facility” means any residential care facility, intermediate care facility, or skilled nursing facility as described below:
- A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding 24 consecutive hours’ accommodation, board, personal assistance, and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
  - B. Intermediate Care Facility - Any institution, place, building, or agency providing for a period exceeding 24 consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.
  - C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding 24 consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a 24-hour-per-day basis.
31. “Home occupation” means any activity carried out for gain by a resident and conducted as an incidental and accessory use in the resident’s dwelling unit. A home occupation is a permitted use within all residential districts and shall require a permit as approved by the Zoning/Building Administrator after meeting the requirements established herein.
32. “Hospital” means an institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding 24 hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building, or agency in which any accommodation is primarily maintained, furnished, or offered for the care over a period exceeding 24 hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to

hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" includes, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

33. "Hotel" means a building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

34. "HUD Code" refers to national construction standards specifically for manufactured housing developed and administered by the U.S. Department of Housing and Urban Development (HUD), established in response to requirements of the National Manufactured Home Construction and Safety Standards Act, passed by Congress in 1974. Manufactured houses are sometimes called HUD Code houses.

35. "Junk yard" means any area where waste or 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.

36. "Kennel (commercial)" means an establishment in which three or more dogs are housed, groomed, bred, boarded, trained, and/or sold. Puppies under six months of age shall not be included in the count.

37. "Lodging house" means a building originally designed for or used as a single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house, and dormitory.

38. "Lot" means a plot or parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A plot or parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot, plot, or parcel be created which does not meet the requirements of this chapter.

39. "Lot frontage" means the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in Subsection 73 of this section.

40. “Lot measurements” are defined as follows:
- A. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
  - B. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building setback line; provided, however, the width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of culs-de-sac, where 80 percent requirement shall not apply.
41. “Lot of record” means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot, plot, or parcel described by metes and bounds, the description of which has been so recorded.
42. “Lot types” means terminology used in this chapter with reference to “corner” lots, “interior” lots, “through” lots, and “reversed corner” lots, distinguished from one another as follows:
- A. Lot, Corner - A lot located at the intersection of two or more streets. (See diagrams in Sections 165.32 and 165.34)
  - B. Lot, Interior - A lot other than a corner lot with only one frontage on a street other than an alley. (See diagram in Section 165.32)
  - C. Lot, Through - A lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as through lots. (See diagram in Section 165.32)
  - D. Lot, Reversed Corner - A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear. (See diagrams in Sections 165.32 and 165.34)
43. “Manufactured home” means a residential unit built off-site, designed to meet HUD Code standards (effective June 15, 1976), and transported to installation location and is required to display a seal from HUD.
44. “Manufactured housing unit” means a manufactured, modular, or mobile home. Chapter 435 of the *Code of Iowa* refers to these units as homes, providing that a manufactured housing unit located in a mobile home park must be titled and is subject to the mobile home square footage tax. Those located outside a mobile home park are considered real property and are assessed and taxed as real estate.
45. “Mobile home” means a residential unit built off-site and transported to installation location that was constructed prior to the implementation of HUD Code standards (effective June 15, 1976).
46. “Mobile home park” means any site, lot, field, or tract of land under common ownership upon which two or more occupied manufactured housing units are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park. (See Chapter 435 of the *Code of Iowa*).
47. “Modular home” means a residential unit built off-site and transported to installation location that is designed to meet State or local building codes rather than

the HUD Code. In Iowa, the home is required to display a seal issued by the State Building Code Commissioner.

48. “Motel” (also motor hotel, motor court, motor lodge, or tourist court) means a building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and to provide near each guest room a parking space for the guest’s vehicle. A swimming pool, restaurant, meeting rooms, management offices, and other such accessory facilities may be included.

49. “Nonconformities” means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the current terms of the zoning regulations codified in this chapter, but which were lawful at the date of this chapter’s enactment.

50. “Nursing or convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

51. “Parking space” means an area of not less than 180 square feet, either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

52. “Permanent foundation” means a permanent frost-free perimeter foundation, having footings below the frost line and a continuous foundation wall of concrete, concrete block, or stone. The permanent foundation for a manufactured home, however, may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site; provided, however: (i) the footings for the pier foundations are placed below the frost line; and (ii) the manufactured home is skirted with construction materials giving the appearance of a poured concrete, cement block or stone foundation to insure visual compatibility with surrounding residential structures. Ground level additions to a dwelling unit that are served by the dwelling unit’s principal heating source require permanent frost-free perimeter foundations. Other enclosed additions to dwelling units may have a pier footing foundation system, provided: (i) the footings for the pier foundations are placed below the frost line; and (ii) no pier footing foundations are placed in the front yard of the lot upon which the dwelling is situated. A permanent foundation shall not include footings for steps, porches, decks, or stoops.

53. “Permitted use” means a use by right which is specifically authorized in a particular zoning district.

54. “Principal use” means the main use of land or structures as distinguished from an accessory use.

55. “Projections” means parts of buildings such as architectural features that extend beyond the building’s exterior wall.

56. “Rural residential subdivision” means a subdivision of real estate for residential purposes pursuant to Chapter 166 of this Code of Ordinances within two miles of the corporate City limits, but not within the corporate City limits.

57. “Service station” or “gas station” means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefore, or where battery, tire, or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

58. “Setback” means the required distance between every structure and lot line on the lot in which it is located. All applicable building setbacks as established by this chapter shall be measured from the property line to the building foundation line. Roof overhangs and normal architectural features extending up to three feet beyond the exterior wall of the foundation of the structure shall not be considered in computing the distance between the structure and the lot line. All roof overhangs and other architectural features extending more than three feet beyond the exterior wall of the foundation of the structure shall be considered for purposes of measuring the setback requirements to the extent those roof overhangs and architectural features exceed three feet in length.

59. “Sexually oriented business” means an adult arcade, adult book store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any other commercial establishment which offers products, services, or experiences appropriate only for adults by reason of their emphasis on sexual activities, female mammaries, or human reproductive organs.

60. “Sign” means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures, or symbols are printed or attached and which conveys information or identification. Signs shall include both display area and attached support devices.

A. Signs, On-Premises - Advertising devices concerning the sale or lease of the property upon which they are located, and advertising devices concerning activities conducted or products sold on the property upon which they are located.

B. Signs, Off-Premises - Advertising devices, including the supporting structure, which direct the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such signs are located. Such signs shall not include: On-premises signs, directional signs, or other official signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).

61. “Site-built home” or “stick-built home” means a residential unit constructed at the building location using traditional construction techniques and few prefabricated components.

62. “Special exception” means a use specified in these regulations identifying specific conditions, limitations, or restrictions, and which is subject to review for approval or denial by the Zoning Board of Adjustment according to the provisions set forth in this chapter.

63. “Statement of Intent” means a statement preceding the regulations for individual districts, intended to characterize the districts and their legislative purposes.

64. “Story” means that portion of a building 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 or roof next above it.

65. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the floor below

it. A half-story containing independent apartments or living quarters shall be counted as a full story.

66. “Street” means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

67. “Street line” means the right-of-way line of a street.

68. “Structural alteration” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

69. “Swimming pool” means a water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above surface pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

70. “Terrace” means a level landscaped or surfaced area directly adjacent to a principal building, or within three feet of a finished grade, and not covered by a permanent roof.

71. “Use” means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

72. “Variance” means a device used by the Zoning Board of Adjustment which grants a property owner relief from certain provisions of the City Zoning Regulations when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money, and which condition is not of the owner’s own making.

73. “Yard” means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building foundation line shall be used. (See diagram in Section 165.34.)

A. Yard, Front - A yard extending across the width of the lot between the side lot lines and measured between the front lot line and the building foundation line or any projection greater than three feet thereof, other than the projection of the usual steps or unenclosed porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimensions, except where the owner shall elect to front his building on a street parallel to the lot line having the greater dimension.

B. Yard, Rear - A yard extending across the width of the lot between side yards and measured between the rear lot line and the building foundation line or any projections greater than three feet other than steps, unenclosed balconies, or unenclosed porches. On both corner lots and interior lots the rear yard shall be the opposite end of the lot from the front yard.

C. Yard, Side - A yard extending from the front lot line to the rear lot line and measured between the side lot lines and the building foundation line. On



corner lots the yards not designated as front or rear yards shall be considered the side yards. Each corner lot shall have one front, a rear, and two side yards.

74. “Zoning/Building Administrator” means the local official responsible for reviewing zoning or building permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Zoning Board of Adjustment. Permits are issued by the Zoning/Building Administrator.

75. “Zoning Codes” means local ordinances adopted by the City Council that regulate the use of land and the placement of buildings within a municipality and within a given area outside the corporate limits. They frequently specify allowable height and bulk of building, lot coverage, and setback distance.

76. “Zoning District” means a section the City designated in the text of a zoning ordinance and delineated on the Zoning Map in which requirements for the use of land, and building and development standards, are prescribed. Within each district, all requirements are uniform.

77. “Zoning Map” means the map delineating the boundaries of districts which, along with the zoning text, comprises the City Zoning Regulations.

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**165.07 ZONING DISTRICTS ESTABLISHED.** The City is herewith divided into the following zoning districts:

- A-1 Agricultural District
- R-1 Residential Single-Family District
- R-2 Residential Multi-Family District
- MH Mobile Home District
- C-1 Central Business Commercial District
- C-2 Arterial Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

These zoning districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

**165.08 A-1 - AGRICULTURAL DISTRICT.**

1. Intent. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools, and other facilities so that reasonably compact development will occur, and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.
2. Permitted Uses. The following uses are permitted in the A-1 District:
  - A. Agriculture, including the usual agricultural buildings and structures and excluding offensive uses.
  - B. Single-family dwellings.
  - C. Home occupations in compliance with Section 165.23(12) of this chapter.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the A-1 District include, but are not limited to:
  - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - B. Private garages, barns, and other farm buildings.
  - C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
  - D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Satellite dishes.

4. Special Exceptions. Certain uses may be permitted in the A-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses, including, but not limited to:

- A. Animal shelters.
- B. Cemeteries, crematories, or mausoleums.
- C. Commercial kennels.
- D. Stables, private or public.
- E. Greenhouses and nurseries.
- F. Publicly operated sanitary landfills.
- G. Private recreational camps, golf courses, and recreational facilities.
- H. Public or private utility substations, relay stations, etc.
- I. Churches or accessory facilities (on or off site).
- J. Publicly owned and operated buildings and facilities.
- K. Commercial livestock facilities.
- L. Home occupations not meeting the approval of the Zoning/Building Administrator under Section 165.23(12) of this chapter.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the A-1 District.

Use	Minimum Lot Area	Minimum Lot Width and Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height
Single-Family Dwelling	1 acre	150 (width) 150 (depth)	50	20	50	2½ stories or 37.5 feet
Other Uses*	5 acres	200 (width) 200 (depth)	50	25	50	2½ stories or 37.5 feet
Accessory Uses	N/A	N/A	N/A	20	50	2½ stories or 37.5 feet
*excluding farm buildings and uses						

6. Animal Shelters. An animal shelter proposal will be reviewed by the Zoning Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

- A. Animals housed at the shelter shall remain inside during the hours between 8:00 p.m. and 7:00 a.m.
- B. Animals housed at the shelter shall not be allowed to run loose outside of the fenced enclosure.

- C. The animal shelter shall be kept in a high state of cleanliness at all times.
- 7. Commercial Kennels. A commercial kennel proposal will be reviewed by the Zoning Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:
  - A. In order to provide safety, to prevent disturbances and to avoid sanitary or health problems, kennels shall not be located within 2,640 feet (one-half mile) of any residence, except for the residence located on the kennel premises.
  - B. The owner of the kennel shall be responsible for physically inspecting the dogs in the kennel every 12 hours to assure that the dogs have sufficient water, food, shelter, restraint, and medical care.
  - C. Dogs in the kennel shall not be allowed to run loose outside of the kennel's fenced enclosure.
  - D. Kennels shall be kept in a high state of cleanliness at all times.
  - E. No more than one dog shall be kept for each 72 square feet of kennel ground or floor space.
  - F. Kennel floors shall be made of concrete, hard-packed gravel, or crushed rock. Kennels shall be enclosed with a fence that is at least six feet high. Kennels shall be provided with an overhead tarp or roof to protect the dogs from the sun and elements. Kennels shall be constructed to include insulated housing to protect dogs from severe weather. Kennel housing units shall be no less than 12 square feet per dog. All kennel buildings must be able to be securely locked.
  - G. All training establishments where dogs are trained or boarded must have an external perimeter fence at least six feet high to prevent the escape of the animals. In addition to the external security fence, a six-foot-high chain mesh fence must enclose the immediate training area.
- 8. Off-Street Parking. See Section 165.23(8)(A).
- 9. Off-Street Loading. See Section 165.23(8)(B).
- 10. Signs. See Sections 165.23(9) and (10).

**165.09 R-1 - RESIDENTIAL SINGLE-FAMILY DISTRICT.**

1. Intent. This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety, and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation, and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.
2. Permitted Uses. The following uses are permitted in the R-1 District:
  - A. Single-family detached dwellings.
  - B. Home occupations in compliance with Section 165.23(12) of this chapter.
  - C. Keeping of Hens. The keeping of hens within R-1 Districts shall be allowed upon the following conditions:
    - (1) A maximum of six chickens (hens only) shall be allowed for egg production only. The slaughter of chickens is prohibited.
    - (2) Chickens shall be contained within a secure enclosure sufficient in size and construction to humanely accommodate the chickens and prohibit the escape of chickens from the enclosure.
    - (3) Within each enclosure there shall be a chicken coop sufficient in size and construction to humanely accommodate the chickens and secure them from the elements and predators. Construction of the coop must be of like finished material (e.g., no bare boards, unpainted or unfinished plywood, Masonite, chip board, etc.). No tarps may be used in the construction or maintenance of the coop.
    - (4) The chickens shall be cooped up from dusk until dawn.
    - (5) The chicken enclosure shall be restricted to the backyard of the lot and shall not be situated in the front yard or either of the side yards.
    - (6) The chicken enclosure shall be set back at least 10 feet from each lot line and at least 20 feet from the dwelling on the lot and the dwellings on adjoining lots.
    - (7) If the occupant of the lot desiring to keep hens on the premises is not the owner of the lot, the occupant shall secure the written consent of the property owner to the keeping of hens on the property, which written consent must be filed with the City Clerk.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the R-1 District:
  - A. Private garages and the rental of no more than four private garage units per site, each rental unit containing no more than 300 square feet.
  - B. Raising and keeping of fowl, in accordance with this Section 169.09, but not on a commercial basis or on a scale objectionable to neighbors.
  - C. Public and private recreational facilities.

- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- 4. Special Exceptions. Certain uses may be permitted in the R-1 District subject to specific conditions and requirements intended to make them compatible with, and acceptable to, adjacent uses.
  - A. Nursery schools.
  - B. Public or private utility substations, relay stations, etc.
  - C. Churches.
  - D. Publicly owned and operated buildings and facilities.
  - E. Public schools, and private schools with a curriculum similar to public schools.
  - F. Golf courses, but not miniature courses or separate driving tees.
  - G. Bed and breakfast houses.
  - H. Hospitals.
  - I. Multi-family dwellings.
  - J. Home occupations not meeting the approval of the Zoning/Building Administrator under Section 165.23(12) of this chapter.
  - K. Family group homes.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all “R” Districts:

Use	Minimum Lot Area (square feet)	Minimum Lot Width and Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height
5 R-1	5,000	50	25	6*	20	2½ stories or 37.5 feet
8 R-1	8,000	70	25	8**	30	2½ stories or 37.5 feet
2 R-2	5,000	60	25	8**	30	2½ stories or 37.5 feet
	2,000 per unit					
3 R-2	6,000	60	25	8**	30	45 feet
	3,000 per unit					
4 R-2	8,000	60	25	8**	30	45 feet
	4,000 (per unit)					
5 R-2	10,000	60	25	8**	30	45 feet
	5,000 (per unit)					
Other Uses	20,000	100	50	20	50	45 feet
Accessory Uses	N/A	N/A	N/A	8	8***	2½ stories or 37.5 feet
*Corner lots 10 feet **Corner Lots 15 feet ***Unless abutting an alley, then it may be one foot from the lot line						

6. Off-Street Parking. See Section 165.23(8)(A).
7. Off-Street Loading. See Section 165.23(8)(B).
8. Signs. See Sections 165.23(9) and (10).
9. Vehicles or Trailers. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. No automotive vehicle or trailers of any kind shall be parked or stored on any lot in this district in a required front yard except when parked on a designated hard surfaced driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.



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**165.10 R-2 - RESIDENTIAL MULTI-FAMILY DISTRICT.**

1. Intent. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety, and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation, and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.
2. Permitted Uses. The following uses are permitted in the R-2 District:
  - A. Single-family detached dwellings.
  - B. Multi-family dwellings. (as per Bulk Regulations described in Subsection 5 of this section.)
  - C. Home occupations in compliance with Section 165.23(12) of this chapter.
  - D. Keeping of Hens. The keeping of hens within R-2 Districts shall be allowed upon the following conditions:
    - (1) A maximum of six chickens (hens only) shall be allowed for egg production only. The slaughter of chickens is prohibited.
    - (2) Chickens shall be contained within a secure enclosure sufficient in size and construction to humanely accommodate the chickens and prohibit the escape of chickens from the enclosure.
    - (3) Within each enclosure there shall be a chicken coop sufficient in size and construction to humanely accommodate the chickens and secure them from the elements and predators. Construction of the coop must be of like finished material (e.g., no bare boards, unpainted or unfinished plywood, Masonite, chip board, etc.) No tarps may be used in the construction or maintenance of the coop.
    - (4) The chickens shall be cooped up from dusk until dawn.
    - (5) The chicken enclosure shall be restricted to the backyard of the lot and shall not be situated in the front yard or either of the side yards.
    - (6) The chicken enclosure shall be set back at least 10 feet from each lot line and at least 20 feet from the dwelling on the lot and the dwellings on adjoining lots.
    - (7) If the occupant of the lot desiring to keep hens on the premises is not the owner of the lot, the occupant shall secure the written consent of the property owner to the keeping of hens on the property, which written consent must be filed with the City Clerk.
    - (8) The keeping of hens within R-2 Districts shall be permitted only if there is but one single-family dwelling on the lot. Should the use of the lot be expanded to accommodate more than one single-family dwelling, chickens shall not be allowed on the lot.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the R-2 District include, but are not limited to:

- A. Private garages and the rental of no more than four private garage units per site, each rental unit containing no more than 300 square feet.
- B. Parking lots.
- C. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, horses, or fowl is prohibited except on premises containing two acres or more and except within an enclosure at least 150 feet from any lot lines or residences now existing or hereafter erected.
- D. Public and private recreational facilities.
- E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Special Exceptions. Certain uses may be permitted in the R-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses. Such uses include, but are not limited to:

- A. Nursery schools.
- B. Public or private utility substations, relay stations, etc.
- C. Churches
- D. Publicly owned and operated buildings and facilities.
- E. Public schools and private schools with a curriculum similar to public schools.
- F. Lodging houses, dormitories, fraternities, and sororities.
- G. Bed and breakfast houses.
- H. Health care facilities.
- I. Home occupations not meeting the approval of the Zoning/Building Administrator under Section 165.23(12) of this chapter.
- J. Family group homes.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all “R” Districts:

Use	Minimum Lot Area (square feet)	Minimum Lot Width and Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height
5 R-1	5,000	50	25	6*	20	2½ stories or 37.5 feet
8 R-1	8,000	70	25	8**	30	2½ stories or 37.5 feet
2 R-2	5,000	60	25	8**	30	2½ stories or 37.5 feet
	2,000 per unit					
3 R-2	6,000	60	25	8**	30	45 feet
	3,000 per unit					
4 R-2	8,000	60	25	8**	30	45 feet
	4,000 (per unit)					
5 R-2	10,000	60	25	8**	30	45 feet
	5,000 (per unit)					
Other Uses	20,000	100	50	20	50	45 feet
Accessory Uses	N/A	N/A	N/A	8	8***	2½ stories or 37.5 feet
*Corner lots 10 feet **Corner Lots 15 feet ***Unless abutting an alley, then it may be one foot from the lot line						

Minimum lot width requirements shall not apply to multi-family dwellings on adjoining lots under the same ownership provided all the dwellings are a minimum sixteen feet in distance from each other. The minimum lot width shall be 30 feet for zero-lot line structures. Further, townhomes, condominiums, duplexes, cooperative or any other forms of zero-lot line structures which utilize shared walls as part of the structure shall be exempt from the minimum side yard bulk regulations as to their attached or semi-detached components provided all of the following conditions are met:

- A. Common walls shall be fireproof as per the Universal Building Code. No openings in common walls shall be permitted per State Code.
- B. In the case of multi-family dwelling units, the division of the lot of parcel into two parcels shall be done in such a manner as to result in one single-family dwelling unit being located on either side of the common boundary line with the common wall being on the common boundary line.
- C. Each dwelling unit shall have separate access and utility service.
- D. Before the issuance of a development permit, there shall be filed on record with the Jones County Recorder binding covenants or declarations detailing the respective dwelling unit owners' responsibilities and liabilities with regard to repair and maintenance of common walls and other common aspects of the structure. Those covenants or declarations shall ensure adjoining property owners reciprocal 10-foot-wide maintenance easements to provide access to maintain the common walls located upon common boundary lines. In

addition, the covenants or declarations shall provide a mechanism for the owners of the dwelling units to address common issues of concern such as landscaping, exterior appearance, and type of roofing. The covenants or declarations may simply provide for the formation of a homeowners' association to address such common issues.

6. Off-Street Parking. See Section 165.23(8)(A).
7. Off-Street Loading. See Section 165.23(8)(B).
8. Signs. See Sections 165.23(9) and (10).
9. Vehicles - Trailers. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. No automotive vehicle or trailers of any kind shall be parked or stored on any lot in this district in a required front yard except when parked on a designated hard surfaced driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

**165.11 MH - MOBILE HOME DISTRICT.**

1. Intent. This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks, which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.
2. Permitted Uses. The following uses are permitted in the MH District:
  - A. Mobile homes located in an approved mobile home park.
  - B. Home occupations in compliance with Section 165.23(12) of this chapter.
3. Accessory Uses.
  - A. Private garages.
  - B. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, or horses is prohibited except on premises containing one-half acre or more and except within an enclosure at least 150 feet from any residence now existing or hereafter erected.
  - C. Private recreational facilities.
  - D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
4. Special Exceptions.
  - A. Public or private utility substations, relay stations, etc.
  - B. Nursery schools.
  - C. Churches
  - D. Accessory facilities on or off site.
  - E. Home occupations in accessory buildings.
5. Bulk Regulations.
  - A. Permit Required. A mobile park permit shall be required for any mobile home park constructed under the following regulations.
  - B. Issuance of a Permit. Permits shall be issued by the Zoning/Building Administrator after plans have been submitted which conform to the following Bulk Requirements. Fees for said permit shall be established by Council resolution.
    - (1) Density is limited to 10 mobile homes per acre and no such district or park shall be less than 5 acres.
    - (2) No mobile home shall be located within 25 feet of the right-of-way line of a public street, nor within 15 feet of any other zoning district or mobile home park.

- (3) Each mobile home shall be located on a lot having an area of at least 5,000 square feet and 30 feet in width.
  - (4) No mobile home shall be closer than 10 feet from any private street or 5 feet from the edge of the lot on which it is located.
  - (5) All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following:
    - a. No parking on street
      - one-way.....14 feet
      - two-way.....20 feet
    - b. Parallel parking on side
      - one-way.....20 feet
      - two-way.....30 feet
    - c. Parallel parking both sides
      - one-way.....26 feet
6. Signs. See Sections 165.23(9) and (10).

**165.12 C-1 - CENTRAL BUSINESS COMMERCIAL DISTRICT.**

1. Intent. This district is intended to accommodate the major business and office concentration in Anamosa. It is characterized further by a variety of stores and related activities which occupy the central commercial area of Anamosa. This district is intended to be the single central business district of Anamosa and no other use of this district shall be utilized other than contiguously with the currently established C-1 District. Architectural design of the construction components of the facade of the building shall be compatible with other structures within the central business district.

2. Permitted Uses. The following uses are permitted in the C-1 District:

A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.

B. Offices/clinics.

C. Hotels and motels.

D. Publicly owned and operated buildings and facilities.

E. Dwellings - second floor and above.

F. Sexually oriented businesses - provided that:

(1) The sexually oriented business may not be operated within 1,000 feet of: (a) a church, synagogue, chapel or similar place of religious worship or instruction; (b) a public or private elementary or secondary school; (c) a boundary of residential zoning district; (d) a library or a public park, playground, or other recreational facility; (e) a licensed day care center or nursery or preschool; or (f) another sexually oriented business.

(2) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.

(3) For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or library, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot or licensed day care center.

(4) For purposes of Paragraph (3) above, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the C-1 District:

A. Outdoor sales and service. Repair businesses shall have limited outdoor storage privileges for items being repaired by them. Items, including motor vehicles, brought to any business for repair may be stored outside the



business for up to 30 days. An additional 30 days of outdoor storage may be secured with written application to the Zoning/Building Administrator. Additional extensions for outdoor storage shall only be given upon a finding of good cause by the Zoning/Building Administrator following written application. Motor vehicles brought to businesses for repair may not be stored on any City street or alley for more than 24 hours. Wrecked motor vehicles brought to businesses in the C-1 District for other than repair shall be screened from the public's view by a fence of solid maintenance free construction six feet in height, which fence shall be located within the setback requirements for the property.

B. Private garages.

C. Parking lots.

D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Special Exceptions. Certain uses may be permitted in the C-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

A. Service stations.

B. Warehousing.

C. Outdoor storage.

D. Churches or accessory facilities, on or off site.

E. Single-family dwellings at ground level.

F. Multi-family dwellings at ground level.

G. Communication towers, wind generation equipment, freestanding solar generation equipment.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the C-1 District:

Use	Minimum Lot Area (square feet)	Minimum Lot Width and Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height
All Uses	None	20 (width) 20 (depth)	None	None, except if a side yard is provided it shall be a minimum of 5 feet. Corner lots shall be 10 feet.	None	3 stories or 45 feet
Accessory Uses	N/A	N/A	N/A	5	None	3 stories or 45 feet

6. Off-Street Parking. None required.
7. Off-Street Loading. See Section 165.23(8)(B).
8. Signs. See Sections 165.23(9) and (11).

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**165.13 C-2 - ARTERIAL COMMERCIAL DISTRICT.**

1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and other nonresidential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. Residential type structures are also permitted. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.
2. Permitted Uses.
  - A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
  - B. Offices and clinics.
  - C. Churches.
  - D. Hotels and motels.
  - E. Any other retail or service sales business, including food preparation for sale off-premises. Repair businesses shall have limited outdoor storage privileges for items being repaired by them. Items, including motor vehicles, brought to any business for repair may be stored outside the business for up to 30 days. An additional 30 days of outdoor storage may be secured with written application to the Zoning/Building Administrator. Additional extensions for outdoor storage shall only be given upon a finding of good cause by the Zoning/Building Administrator following written application. Motor vehicles brought to businesses for repair may not be stored on any City street or alley for more than 24 hours.
  - F. Publicly owned and operated buildings and facilities.
  - G. Dwellings: single and multi-family.
  - H. All other uses as allowed in the Central Business Commercial District.
3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the C-2 District:
  - A. Private recreational facilities.
  - B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - C. Private garages.
  - D. Parking lots.
  - E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Special Exceptions. Certain uses may be permitted in the C-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Animal shelters.
- B. Public or private utility substations, relay stations, etc.
- C. Communication towers, wind generation equipment, freestanding solar generation equipment.
- D. Zero lot line structures.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the C-2 District.

Use	Minimum Lot Area (square feet)	Minimum Lot Width and Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height
All Uses	8,000	70 (width) 70 (depth)	30	*	**	3 stories or 45 feet
Accessory Uses	N/A	N/A	N/A	5	None	3 stories or 45 feet
* If adjacent to a residential district, the side yard shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet. ** If adjacent to a residential district, the rear yard shall be equal to the minimum rear yard required in the adjacent district, but in no instance less than 30 feet, unless bordering with an alley, in which case it shall be 15 feet.						

6. Buffering. The use of buffering shall be required between any C-2 District and abutting residential and agricultural zoning districts and land uses. Abutting districts shall include lots fronting on a street which form the boundary line between any C-2 District and residential and agricultural zoning district as well as any abutting lot line between said districts. Buffering shall take place in any required yard, including front, side or rear. The following provisions shall apply:

- A. The buffer shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet.
- B. All buffer areas shall be landscaped or fenced to provide a complete visual screen. Buffering may include any of the following:
  - (1) Fencing.
  - (2) Landscaping consisting of native plant and tree species.
  - (3) Berms. Berms may be used if native plant and tree landscaping requirements of the City's Site Plan Ordinance (Chapter 167) can still be met. Berms must be vegetated to minimize erosion and to slow storm water runoff. Berms may be up to six feet measured vertically from the natural elevation of the yard.
- C. Maintenance. All buffered areas shall be kept free of litter, debris, noxious weeds, and species of plants identified by the Iowa Department of Natural Resources as exotic or invasive.

7. Zero Lot Line Structures. In addition to any specific conditions and requirements as established by the Zoning Board of Adjustment, zero lot line structures

within a C-2 Arterial Commercial District which utilize shared walls as part of the structure shall be exempt from the minimum side yard bulk regulations as to their attached or semi-detached components provided all of the following conditions are met:

- A. Common walls shall be fireproof as per the Universal Building Code. No openings in common walls shall be permitted per State Code.
  - B. Each unit shall have separate utility service.
  - C. Before the issuance of a development permit, there shall be filed on record with the Jones County Recorder binding covenants or declarations detailing the respective unit owners' responsibilities and liabilities with regard to repair and maintenance of common walls and other common aspects of the structure. Those covenants or declarations shall ensure adjoining property owners reciprocal ten-foot-wide maintenance easements to provide access to maintain the common walls located upon common boundary lines. In addition, the covenants or declarations shall provide a mechanism for the owners of the units to address common issues of concern such as landscaping, exterior appearance, and type of roofing.
8. Animal Shelters. An animal shelter proposal will be reviewed by the Zoning Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:
- A. Animals housed at the shelter shall remain inside during the hours between 8:00 p.m. and 7:00 a.m.
  - B. Animals housed at the shelter shall not be allowed to run loose outside of the fenced enclosure.
  - C. The animal shelter shall be kept in a high state of cleanliness at all times.
9. Off-Street Parking. See Section 165.23(8)(A).
10. Off-Street Loading. See Section 165.23(8)(B).
11. Signs. See Sections 165.23(9) and (11).

**165.14 M-1 - LIGHT INDUSTRIAL DISTRICT.**

1. Intent. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a fenced area and the material for the fence to be determined and approved by the Zoning/Building Administrator. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.
2. Permitted Uses. The following uses are permitted in the M-1 District.
  - A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
  - B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
  - C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
  - D. Assembly of appliances and equipment, including manufacture of small parts.
  - E. Wholesale distribution of all standard types of prepared or packaged merchandise.
  - F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six feet high and said fence being within required building lines.
  - G. Contractors' offices and storage of equipment.
  - H. Public or private utility substations, relay stations, etc.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the M-1 District.
  - A. Accessory buildings and uses customarily incidental to a permitted use.
  - B. Living quarters for watchmen or custodians of industrial properties.
4. Special Exceptions. Certain uses may be permitted in the M-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Animal shelters.
  - B. Communication towers, wind generation equipment, freestanding solar generation equipment.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the M-1 District.

Use	Minimum Lot Area (square feet)	Minimum Lot Width and Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height
All Uses	None	None	25	50	*	3 stories or 45 feet
Accessory Uses	N/A	N/A	N/A	5	None	3 stories or 45 feet
* 30 feet, unless bordering a railroad right-of-way, in which case it shall be 5 feet.						

6. Buffering. The use of buffering shall be required between any M-1 District and abutting residential and agricultural zoning districts and land uses. Abutting districts shall include lots fronting on a street which form the boundary line between any M-1 District and residential and agricultural zoning district as well as any abutting lot line between said districts. Buffering shall take place in any required yard, including front, side or rear. The following provisions shall apply:

A. The buffer shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet.

B. All buffer areas shall be landscaped or fenced to provide a complete visual screen. Buffering may include any of the following:

(1) Fencing.

(2) Landscaping consisting of native plant and tree species.

(3) Berms. Berms may be used if native plant and tree landscaping requirements of the City's Site Plan Ordinance (Chapter 167) can still be met. Berms must be vegetated to minimize erosion and to slow storm water runoff. Berms may be up to six feet measured vertically from the natural elevation of the yard.

C. Maintenance. All buffered areas shall be kept free of litter, debris, noxious weeds, and species of plants identified by the Iowa Department of Natural Resources as exotic or invasive.

7. Animal Shelters. An animal shelter proposal will be reviewed by the Zoning Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

A. Animals housed at the shelter shall remain inside during the hours between 8:00 p.m. and 7:00 a.m.

B. Animals housed at the shelter shall not be allowed to run loose outside of the fenced enclosure.

C. The animal shelter shall be kept in a high state of cleanliness at all times.

8. Off-Street Parking. See Section 165.23(8)(A).

9. Off-Street Loading. See Section 165.23(8)(B).

10. Signs. See Sections 165.23(9) and (11).



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**165.15 M-2 - HEAVY INDUSTRIAL DISTRICT.**

1. Intent. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. No residential uses are permitted.
2. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before a zoning/building permit is issued.
  - A. Acid manufacture.
  - B. Cement, lime, gypsum, or plaster of Paris manufacture.
  - C. Distillation of bones.
  - D. Explosive manufacture or storage.
  - E. Fat rendering.
  - F. Fertilizer manufacture.
  - G. Gas manufacture.
  - H. Garbage, offal, or dead animals, reduction or dumping.
  - I. Glue manufacture.
  - J. Petroleum, or its products, refining of.
  - K. Smelting of tin, copper, zinc, or iron ores.
  - L. Stockyards or slaughter of animals.
  - M. Junk yards – must be surrounded by a solid fence at least six feet high located within building lines and the junk piled not higher than the fence.

Before granting such separate approval, the City Council shall refer applications to the Commission for study, investigation, and report. If no report is received in 30 days, the City Council may assume approval of the application.

3. Public The City Council shall then after holding a public hearing consider all of the following provisions in its determination upon the particular use at the location requested:
  - A. The proposed location design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.
  - B. Such use shall not impair an adequate supply of light and air to surrounding property.
  - C. Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
  - D. Such use shall not diminish or impair established property values in adjoining or surrounding property.
  - E. Such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

## 4. Required Conditions.

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and federal regulations.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where adjoining a railroad right-of-way, and 50 feet from any commercial boundary.

## 5. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the M-2 District.

A. Accessory buildings and uses customarily incidental to a permitted use.

B. Living quarters for watchmen or custodians of industrial properties.

## 6. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the M-2 District.

Use	Minimum Lot Area (square feet)	Minimum Lot Width and Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height
All Uses	None	None	25	50	*	3 stories or 45 feet
Accessory Uses	N/A	N/A	N/A	5	None	3 stories or 45 feet
* 30 feet, unless bordering a railroad right-of-way, in which case it shall be 5 feet.						

## 7. Buffering. The use of buffering shall be required between any M-2 District and abutting residential and agricultural zoning districts and land uses. Abutting districts shall include lots fronting on a street which form the boundary line between any M-2 District and residential and agricultural zoning district as well as any abutting lot line between said districts. Buffering shall take place in any required yard, including front, side or rear. The following provisions shall apply:

A. The buffer shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet.

B. All buffer areas shall be landscaped or fenced to provide a complete visual screen. Buffering may include any of the following:

(1) Fencing.

(2) Landscaping consisting of native plant and tree species.

(3) Berms. Berms may be used if native plant and tree landscaping requirements of the City's Site Plan Ordinance (Chapter 167) can still be met. Berms must be vegetated to minimize erosion and to slow storm water runoff. Berms may be up to six feet measured vertically from the natural elevation of the yard.

C. Maintenance. All buffered areas shall be kept free of litter, debris, noxious weeds, and species of plants identified by the Iowa Department of Natural Resources as exotic or invasive.

8. Off-Street Parking. See Section 165.23(8)(A).
9. Off-Street Loading. See Section 165.23(8)(B).
10. Signs. See Sections 165.23(9) and (11).

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**165.16 GENERAL MANAGEMENT OF NONCONFORMITIES.** Within the zoning districts established by this chapter there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this chapter was passed or amended, but which are now prohibited, regulated, or restricted under the terms of this chapter, or shall be prohibited, regulated, or restricted under the terms of future amendment. In order to manage current and future nonconformities, it is the intent of this chapter to:

1. Permit current nonconformities to continue until they are removed, but not to encourage their survival.
2. Restrict any further nonconformities from being enlarged upon, expanded, or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.
3. Consider legal, as of the date of adoption of this chapter, those structures which were nonconforming under the previous chapter, but which are now conforming under this chapter, and to allow such structures to be rebuilt, added to, or modified within the current terms and requirements of this chapter.
4. Avoid undue hardship by deeming nothing in this chapter to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
5. Deem as actual construction those projects where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, provided that work shall be carried on diligently.

**165.17 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the other bulk regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Zoning Board of Adjustment.

**165.18 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).** Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

3. If any such nonconforming use of land ceases for any reason for a period of 12 months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

**165.19 NONCONFORMING STRUCTURES.** Where a lawful structure exists on the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**165.20 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.** If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists on the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the most current terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Zoning Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of the subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction. Reconstruction when damaged to less than 50 percent shall begin within six months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire.

**165.21 REPAIR AND MAINTENANCE OF NONCONFORMING STRUCTURES.**

On any structure devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

**165.22 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES.** Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Zoning Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming use.



**165.23 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. Planned Unit Development. The owner or owners of any tract of land comprising an area of not less than 10 acres may submit to the City Council a plan for the use and development of the entire tract of land. The development shall be referred to the Planning and Zoning Commission for study and report and for public hearing. If the Planning and Zoning Commission approves the development plan, the plan, together with the recommendation of the Planning and Zoning Commission, shall then be submitted to the City Council for consideration and approval. If the City Council approves the plan, development permits and occupancy certificates from the Zoning/Building Administrator may be issued even though the use of land and the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plans, do not conform in all respects to the district regulations of the district in which it is located, except as follows:

- A. Only uses permitted in the R-1 and R-2 Districts shall be permitted.
- B. The average lot area per family contained in the proposed plan, exclusive of the area occupied by right-of-way, will not be less than the lot area per family required in the district in which the development is located.
- C. Said area shall then be designated on the Official Zoning Map.

2. Accessory Buildings or Structures. No accessory buildings or structures may be erected in any required front yard with the exception of signs meeting the regulations set forth in Section 165.23(9), (10), and (11) of this chapter in C-1, C-2, M-1 and M-2 zoning districts, and no separate accessory building or structure may be erected within five feet of a dwelling unit other than permitted signs. In addition, private swimming pools shall only be located in a rear yard. No accessory building or structure shall be closer than eight feet to the rear or side lot lines unless abutting an alley, in which case it may be within one foot of the lot line. Accessory buildings or structures located in the rear yard may not occupy more than 30 percent of the rear yard. Accessory garages which are entered directly from the alley shall be at least 15 feet from the alley right-of-way. Except for storage, no accessory building or structure shall be used without occupancy of the principal building. In such cases of storage use, there shall be no fee charged. All accessory buildings and structures shall require a development permit. Each application for an accessory building or structure permit shall be submitted prior to the installation of the building or structure and shall be approved or denied by the Zoning/Building Administrator.

3. Fences and Hedges. The following regulations are for fences, hedges, and swimming and landscape pool fences in all districts. A permit is needed for the construction of any fence. Each application for a fence permit shall be submitted prior to the installation of the fence and shall be approved or denied by the Zoning/Building Administrator.

- A. Fences:
  - (1) No portion of a fence or hedge, excluding pergolas and arbors, shall exceed six feet in height. The height shall be measured vertically from the finished grade of the yard.
  - (2) Fences and hedges within the front-yard shall not exceed three feet in height nor shall they be constructed of more than 30 percent solid material.

- (3) Fences and hedges not more than six feet high may be erected on those portions of a lot that are as far back or further back from the street than the main building.
- B. Swimming and Landscape Pool Fences. Fences shall be provided for all permanent outdoor swimming and landscape pools with a depth greater than 18 inches or a capacity greater than 5,000 gallons. Swimming and landscape pool fences shall meet the following conditions:
  - (1) Swimming and landscape pool fences must be at least four feet high from the ground level and should not exceed six feet above level of the pool. Spacing of the fence should not allow a four-inch sphere to pass through.
  - (2) Swimming and landscape pool fences must have a self-closing and self-latching device on the gate.
- C. Barbed Wire and Electric Fences. Barbed wire (including razor wire, concertina wire, and similar wire) and electric fences shall be subject to the following requirements:
  - (1) Barbed wire and electric fences shall not be allowed in residential or commercial zones.
  - (2) Barbed wire and electric fences shall be prohibited within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist.
  - (3) Electric fences shall not be permitted in any district except for the enclosure of livestock operations in Agricultural zones (A-1).
  - (4) No electric fence shall carry a charge greater than 25 milliamperes nor a pulsating current longer than one-tenth per second in a one-second cycle. All electric fence chargers shall carry the seal of an approved testing laboratory.
  - (5) The provisions of this subsection shall not apply to the fencing of municipal facilities.
- D. Before issuing a development permit for a fence proposed to be located on a lot-line that is shared by two different property owners, the City will require the following conditions to be met:
  - (1) The owners of the properties that share the lot-line on which the proposed fence will be located must sign a written agreement that outlines the material from which the fence will be constructed, the location of the fence, the height of the fence, and maintenance responsibilities, and the agreement of all property owners to all of the above conditions.
  - (2) The agreement must then be filed with the County Recorder.
  - (3) A copy of the agreement and proof of its filing with the County Recorder must be presented to the City official responsible for the issuing of fence permits before the permit will be issued.

- (4) If agreement cannot be reached between the property owners on a shared lot-line fence, any fence constructed on either property must be a minimum of three feet from said shared lot-line.

E. Before a hedge is proposed to be located on a lot-line that is shared by two different property owners, the City will require the following conditions to be met:

- (1) The owners of the properties that share the lot-line on which the proposed hedge will be located must sign a written agreement that outlines the type of hedge, the location of the hedge, the height of the hedge, and maintenance responsibilities, and the agreement of all property owners to all of the above conditions.
- (2) The agreement must then be filed with the County Recorder.
- (3) A copy of the agreement and proof of its filing with the County Recorder must be presented to the City before the hedge can be located.
- (4) If agreement cannot be reached between the property owners on a shared lot-line hedge, any hedge on either property must be a minimum of three feet from said shared lot-line.

4. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances are exempt from height regulations in Sections 165.08 through 165.15.

5. Yard Requirements. Under the terms of this chapter, a required yard shall be open, unoccupied, and unobstructed from grade to the sky except for permitted encroachments. The following identify such permitted encroachments along with required conditions:

A. Front Yard Exceptions:

- (1) Steps or ramps which are necessary to provide access to the first floor of permitted buildings.
- (2) The following shall encroach no more than three feet into the front yard, as measured from the building:
  - a. Architectural features such as sills, eaves, cornices, and other ornamental features.
  - b. Gutters and downspouts.
  - c. Awnings and canopies.
  - d. Bay windows.
- (3) Uncovered decks, patios and stoops not exceeding 100 square feet and in no case are closer than 15 feet to the front lot line.
- (4) Retaining walls which are at least 10 feet from the front lot line.
- (5) Non-nuisance landscaping, vegetation, arbors, trellises, flagpoles, and the like shall be allowed in all yards.

B. Side Yard Exceptions:

(1) The following shall encroach no more than three feet into the side yard, as measured from the building:

- a. Architectural features such as sills, eaves, cornices, and other ornamental features.
- b. Gutters and downspouts.
- c. Awnings and canopies.
- d. Bay windows.

(2) Air conditioning equipment not encroaching into the side yard closer to the side lot line a distance of one-half the required setback.

(3) Retaining walls which are at least three feet from the side lot line.

(4) Non-nuisance landscaping, vegetation, arbors, trellises, flagpoles, and the like shall be allowed in all yards.

C. Rear Yard Exceptions:

(1) The following shall encroach no more than three feet into the rear yard, as measured from the building:

- a. Architectural features such as sills, eaves, cornices, and other ornamental features.
- b. Gutters and downspouts.
- c. Awnings and canopies.
- d. Bay windows.

(2) Air conditioning equipment.

(3) Uncovered decks, patios, and stoops which are at least 10 feet from any lot line.

(4) Retaining walls which are at least three feet from the rear lot line.

(5) Non-nuisance landscaping, vegetation, arbors, trellises, flagpoles, and the like shall be allowed in all yards.

D. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of three and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 20 feet from the point of the intersection. (See Visibility Diagram in Section 165.33.)

6. Decks. A permit is needed for the construction of any deck whether it is attached to the house or not. Each application for a deck permit shall be submitted prior to the installation of the deck and shall be approved or denied by the Zoning/Building Administrator.

7. Driveways. All new driveways, from the property line to the garage, carport, or off-street parking area and loading zones, shall be paved with asphalt, Portland

cement concrete, brick pavers, or stone pavers. Maintenance, including the addition of new rock to existing gravel driveways, shall be permitted, but the area of the gravel driveways shall not be permitted to expand. All driveways, including those which are grandfathered above, from the paved portion of the street to the property line shall be paved with asphalt or Portland cement concrete.

8. Off-Street Parking and Loading.

A. Off-Street Parking. All new off-street parking areas shall be paved with asphalt, Portland cement concrete, brick pavers, or stone pavers. Maintenance, including the addition of new rock to existing gravel off-street parking areas, shall be permitted, but the area of the gravel off-street parking shall not be permitted to expand.

- (1) Churches: one parking space on the lot for each five seats in the main assembly area.
- (2) Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one parking space for each employee and one parking space for each five students.
- (3) Dwellings: two parking spaces on the lot for each dwelling unit in the building.
- (4) Elementary, junior high, high school, and equivalent private or parochial schools: one parking space for each employee and office plus one parking space for each 300 square feet of gross floor area in auditorium or gymnasium and one parking space for each 10 students.
- (5) Greenhouses and nurseries: one parking space per 1,000 square feet of enclosed floor area.
- (6) Hotels and motels: one parking space per room plus one parking space for each employee.
- (7) Nursery schools: one parking space per employee.
- (8) Offices and clinics: one parking space per 300 square feet of gross floor area.
- (9) Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area, whichever is greater.
- (10) Roadside stands: one parking space for each 50 square feet of enclosed floor area.
- (11) Sales and service buildings: one parking space per 300 square feet of gross floor area.
- (12) All other commercial uses shall provide one parking space on the lot for each 300 square feet of floor area.
- (13) All industrial uses shall provide one parking space on the lot for each two employees of maximum number employed at any one time.

B. Off-Street Loading. All off-street loading areas shall meet the following standards:

(1) All activities or uses within each zoning district shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

(2) Loading shall not be permitted to block public rights-of-way.

9. Sign Regulations – All Zoning Districts. The following regulations shall apply to signage in all zoning districts:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway or railroad.

C. No sign may imitate or resemble an official traffic control sign, signal, or device.

D. No sign may obscure or physically interfere with an official traffic control sign, signal, or device.

E. Signs shall not encroach or extend over public rights-of-way except in C-1 zoning districts, and those signs shall be subject to having a minimum clearance for pedestrian traffic of eight feet, and further provided the signs and their supporting structures do not extend into the right-of-way beyond seven and one-half feet, but no closer than two feet from the curb line of the street.

F. No advertisement or advertising structure shall be posted, erected, or maintained which simulates any official, directional, or warning sign erected or maintained by the State, County, City, or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

H. All signs shall be non-flashing and non-strobing, and they shall not contain rotating, oscillating, or revolving beams or other similar types of light transmission.

I. All signs must be kept in good repair. Repairs shall be made within 30 days of damage to said sign.

10. Sign Regulations – A-1, R-1, R-2, and MH Districts. The following regulations shall apply to signage in all A-1, R-1, R-2, and MH zoning districts:

A. Signs are not permitted, except for political signs, real estate signs (both for sale and rental), certain construction signs as specified in this section, and home occupation signs. This prohibition shall not apply to off-premises signage affixed to the interior perimeter fencing or scoreboards facing inward of athletic fields.

B. Political signs shall conform to State law, as outlined in Section 68A.406 of the *Code of Iowa*.

C. Real estate signs shall be removed upon the closing of the sale or rental of the property. Real estate signs shall not exceed ten square feet in surface area. Signs identifying the name of an apartment building shall be permitted on the premises containing the apartment building, provided that the total

square feet of surface area of all such signs shall not exceed 32 square feet and shall be subject to a setback of not less than 15 feet from the front boundary line and a setback of not less than eight feet from the side boundary line.

D. Construction signs relating to the vendor and services provided for the construction or remodeling of a dwelling unit on the premises shall be permitted during the time of construction in the front yard area, as defined in Section 165.06 of this chapter. The total square feet of surface area of all construction signs on any one property shall not exceed 32 square feet.

E. Home occupation signs shall be limited to one sign with a total surface area not exceeding six square feet and with the maximum length of any one side of such sign signs being no longer than four feet.

11. Sign Regulations – C-1, C-2, M-1 and M-2 Districts. The following regulations shall apply to signage in all C-1, C-2, M-1, and M-2 zoning districts:

A. On-premises and off-premises signs are permitted.

B. On-premises and off-premises signs shall comply with the setbacks of the districts in which they are located, with the exception of signs located in C-2 zoning districts. There shall be no setback requirements for signs in C-2 zoning districts unless the lot upon which the sign is to be placed is adjacent to an R-1 or R-2 zoning district, in which case the sign must meet the setback requirements for the C-2 zoning district. Other bulk regulations do not apply. Off-premises signs are governed by State and federal regulations along highways, where zoning exists.

C. Within 90 days of closure of a business, all signs must be taken down which protrude onto the City's right-of-way and are illegible or pose a threat to vehicular or pedestrian traffic.

12. Home Occupations. A home occupation is a permitted use within all residential districts and shall require a permit as approved by the Zoning/Building Administrator after meeting the requirements established herein.

F. No person other than members of the family residing on the premises shall be engaged in such occupation, except by special exception by the Zoning Board of Adjustment which may allow three persons other than family members not residing on the premises to be employed.

G. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the gross floor area of the dwelling unit, whether the square footage is in the garage or other accessory buildings or in the dwelling unit, shall be used in the conduct of the home occupation.

H. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding six square feet with the maximum length of any one side being no longer than four feet.

I. Home occupation may be conducted in any accessory building.

J. Any business in the home that requires walk-in clientele or generates traffic other than what normally would be there without the business, except for deliveries, shall be classified as a home occupation and shall require a permit

and approval as stated herein, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

K. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

L. Provided that all previously noted conditions are complied with, certain home-based work such as telemarketing activities, computer and word processing work, and similar businesses are not considered home occupations and shall be allowed as permitted uses in any district.

13. Nothing in this chapter shall have the effect of prohibiting utility service lines.



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**165.24 ADMINISTRATION AND ENFORCEMENT.** A Zoning/Building Administrator designated by the City Council shall administer and enforce this chapter. The Administrator may be provided with the assistance of such other persons as the City Council may direct.

**165.25 DEVELOPMENT AND OCCUPANCY PERMITS REQUIRED.** No building or structure in excess of 150 square feet, or which is placed on a permanent foundation, shall be erected, moved, or added to, without a permit therefore issued by the Zoning/Building Administrator. No development permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Zoning Board of Adjustment. Fees for development permits shall be as provided by City resolution. Development permits shall be applied for with the City Clerk and shall expire one year after the date of issuance if work is begun within 180 days of issuance, or after 180 days of the date of issuance if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning/Building Administrator for good cause. Applicants for development permits shall provide the name and registration number required by State law for all contractors to be engaged in the development. Before pouring or setting the footings or foundation for the building for which the development permit has been issued, the party to whom the development permit has been issued shall notify the City Public Works Director to afford him a reasonable period of time, but not less than one working day, within which to inspect the site before the pouring or setting of the footings or foundation to ensure the building will be built within the parameters of the development permit issued. If the footings or foundation for the building are poured or set without the City Public Works Director having been given notice and the opportunity to inspect before the pouring or setting of the footings or foundation, the party issued the development permit shall be guilty of a municipal infraction and assessed the penalty prescribed for municipal infractions under Section 4.03 of this Code of Ordinances. No building shall be occupied or put to use unless and until the Zoning/Building Administrator has inspected same to ensure compliance with the development permit and the provisions of this chapter and has issued an occupancy permit for the building.

**165.26 ZONING BOARD OF ADJUSTMENT: POWERS AND DUTIES.** The Zoning Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter.

- 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 Zoning/Building Administrator. Such appeal shall be taken within 60 days of the rendering of the decision by filing with the Zoning/Building Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. The appeal shall be acted upon within 30 days of the filing.

- B. The Board shall fix a reasonable time for the hearing of the appeal and give not less than seven days nor more than 20 days public notice in a newspaper of general circulation in the City. At least 7 days immediately preceding the hearing a sign of at least 12 inches by 18 inches regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular

traffic. At said hearing, any party may appear in person, by agent, or by attorney.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Zoning Board of Adjustment, after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken, and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide on, such special exceptions as the Zoning Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Zoning Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

B. The special exceptions to be acted by the Board shall be acted upon within 30 days of the filing. The Board shall fix a reasonable time for the hearing of the special exception and give not less than seven days nor more than 20 days public notice in a paper of general circulation in the City. At least seven days immediately preceding the hearing a sign of at least 12 inches by 18 inches regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agency, or by attorney.

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Zoning Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. 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 of this chapter would result in unnecessary hardship. A variance from

the terms of this chapter shall not be granted by the Zoning Board of Adjustment unless and until:

- A. A written application for a variance is submitted demonstrating that:
  - (1) Special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - (2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
  - (3) The special conditions and circumstances do not result from the actions of the applicant;
  - (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

B. The variance shall be acted upon within 30 days of the filing. The Board shall fix a reasonable time for the hearing of the variance and give not less than seven days nor more than 20 days public notice in a paper of general circulation in the City. At least seven days immediately preceding the hearing a sign of at least 12 inches by 18 inches regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agent, or by attorney.

C. The public hearing shall be held. Any party may appear in person, or by agent, or by attorney.

D. The Zoning Board of Adjustment shall make findings that requirements of this section have been met by the applicant for a variance.

E. The Zoning Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

F. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter. Under no circumstances shall the Zoning Board of Adjustment grant a variance to allow a use not

permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

4. The concurring vote of the majority of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/Building Administrator, 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 the application of this chapter.

**165.27 APPEAL PROCESS.** The appeal process for any person, board, taxpayer, department, City board or bureau, or those from other areas subject to this chapter who have been aggrieved by any decision regarding City zoning regulations shall be:

1. All questions of interpretation and enforcement of City zoning regulations shall be first presented to the Zoning/Building Administrator.
2. Such questions shall be next presented to the Zoning Board of Adjustment only on appeal of the decision of the Zoning/Building Administrator.
3. Lastly, those seeking to appeal a decision of the Zoning Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414 of the *Code of Iowa*.

**165.28 AMENDMENTS.**

1. The regulations, restrictions, and boundaries codified in this chapter may, from time to time, be amended, supplemented, changed, modified, or repealed, provided the following conditions are met:

A. At least seven days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City.

B. In no case shall the notice be published more than 20 days prior to the hearing.

C. At least seven days preceding the hearing a sign measuring not less than 12 inches by 18 inches giving notice that the property is the subject of a pending re-zoning application, and directing the public's attention to the office of the City Clerk for further information, shall be conspicuously posted on the land in question visible to pedestrian and vehicular traffic. If the property is inaccessible to public vehicular traffic, the sign shall be posted at the nearest point of passage by public vehicular traffic.

2. The regulations, restrictions, and boundaries codified in this chapter may, from time to time, be amended, supplemented, changed, modified, or repealed, notwithstanding Section 414.2 of the *Code of Iowa*.

A. As a part of an ordinance changing land from one zoning district to another zoning district, or an ordinance approving a site development plan, the Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before or at the public hearing required under this section. The conditions must be reasonable and imposed to satisfy public needs which are directly met by the requested change.

B. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of 20 percent or more of

the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council.

C. The protest, if filed, must be filed before or at the public hearing.

D. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council.

E. All zoning amendment application forms shall be approved by resolution of the City Council.

**165.29 PENALTIES FOR VIOLATION.** Violations of any of the requirements of this chapter shall constitute a municipal infraction, with violators subject to the provisions of Chapter 4 of this Code of Ordinances. Each day a violation continues shall be considered a separate offense. The City shall be entitled to recover all out-of-pocket costs it incurs in establishing a violation of the provisions of this chapter (not including attorney fees, unless allowed by State law).

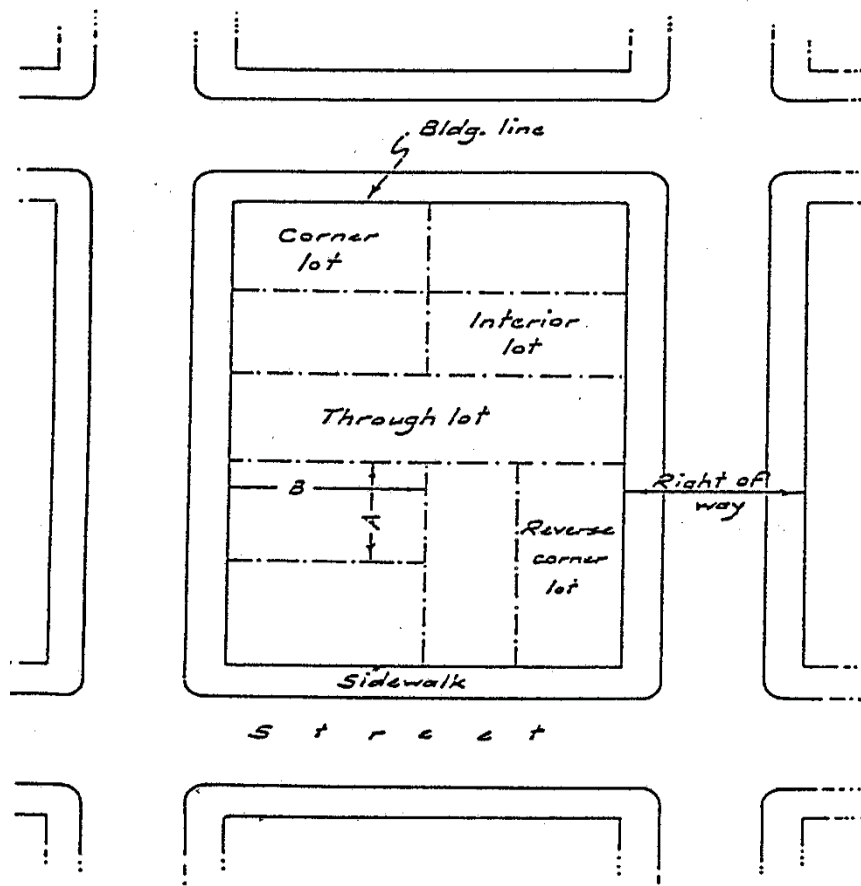
**165.30 SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the offices of the Zoning/Building Official and City Clerk and may be altered or amended only by the City Council, as recommended by the Planning and Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**165.31 COMPLAINTS REGARDING VIOLATIONS.** Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning/Building Administrator. The Zoning/Building Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

**165.32 ZONING REGULATIONS APPENDIX – DIAGRAM 1.** This section contains a diagram for graphically describing lots.

**DIAGRAM 1. - LOTS**

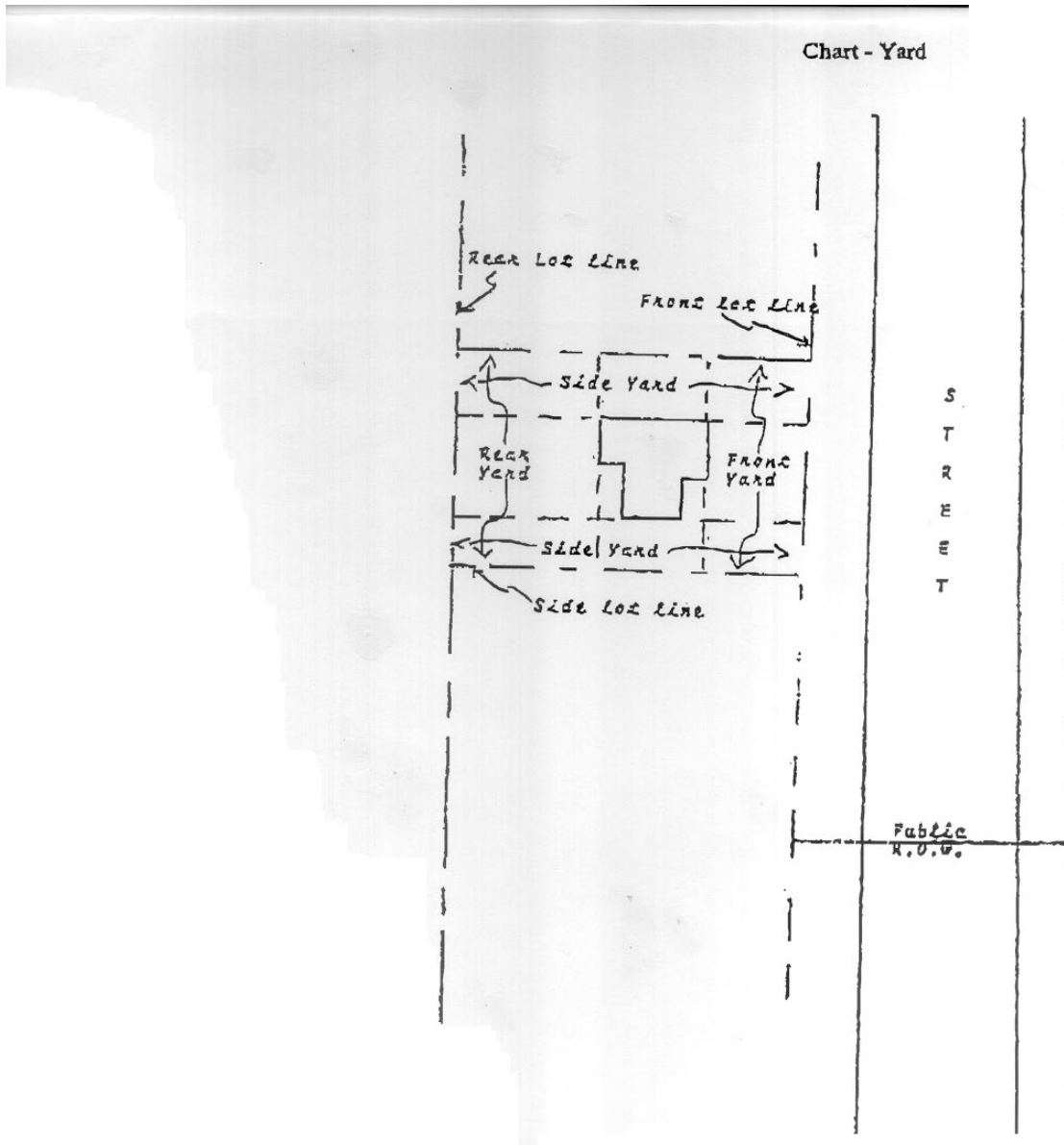
**Chart - Lot**



A—Width of lot  
B—Length of lot

**165.33 ZONING REGULATIONS APPENDIX – DIAGRAM 2.** This section contains a diagram for graphically describing yards.

**DIAGRAM 2. - YARDS**



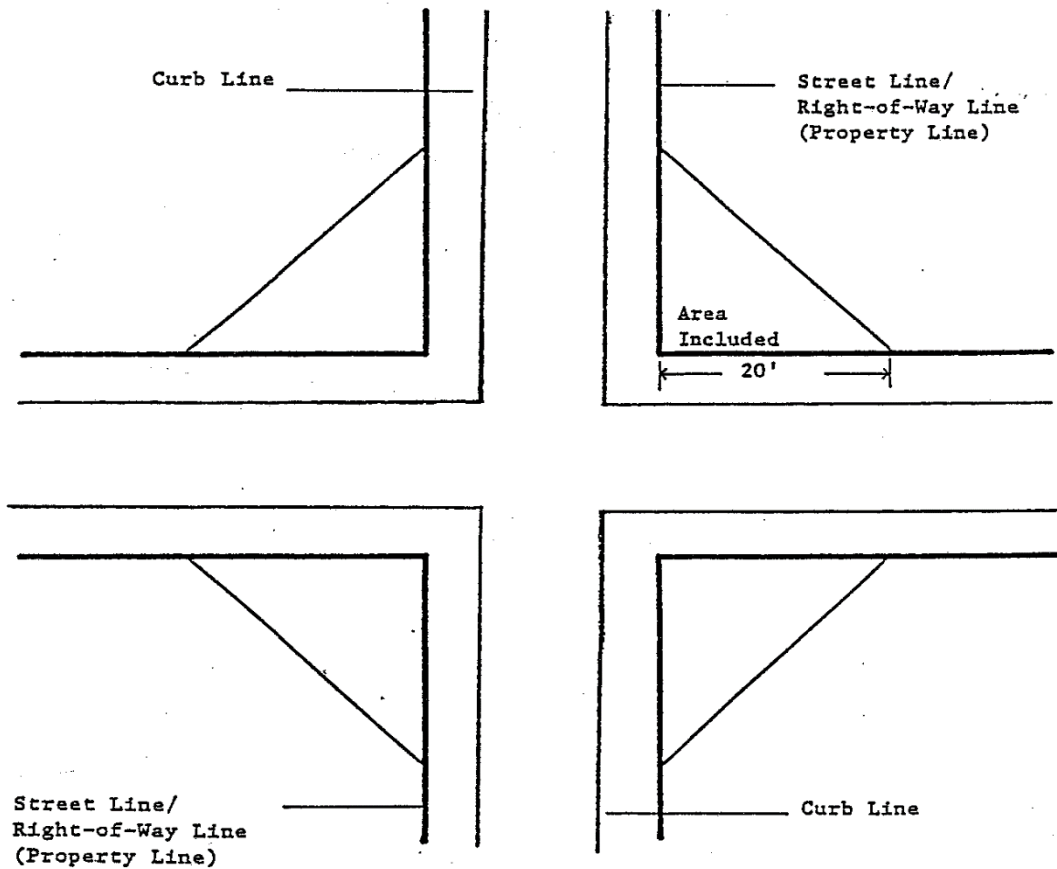


**165.34 ZONING REGULATIONS APPENDIX – DIAGRAM 3.** This section contains a diagram for graphically describing corner lot visibility.

**DIAGRAM 3. – CORNER LOTS**

**DIAGRAM**

**Corner Lots - Yards and Visibility**



<b>EDITOR'S NOTE</b>		
The following ordinances have been adopted amending the Zoning Regulations of the City as codified in this chapter. Said ordinances 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.		
<b>ORDINANCE</b>	<b>ADOPTED</b>	<b>SUBJECT</b>
894	October 14, 2013	New Official Zoning Map, replacing the one adopted in Ordinance No. 704
895	June 9, 2014	Zoning Two Recently Annexed Parcels Owned by J. Parham Rentals, L.L.C.
911	September 12, 2016	Re-zoning 405 S. Linn Street from R-2 to C-2
932	April 22, 2019	Re-zoning a Portion of Outlot "B" Meadow Ridge Eighth Addition from R-1 to R-2
940	December 19, 2019	Re-zoning 704 E.1 <sup>st</sup> Street from R-2 to C-2
941	December 19, 2019	Re-zoning 106 N. Scott Street from R-2 to C-2

[The next page is 1195]



## CHAPTER 166

# SUBDIVISION REGULATIONS

166.01 Purpose and Jurisdiction	166.12 Final Plat Requirements
166.02 Definitions	166.13 Streets and Alleys
166.03 Fees	166.14 Blocks
166.04 Variances and Waivers	166.15 Lots
166.05 Enforcement	166.16 Subdivision Fencing Requirements
166.06 Amendments	166.17 Improvements Required
166.07 Preliminary Platting Procedure	166.18 Retention and Timed Release of Storm Water Runoff
166.08 Final Platting Procedure	166.19 Standard Specifications
166.09 Plats Outside Corporate Limits	166.20 Inspection
166.10 Professional Assistance	166.21 Maintenance Bonds
166.11 Preliminary Plat Requirements	

**166.01 PURPOSE AND JURISDICTION.** The purpose of this chapter is to provide for the harmonious development of the City and adjacent territory (i) by establishing appropriate standards for streets, blocks, lots, utilities, and other improvements (ii) by promoting coordination with existing development and (iii) by establishing procedures and conditions for the approval of subdivisions of land, all in the interest of the health, safety, and general welfare of the community. All plats, replats, or subdivision of land into three or more parts for the purpose of laying out a portion of the City, additions thereto, or suburban lots within two miles of the corporate limits of the City for other than agricultural purposes, shall be submitted to the Council and Planning and Zoning Commission, in accordance with the provisions of this chapter, and shall be subject to the requirements established herein. Subdivision plats within two miles of the corporate limits of the City are subject to review and approval by the City. The proposed subdivision plat shall be submitted to the Planning and Zoning Commission for their review and recommendation before being addressed by the Council for final determination as to whether they meet the requirements of State law, local ordinance, and the development plans for the City.

**166.02 DEFINITIONS.** For the purpose of this chapter, the following terms and words are defined. The word “building” includes the word “structure.”

1. “Alley” means a permanent public service way providing a secondary means of access to abutting property.
2. “Building line” means a line established in a plat as a restrictive covenant beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirement established in Chapter 165 of this Code of Ordinances, and where they do not, the most restrictive requirement will control.
3. “Commission” means the Planning and Zoning Commission of the City.
4. “Cul-de-sac” means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
5. “Easement” means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person’s property.
6. “Final plat” means the map or drawing on which the subdivision plan is presented in the form which, if approved by the Council and Commission, will be filed and recorded with the County Recorder.

7. "Preliminary plat" means a study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and Commission for consideration.
8. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership on the effective date of the ordinance codified in this chapter.
9. "Street" or "road" means a right-of-way other than an alley dedicated or otherwise legally established to be accepted for public use, usually affording the principal means of access to abutting property.
  - A. "Thoroughfare" means a street intended for cross-town or through traffic.
  - B. "Collector street" means a street intended to carry vehicular traffic from residential streets to thoroughfares.
  - C. "Residential street" means a street used primarily for access to abutting property.
10. "Street pavement" means the wearing or exposed surface of the street right-of-way used by vehicular traffic. The pavement width is measured from the back of the curb on one side to the back of the curb on the other side.
11. "Street right-of-way" means the area measured between property lines dedicated to, and accepted for, public use and providing access to abutting properties.
12. "Subdivider" means any person who shall lay out, for the purpose of sale or development, any subdivision or part hereof as defined herein, either individually or for others.
13. "Subdivision" means the division of a tract of land into three or more parcels, whether by repeated division or simultaneous division, regardless of whether the survey instrument is designated a subdivision plat or plat of survey.

**166.03 FEES.** Each preliminary plat and final plat submitted for approval shall be accompanied by a fee as set by resolution of the Council.

#### **166.04 VARIANCES AND WAIVERS.**

1. Variances. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the City Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.
2. Waiver of Plats of Survey. All plats of survey, both for premises within the corporate limits and for premises within two miles of the corporate limits of the City, must be submitted to the City for review for a determination as to whether or not they constitute a subdivision plat subject to further City regulation. Review and approval of plats of survey that do not amount to subdivision plats may be waived by the City Administrator and Mayor following their preliminary review.
3. Waiver to Platting Requirements. The Commission may recommend and the City Council may grant a waiver to Sections 166.07 to 166.12 of this chapter, pertaining

to the preliminary platting procedures and the final platting procedures, after it has been determined by the Commission and the City Council that the strict application of such requirements are not reasonable or needed in order to protect the interests of the City and its citizens.

**166.05 ENFORCEMENT.** In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall be enforced as follows:

1. No plat or subdivision in the City or within two miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.
2. No more than two building permits shall be issued for each separate tract existing at the effective date of the ordinance codified herein unless the tract shall have been platted in accordance with the provisions contained herein.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of adoption of the ordinance codified in this chapter unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.

**166.06 AMENDMENTS.** This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within 30 days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

**166.07 PRELIMINARY PLATTING PROCEDURE.**

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein, and shall file three copies and a reproducible sepia or tracing of the plat with the Clerk.
2. The Clerk shall immediately transmit two copies of the preliminary plat to the Commission for study and recommendation. The Commission shall examine the plat as to its compliance with this chapter and the comprehensive plan of the City and shall have 45 days within which to submit a recommendation to the Council, provided that the owner or developer may agree to an extension of time not to exceed 60 days.
3. The Council shall, upon receipt of the Commission's recommendation or after 45 days from the date of referral to the Commission or an approved extension thereof, shall have passed, by resolution, grant approval of or reject the preliminary plat. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

**166.08 FINAL PLATTING PROCEDURE.**

1. A final plat shall be submitted within 12 months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.

2. Procedures for final plats shall be the same as set out for preliminary plats in Section 166.07 above.
3. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the Clerk, County Auditor, and County Recorder along with such other certifications and instruments as may be required by law.

**166.09 PLATS OUTSIDE CORPORATE LIMITS.** Procedure for approval of preliminary and final plats of land within two miles of the corporate limits shall be the same as set out in Section 166.07 and 166.08 above, except that five copies of the plat shall be filed with the Clerk and the Clerk shall in addition refer one copy to the City Engineer and one copy to the City Attorney. The Commission shall not take action prior to receiving the recommendations of the County Planning and Zoning Commission, if any, provided that such recommendations shall be received within 30 days of referral date. All plats of survey within two miles of the corporate limits of the City submitted to the City for review and approval shall be first submitted to the City Council for a determination as to whether or not they do constitute subdivision plats subject to the City's review and approval. Review and approval of plats of survey that do not amount to subdivision plats shall be waived by the City Council following this initial review.

**166.10 PROFESSIONAL ASSISTANCE.** The Council and Commission may request such professional assistance as they deem necessary to properly evaluate the plats as submitted.

**166.11 PRELIMINARY PLAT REQUIREMENTS.** The preliminary plat shall contain the following information:

1. A location map showing:
  - A. The subdivision name;
  - B. An outline of the area to be subdivided;
  - C. The existing streets and public or community utilities, if any, on adjoining property; and
  - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of 100 feet to one inch, said preliminary plat to show:
  - A. Legal description, acreage and name of proposed subdivision;
  - B. Name and address of owner;
  - C. Name of person who prepared the plat, and the date thereof;
  - D. North point and graphic scale;
  - E. Contours at five-foot intervals or less;
  - F. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads, and buildings in the proposed subdivision;
  - G. Layout of proposed blocks (if used) and lots, including the dimensions of each and the lot and block number in numerical order;



- H. Location and widths, other dimensions, and names of the proposed streets, alleys, roads, sidewalks, utility and other easements, parks and other open spaces or reserved areas;
  - I. Names of adjacent property owners;
  - J. Grades of proposed streets and alleys;
  - K. A cross section of the proposed streets showing the roadway location, the type of curb and gutter, the paving, and, if proposed, sidewalks to be installed;
  - L. The layout of lots of proposed water mains and sanitary sewers;
  - M. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures;
  - N. Proposed building lines, if different than the yard requirements established in Chapter 165 of this Code of Ordinances;
  - O. All proposed locations of gas, electric, and telephone utility systems and related appurtenances thereto.
3. A preliminary plat of subdivision shall also reveal the date of its preparation.

**166.12 FINAL PLAT REQUIREMENTS.** The final plat shall meet the following specifications:

- 1. It may include all or only part of the preliminary plat.
- 2. The plat shall be drawn to the scale of 100 feet to one inch.
- 3. The final plat shall contain the following:
  - A. Accurate boundary lines with dimensions and angles which provide a survey of the tract closing with an error of not more than one foot in 3,000 feet;
  - B. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a congressional division of which the subdivision is a part;
  - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
  - D. Accurate legal description of the boundary;
  - E. Street names;
  - F. Complete curve notes for all curves included in the plat;
  - G. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines;
  - H. Lot numbers and dimensions;
  - I. Block numbers, if blocks are used;
  - J. Building lines if different than yard requirements of Chapter 165 of this Code of Ordinances;
  - K. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;

- L. Location, type, material and size of all monuments and markers;
  - M. Name of the subdivision;
  - N. Name and address of owner and subdivider;
  - O. North point, scale, and date;
  - P. Certification by a registered land surveyor of the State of Iowa and the date of certification;
  - Q. Certification of dedication of streets and other public property; and
  - R. Resolution and certificate for approval by the Council and signatures of the Mayor and Clerk.
4. The final plat shall be accompanied by the following instruments:
- A. A certified statement from the owner and spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and spouse;
  - B. Plats for subdivision of land within the corporate limits shall be accompanied by one of the following:
    - (1) A certificate signed by the owners of the property identifying all contractors responsible for the infrastructure improvements proposed to be accepted by the City, and a certificate signed by a licensed engineer to the effect that all infrastructure improvements have been installed in accord with the City specifications and the construction plans approved for the subdivision, or
    - (2) A surety bond or other acceptable guarantee of performance with the City which will insure the City that the improvements will be completed by the subdivider or property owner within two years after the official acceptance of the plat; provided, however, the developer may request and the Council may agree to stage the installation of improvements on an annual basis to serve those lots to be offered for sale or development in that particular year, in which case a bond or other acceptable guarantee of performance may be required only for improvement to those lots so designated. The form and type of bond or other acceptable guarantee of performance shall be approved by the City Attorney, and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus 10 percent. The amount of the estimate must be approved by the Council. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same, or
    - (3) A petition by the developer to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable costs of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations.

It shall be the City's prerogative to allow the owner of the property proposed for subdivision to exercise either the option in Subsection (2) or (3) above. If either option in Subsection (2) or (3) above is exercised, the final plat shall contain a statement acknowledged by the owners of the subdivided property that they and their successors in interest acknowledge that public services including, but not limited to, street maintenance, snow and ice removal, and rubbish, refuse, and garbage collection will not be extended to the subdivision until all infrastructure improvements required have been installed and accepted by the City.

C. Copy of all restrictive covenants to be attached to the lots of the subdivision.

5. The final plat shall also be accompanied by the following at the time it is presented to the City Council for consideration:

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

B. An opinion from an attorney-at-law licensed to practice in the State of Iowa certifying that fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than: (i) secured by a bond as provided for in Section 354.12 of the *Code of Iowa*; or (ii) the holder of which has consented to the subdivision plat pursuant to Section 354.11 of the *Code of Iowa*.

C. If the land platted is encumbered by mortgage or other lien, it shall be accompanied by either (i) an encumbrance bond in an amount double the amount of the encumbrance running in favor of the City, or County if the land is not within the corporate limits of the City, for the benefit of the purchasers of the land subdivided has been filed with the County Recorder, or (ii) the written consent of the holder of the encumbrance to the subdivision plat.

D. 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*.

E. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

F. The written commitment of all of the owners of the real estate contained within rural subdivisions to:

(1) Voluntarily annex the subdivision to the City in the event the subdivision should ever adjoin the City;

(2) Waive the statutory limitation for special assessments for curb and gutter, surfacing of streets, storm sewer, and the installation of sidewalks within the subdivision should the subdivision be annexed to the City, so that 100 percent of the cost of those improvements may be assessed the adjoining property owners.

The written commitments required here shall be binding upon future owners of the real estate contained within the rural subdivision. Acceptance of a rural subdivision plat by

the City shall not create an obligation on the part of the City to extend any services to the subdivision, nor shall acceptance of any rural subdivision plat by the City be deemed an acceptance by the City of the dedication of any street, alley or other infrastructure improvement unless specifically noted by the City in its acceptance of the subdivision plat. The Council or Commission may request drafts or copies of any of the above instruments for examination at the time of processing the final plat if, in their opinion, the review of such instruments is deemed necessary to properly evaluate the proposed subdivision.

**166.13 STREETS AND ALLEYS.** Design standards relative to the width of street and alley rights-of-way, the grades and paving of streets, alleys and sidewalks, and the setback distance of sidewalks from streets within subdivisions shall be established by resolution of the Council, as shall the design standards for all other infrastructure improvements within the subdivision (water service, sanitary sewer service, storm sewers, etc.). Current design standards shall be maintained by the Clerk at City Hall and copies shall be made available to the public for the cost of reproduction.

**166.14 BLOCKS.** Design standards for blocks are the following:

1. The length of blocks shall be not less than 600 feet and not more than 1,320 feet in length.
2. Blocks shall be of sufficient width to permit two tiers of lots, but in no case shall the width be less than 220 feet.
3. Crosswalks may be required in blocks over 800 feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be constructed by the developer.

**166.15 LOTS.** Design standards for lots are the following:

1. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 15 feet.
2. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use.
3. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better lot layout.
4. Corner lots shall not be less than 80 feet in width, and interior lots shall not be less than 70 feet in width in the building line.

**166.16 SUBDIVISION FENCING REQUIREMENTS**

1. Fencing Responsibility. At the time of approval of the final plat, the subdivider of any property where the adjoining land is used for agricultural purposes shall be responsible for the construction and maintenance of all perimeter fences between the subdivision and adjoining land used for agricultural purposes, unless an agreement is established between the subdivider and the adjoining property owners.
2. Fence Construction Specifications. Fence construction should be sufficient to turn livestock and shall comply with the provisions of Chapter 359A.18 of the *Code of Iowa*.

3. Execution of Fencing Agreement. For all plats for which perimeter fencing is required, the subdivider shall submit, prior to approval of the final plat, an executed fencing agreement that sets forth provisions for construction and maintenance and, at a minimum, addressing the following requirements.

- A. A statement as to whom shall bear responsibility for the perimeter fencing upon the sale of lots within the subdivision.
- B. A statement that the agreement shall run with the land.
- C. A statement that any damaged fence shall be replaced to the same specifications as originally built by the party that damaged the fence.
- D. A termination clause effective upon the subdivision of the adjoining property for non-agricultural purposes.

#### **166.17 IMPROVEMENTS REQUIRED.**

1. Sanitary Sewers. The subdivider shall provide the subdivision with a complete sanitary sewage system which shall connect with the sanitary sewer outlet approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.

2. Storm Drains. The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

3. Water. The subdivider shall provide the subdivision with a complete water main supply system which shall be extended into and through the subdivision to the boundary lines, and which shall provide for a water connection for each lot and shall be connected to the City water system. The City will provide all fire hydrants and the valves and appurtenances thereto.

4. Markers. An iron rod not less than one-half inch in diameter and 24 inches in length shall be placed as follows:

- A. At the intersection of all lines forming angles in the boundary of the subdivision;
- B. At block and lot corners and changes in direction of block and lot boundaries.

5. Grading. All streets and alleys within the platted area which are being dedicated for public use shall be brought to the grade approved by the Council.

6. Curb and Gutter. Curb and gutter shall be installed on all streets in the plat being dedicated for public use and shall be constructed of Portland cement concrete in accordance with designs and specifications and at grades approved by the Council.

7. Surfacing. All streets being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be asphaltic concrete or Portland cement concrete as determined by the Council and shall be constructed in accordance with designs and specifications approved by the Council at grades established by the Council.

8. Sidewalks. Sidewalks meeting the design standards adopted by the City shall be installed parallel to all streets in all residential areas.

9. Rural Subdivisions. Subdivisions of real estate outside the corporate limits but within two miles of the corporate limits (rural subdivisions) are excused from providing all of the improvements required above provided: (i) all streets and roadways within the subdivisions meet the design standards of the City with regard to width and grade; and (ii) what improvements are made meet applicable City specifications.

**166.18 RETENTION AND TIMED RELEASE OF STORM WATER RUNOFF.** No development permit shall be issued for a structure encompassing 2,500 square feet or more or for the development of an area one and one-half acres or more unless satisfactory proof has been provided the Zoning/Building Administrator that adequate plans are in place for the retention and timed release of storm water runoff to ensure the discharge of storm water from the developed site is no greater after development than prior to development. The development permit application submitted for affected sites shall include a topographical map revealing the location and nature of the retention and timed-release facilities to be installed and a narrative of how the retention and timed-release facilities will ensure the post development discharge of storm water is no greater than the pre-development discharge of storm water.

**166.19 STANDARD SPECIFICATIONS.** The type of construction, the materials, the methods, and standards of subdivision improvements and infrastructure improvements shall meet the State-Wide Urban Design Standards for Public Improvements, Current Edition, and the State-Wide Urban Standard Specifications for Public Improvements, Current Edition. Plans and specifications shall be submitted to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

**166.20 INSPECTION.** The Council shall cause the installation of all improvements to be inspected to ensure a compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City. At its option, the Council may, upon approving the plans and specifications, require the developer to engage a registered engineer to monitor construction of the infrastructure improvements to ensure that work is done in compliance with the plans and specifications approved for the infrastructure improvements for the subdivision, as well as in compliance with accepted construction standards.

**166.21 MAINTENANCE BONDS.** Maintenance bonds shall be posted by all contractors for the infrastructure improvements for which they are responsible in the subdivision approved under this chapter for the full costs of those infrastructure improvements to the subdivision developer. Unless otherwise authorized in advance by the City Council, maintenance bonds for street paving and curb and gutter installation shall be for a minimum of four years, with maintenance bonds for storm sewer, sanitary sewer, and water main installation for a minimum of two years.

[The next page is 1225]

## CHAPTER 167

# SITE PLAN AND LANDSCAPING PLAN REVIEW AND REGULATIONS

167.01 Purpose	167.13 Residential Dwelling Standards
167.02 Definitions	167.14 Building Standards
167.03 Site Plan Review Committee	167.15 Purpose of Landscape Plan Review
167.04 Status of Zoning Compliance Applications	167.16 Landscape Plans Required
167.05 Storm Water Management Plan	167.17 Landscape Design Elements
167.06 Traffic Analysis	167.18 Minimum Tree Coverage
167.07 Scope of Site Plan Review	167.19 New Plant Material
167.08 Site Plan Approval	167.20 Maintenance
167.09 Relationship of Site Plan Review to the Zoning Regulations	167.21 Completion of Landscaping
167.10 Forms and Fees	167.22 Enforcement
167.11 Contents of Site Plan – Graphic	167.23 Recommended Trees
167.12 Contents of Site Plan – Written	167.24 Shrubs

**167.01 PURPOSE.** In order to further promote the safe and efficient use of land and to further enhance the value of property in the City, the Council deems it advisable to establish a Site Plan Review Process for any construction of 2,500 square feet or more; or which brings existing gross floor area to 2,500 square feet or more, for which a Construction/Development Permit is required, except for construction of single-family and two-family residential structures or structures accessory thereof. However, Section 167.13 of this chapter will still apply to single-family and two-family residential structures or structures accessory thereof. Site Plan Review is also required for any parking lot construction of eight or more parking spaces. This review is intended to supplement the review and administrative procedures which are carried out under other City policies or ordinances. The Site Plan Review process is intended to help ensure that newly developed properties or redeveloped properties are compatible with adjacent development and that safety, traffic; over-crowding, and environmental problems are minimized to the extent possible. The Site Plan must include landscaping plans as required by landscaping regulations within this chapter. No Construction/Development Permit shall be issued until Site Plan approval is obtained where applicable. Site Plan Review will also apply to all areas within two miles of the corporate limits of the City, where such development will have an impact on the City's traffic or waterways.

**167.02 DEFINITIONS.** For the purpose of this chapter, all words defined herein are in addition to all words defined in Chapter 165 of this Code of Ordinances:

1. "Berm" means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
2. "Deciduous trees" are generally those trees which shed their leaves annually, such as ash, sycamore, willow, etc.
3. "Evergreen trees" are generally those trees which do not shed their leaves annually, such as pine, spruce, juniper, etc.
4. "Grass, native" means any species of perennial grass other than those designated as noxious weeds by the State Department of Natural Resources.

5. “Grass, turf” means a species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.
6. “Ground cover” means landscape materials, or living low growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.
7. “Landscape easement” means that portion of land dedicated to the City in residential zoning districts by the owner of the property for planting and maintenance of required street trees.
8. “Landscape material” consists of such living material as trees, shrubs, ground cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), or other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.
9. “Landscaped buffer” means an area of landscaping separating two distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one land use on the other.
10. “Landscaped open spaces” means all land area within the property lines not covered by building or pavement.
11. “Landscaping” means the modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.
12. “Large trees” generally include those species of trees that reach a height of 50 feet or taller at maturity.
13. “Medium trees” are generally 35 feet to 50 feet in height at maturity.
14. “Multi-family structures” means any structures with three or more dwelling units.
15. “Screen” means an area of planting which provides an effective visual barrier.
16. “Shrubs” means any self-supporting, woody plant of a species, which normally grows to an overall height of less than 15 feet in this region.
17. “Small trees” are generally 35 feet or less in height at maturity, including ornamental flowering trees and “patio” trees.
18. “Street tree planting area” means the area of development site that lies between the street right-of-way line and the edge of the street curb parallel to the street. This land is publicly owned but is often used for street tree planting and maintenance.
19. “Street tree” means any tree located within the City right-of-way or landscape easement on either side of all streets, avenues, or ways, or within 15 feet of the street pavement in a development with private streets (as described in Chapter 151 of this Code of Ordinances).
20. “Trees” means any self-supporting, woody plant of a species that normally grows to an overall minimum height of 10 feet in this region.
21. “Yard tree” means any tree which is not a street tree as defined in the appropriate subsection.



**167.03 SITE PLAN REVIEW COMMITTEE.** The review of Site Plans will consist of administrative review by the Zoning/Building Administrator and the Director of Public Works. Said review will be forwarded onto the City Council for approval.

**167.04 STATUS OF ZONING COMPLIANCE APPLICATIONS.**

1. Except for those residential structures previously noted, every application for a Construction/Development Permit for new construction of gross floor area of 2,500 square feet or more, or which brings existing gross floor area to 2,500 square feet or more, excluding basements, shall be forwarded to the Development and Construction Committee along with the Zoning/Building Administrator's review recommendation for the Committee's review. Further, where multiple Construction/Development Permits are requested for new construction, the total of which exceeds 2,500 square feet, a Site Plan shall also be required. The application for a Construction/Development Permit for construction or reconstruction that has as part of that permit a parking lot containing eight or more parking spaces shall submit a Site Plan for review. Application for Construction/Development Permits for construction or reconstruction of single-family or two-family residential structures or structures accessory thereto shall not be subject to the Site Plan Review.
2. Any development on a site of two acres or more in size shall have a storm water management plan and traffic analysis included in their Site Plan.

**167.05 STORM WATER MANAGEMENT PLAN.** Those developments that are applicable under this chapter shall be required to retain/detain storm water run-off on their site with a controlled outlet. Water shall not flow from the site at a rate greater than what was there prior to the development or not greater than what standards are adopted by the City Council or in absence thereof, the City Engineer's recommendation. The Storm Water Management Plan should be compatible with the Site Plan as submitted with the Preliminary Plat and Final Plat.

**167.06 TRAFFIC ANALYSIS.** Traffic analysis shall include:

1. Projected number of trips estimated for daily and peak traffic levels.
2. Projected traffic flow patterns.
3. Impact on traffic upon abutting roads in relation to their capacity.
4. Combined traffic impact of approved but not yet constructed projects within the City.

If, in the Committee's judgment, the Construction/Development Permit application does not contain sufficient information to enable the Committee to properly discharge its responsibilities, the Committee may request additional information from the applicant. No Construction/Development Permit shall be issued by the Zoning/Building Administrator until Site Plan approval has been granted, either by the Committee or by the City Council, as provided in this chapter.

**167.07 SCOPE OF SITE PLAN REVIEW.** The Construction and Development Committee, when evaluating Site Plans, will review:

1. Traffic and parking layout so as to:
  - A. Minimize dangerous traffic movements.
  - B. Achieve efficient traffic flow.

- C. Provide for the optimum number of parking spaces and loading area, while maintaining City design standards.
  - D. Separate loading/delivery areas from pedestrian movement where possible.
  - E. Separate parking from access drives if possible.
  - F. Each lot shall have sufficient access for emergency vehicles.
  - G. Site to site access along cross access easements and/or frontage roads should be provided where feasible so as to minimize curb cuts.
2. Landscaping, so as to:
- A. Maintain existing mature trees and shrubs, that are listed with the City's recommended trees and shrubs list, to the maximum extent practicable.
  - B. Buffer adjacent incompatible uses; size of the buffer:
    - (1) Size of buffer (living material) between Commercial and Residential – no less than 50 feet wide.
    - (2) Size of buffer (living material) between Commercial and Industrial – no less than 50 feet wide.
    - (1) Size of buffer (living material) between Industrial and Residential – no less than 100 feet wide.
- Use of manmade screening (i.e., fence) along with living material may reduce the widths between the uses. Width of buffers may be adjusted depending on material used, both manmade and living. Plantings shall not be any less than specified in Section 167.19 of this chapter for medium and long deciduous, conifer and upright evergreens.
- C. Screen unsightly activities from public view; this may be living or manmade screening. If the screen is manmade, it should be architecturally integrated into the design of the building.
  - D. Break up large expanses of paving with plant material. Shade trees must be from City's approved list, shall be planted along commercial arteries and within commercial development areas where possible. Within parking lots there should be at least one landscaped island equal to the size of a parking space for every 20 parking spaces provided. A site plan may combine islands into fewer larger islands.
  - E. Provide an aesthetically pleasing landscaping design including around all ground signs.
  - F. Provide hardy plant materials and landscaping designs that can withstand Anamosa's climate.
  - G. All required landscaping shall be maintained in proper condition and replaced when necessary.
3. Specific District Guidelines. The following guidelines shall apply when practical and reasonable in each case being considered by the Committee:
- A. Commercial Development.
    - Separate parking for service vehicles from shoppers' cars.

- (1) Screen service/loading area from adjacent residential development and public right-of-way.
- (2) Put signs and light poles in landscaped areas where possible.
- (3) Require stacking room at driveway/street intersection where possible.
- (4) Separate buildings from pavement with landscaping and/or walkways.
- (5) Create a landscape setback between road and parking. New developments within a C-2 or Industrial Zonings, landscaping shall be required and setback at least five feet from right-of-way.
- (6) Make retention ponds an open space asset.
- (7) Require that lighting stays upon the property in a pleasing compatible manner.

**B. Industrial Development.**

- (1) Create a landscape setback or screening between road parking.
- (2) Make retention ponds an open space asset.
- (3) Require landscaping in front of fence screening of outdoor storage.
- (4) Require design of large planted medians at park entry.
- (5) Discourage dogleg intersections.
- (6) Screen and berm from adjacent non-industrial uses and zoning districts.
- (7) Require that lighting stays upon the property in a pleasing compatible manner.

**167.08 SITE PLAN APPROVAL.** If the Council approves the Site Plan submitted to them, a Construction/Development Permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.

**167.09 RELATIONSHIP OF SITE PLAN REVIEW TO THE ZONING REGULATIONS.** The procedures prescribed by these guidelines are not intended to be a substitute for, or to have any bearing upon, any procedures required under Chapter 165 (Zoning Regulations) of this Code of Ordinances. If a proposed Site Plan involves the granting of a special exception or a variance from the requirements of Chapter 165, the Development and Construction Committee may review the Plan in advance of the zoning proceedings and may make findings on the assumption that the special exception or variance will be granted. However, such findings shall not constitute a position by the City or by any employee of the City in support of the petitioner's application for a special exception or variance and shall not be received in evidence in any proceedings before the Zoning Board of Adjustment. The report of the Development and Construction Committee in such cases shall be submitted to the Zoning Board of Adjustment concurrently with the application.

**167.10 FORMS AND FEES.** Application forms for Site Plan Review shall be established. All applications shall be filed in duplicate. One copy shall, upon completion of review, be

returned to the applicant and one shall remain in the records of the City. Fees for Site Plan Review applications shall be established by resolution of the Council.

**167.11 CONTENTS OF SITE PLAN – GRAPHIC.** The Site Plan shall include one or more appropriately scaled maps or drawings of the property clearly and accurately indicating the following:

1. Complete property dimensions.
2. The location, grade, and dimensions of all present and proposed streets, ROWs, easements, utilities, lighting, or other paved surfaces and engineering cross-sections of proposed new curbs and pavement. This requirement may be waived by the Zoning/Building Administrator if found to be unnecessary.
3. Complete parking and traffic circulation plan, if applicable, showing location and dimensions of parking stalls, dividers, planters, or similar permanent improvements; and perimeter screening treatment, including landscaping.
4. Location and full dimensions of all buildings or major structures, both proposed and existing, showing exterior dimensions, number and area of floors, location number and type of dwelling units, and height of buildings.
5. Existing and proposed contours of the property taken at regular contour intervals not to exceed five feet, or two feet if the Zoning/Building Administrator determines that greater contour detail is necessary to satisfactorily make the determinations required by these regulations. This requirement may be waived by the Zoning/Building Administrator if found to be unnecessary.
6. The general nature, location, and size of all significant existing natural and manmade land features, including but not limited to, sidewalks, tree or bush masses, all individual trees over four inches in diameter, grassed areas, and soil features, terraces, and all streams or other permanent or temporary bodies of water.
7. A location map or other drawing at appropriate scale showing the general location and relation of the property to surrounding areas, including, where relevant, the zoning and land use pattern of adjacent properties, and existing street system in the area and location of nearby public facilities. This requirement may be waived by the Zoning/Building Administrator if found to be unnecessary.
8. Additional graphic information as may be required by the Zoning/Building Administrator to make determinations required by these regulations.

**167.12 CONTENTS OF SITE PLAN – WRITTEN.** All Site Plans shall include a report or narrative containing the following:

1. Legal description and address of the property.
2. Name, address, and phone numbers of the property owners.
3. Name, address, and phone numbers of the developers or contractors, if different than the owners, if available.
4. Proposed uses.
5. Data clearly identifying the following: existing and proposed total number and types of dwelling units on the property; number and type of all structures or buildings, whether residential or nonresidential; total area of the property; number of dwelling units per acre; and total floor area of each building.

6. Proposed landscaping plan indicating plant types, number, and timing for installation.
7. Existing zoning classifications of the property.
8. Existing and proposed type and number of parking spaces on the property.
9. A photometric plan showing proposed light levels for development measured in foot candles. This should, at minimum, show light intensity at the property line, brightest point, and average light intensity.

**167.13 RESIDENTIAL DWELLING STANDARDS.** All dwelling units and accessory buildings as defined under Chapter 165 shall meet the following minimum standards:

1. The minimum dwelling width shall be 22 feet at the exterior dimension.
2. All dwelling units, including attached garages, shall be placed on a permanent frost-free perimeter foundation. A permanent frost-free perimeter foundation is one having footings below the frost line and a continuous foundation wall of concrete, concrete block, or stone. The permanent foundation for a manufactured home, however, may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site; provided, however: (i) the footings for the pier foundations are placed below the frost line; and (ii) the manufactured home is skirted with construction materials giving the appearance of a poured concrete, cement block or stone foundation to insure visual compatibility with surrounding residential structures. Ground level additions to a dwelling unit that are served by the dwelling unit's principal heating source require permanent frost-free perimeter foundations. Other enclosed additions to dwelling units may have a pier footing foundation system provided: (i) the footings for the pier foundations are placed below the frost line; and (ii) no pier footing foundations are placed in the front yard of the lot upon which the dwelling is situated. A permanent foundation shall not include footings for steps, porches, decks, or stoops.
3. All dwelling units shall provide for a minimum of 800 square feet of ground floor space.
4. Have for the exterior wall covering either:
  - A. Wood or masonry finish or its appearance, or;
  - B. Vertical or horizontal grooved siding or lap siding or its appearance.
  - C. All skirting covering pier footings or converted mobile homes shall be visually compatible with adjacent residential structures.
5. No structures within residential districts shall use non-colored sheet metal, corrugated, or flat metal to cover its exterior walls or roof. In addition, the use of vertical colored metal siding is prohibited. Use of standing seam colored metal roofing is permitted.

**167.14 BUILDING STANDARDS.**

1. The following building standards shall apply to the C-1 District:
  - A. No structures as defined under Chapter 165 within this district shall use non-colored sheet metal, corrugated, or flat metal to cover its exterior walls or roof. In addition, the use of vertical colored metal siding is prohibited.

2. The following building standards shall apply to the C-2, M-1, and M-2 Zoning Districts:

A. No structures as defined under Chapter 165 within this district shall use non-colored sheet metal, corrugated, or flat metal to cover its exterior walls or roof.

**167.15 PURPOSE OF LANDSCAPE PLAN REVIEW.** The regulations covering landscape plan review are intended to provide uniform standards for the development and maintenance of landscaping on private property and public right-of-way. Landscaping improves livability of residential neighborhoods; it enhances the appearance and customer attraction of commercial area; it increases property values; it improves the compatibility of adjacent uses; it screens undesirable views; and it can reduce air and noise pollution. The intent of these regulations is to achieve a reasonable balance between the right of individuals to develop and maintain their property in a manner they prefer and the right of the City residents to live, work, shop, and recreate in pleasant and attractive surroundings. The results of this effort will be the strengthening of the economic stability of the City's business, cultural, and residential areas. The intent of these regulations is to work with new construction and new subdivisions. The intent is to also regulate plantings within the public right-of-way. In addition, the intent of this chapter is to prevent plantings which would jeopardize the safety of vehicles, property, and, most importantly, people. It is not the intent of this chapter to regulate existing developed private property except in areas as stated within this chapter.

**167.16 LANDSCAPE PLANS REQUIRED.** The landscape plan requirements of the Tree and Landscaping Regulations Ordinance are as follows:

1. A preliminary landscape plan shall be submitted in support of all preliminary plans. A final landscape plan shall be submitted in support of all final plans. These landscape plans shall be designed and signed by a registered landscape architect or a landscape professional who has been in the landscape business a minimum of three years. Said plan must be approved by the Zoning/Building Administrator.

2. New residential subdivisions will show requirements for all lots to have approved trees planted within one year after structure is completed. As a minimum, for each lot an approved tree must be planted in the front or front side yard and rear yard or rear side yard. Said requirement shall be part of the subdivision covenants.

3. A landscape plan is required for all residential except single and two-family dwellings, commercial, professional office and industrial developments, redevelopments, additions, or changes in usage. When same is adjacent to a residentially zoned area, a landscape plan showing a landscape buffer between the different zoned areas is required. All preliminary and final landscape plans shall have the following information:

A. North point and scale.

B. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

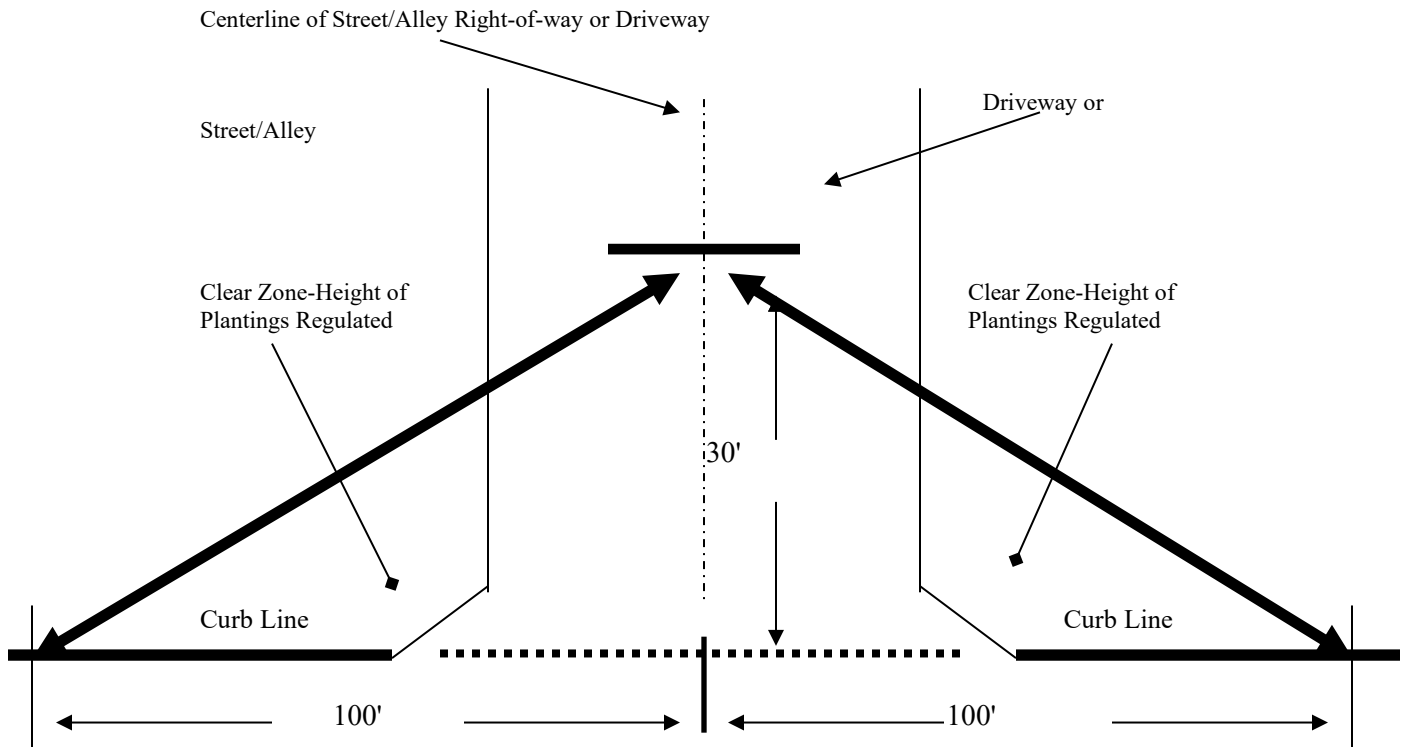
C. The location, size, and surface of materials of all structures and parking areas.

D. The location, size, and type of all above-ground and underground utilities and structures with proper notation where appropriate, as to any safety hazards to avoid during landscape installation.

- E. The location, type, size, and quantity of all proposed landscape materials, along with common and botanical names of all plant species. The size, grading, and condition shall be specified according to American Association of Nurserymen Standards.
- F. The location, size, and common name of all existing plant materials to be retained on site.
- G. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.
- H. The location of all trees 10-inch caliper or larger measured 10 inches above ground level on the site.
- I. The location of all significant stands of trees on the site.
- J. Documentation to show that loading spaces and all above-ground utility structures and ground mounted mechanical equipment shall be adequately screened. This includes building mounted utility and mechanical equipment.

**167.17 LANDSCAPE DESIGN ELEMENTS.** The following basic design elements shall be used in the preparation of a landscape plan:

1. Landscaping shall be used to provide an interesting open space and to break the visual impact of parking areas.
2. Encourage trees and landscape vegetation to screen unsightly views, soften hard architectural lines, frame buildings and views, and buffer between contrasting or lower land uses.
3. Planting design shall coordinate appropriate new plant materials and other environment requirements.
4. The overall quality of existing landscape material shall be considered and treated in the planting design in a similar manner to new landscape material.
5. Service areas and facilities shall be screened from major points of pedestrian access of all buildings and from the public right-of-way.
6. Landscape materials shall be selected and arranged to prevent blocking or obscuring night lighting of pedestrian ways at any stage of growth.
7. Plantings at intersections or driveway entrances off a public or private street shall be arranged to allow a permanent safe sight distance. No plantings, with an ultimate mature height exceeding 18 inches, shall be planted within the required sight-distance landscape setback triangle.
8. If plantings occur that are determined to be a safety hazard due to restrictions of sight distance, property owner shall be notified by the Public Works Director or Chief of Police to abate hazard. Said notification shall be such as to give property owner sufficient time to abate hazard. If hazard is not abated after proper notification, Public Works Director shall cause said hazard to be removed and removal and administrative cost shall be borne by property owner.

**SIGHT-DISTANCE LANDSCAPE SETBACK TRIANGLE**

9. Trees or shrubs shall not be planted under existing or planned utility lines when their ultimate height will interfere with the lowest line.
10. Trees and shrubs shall not be planted over underground drainage lines and shall be placed far enough away from the storm and sanitary sewers and water lines to avoid roots entering the lines.
11. Boundary landscaping may be required along all property lines.
12. The design shall serve to preserve, protect, and enhance existing trees and natural landscape areas on the site.

**167.18 MINIMUM TREE COVERAGE.** The following landscape materials are required as a minimum requirement for all zoning districts, except for the C-1 Zoning District:

1. The following rules and regulations shall govern the planting of street trees in all zoning districts. Maintenance of street trees shall be the responsibility of the property owner.
  - A. One medium or large street tree per 50 feet of public or private street frontage shall be required to be planted. Plantings shall follow Chapter 151 of this Code of Ordinances.
2. In addition to the required street trees within all the zoning districts, based upon street frontage, eight yard trees shall be required per acre of usable open space. These trees may include trees planted in parking lots and all other required plantings.



**167.19 NEW PLANT MATERIAL.** The installation size and regulations for all new landscape materials are as follows:

1. Medium and Large Deciduous Shade Trees – one to one and one-half inch caliper, as measured six inches above the ground as specified by the American Association of Nurserymen.
2. Small Deciduous or Ornamental Trees – six to eight feet in height as specified by the American Association of Nurserymen, with the exception of true dwarf species.
3. Conifers – five to six feet in height.
4. Upright Evergreen Trees – five to six feet in height as specified by the American Association of Nurserymen, except for true dwarf varieties.
5. Shrubs (Deciduous and Conifer, Including Spreader and Globe Tree Forms) – size optional as determined by applicant.
6. Primary Lawns – those essential to the use and appearance of a home or development and usually intended for regular mowing. Shall be planted according to good local horticultural practices with locally acceptable lawn grasses by seeding, sodding, plugging, or sprigging in a manner, which will result in a satisfactory stand of permanent grass. Where the area is not to be mowed, an acceptable permanent ground cover may be used.
7. Secondary Lawns – those consisting of large open spaces maintained as meadows and only occasionally mowed and rear areas of developments, where fine quality lawns are of secondary importance, shall be planted with grass or other ground cover appropriate to the location and intended use.
8. Ground Cover – ground cover plants shall be of good quality, appropriate form, growth habit, and ultimate size to fulfill intended use.
9. Restricted Location – no trees or shrubs shall be planted within the public or private street right-of-way without a permit approved by the Public Works Director for the City.

**167.20 MAINTENANCE.** The maintenance regulations for all landscaping vegetation are as follows:

1. All landscaping materials depicted on approved landscape or final plans shall be maintained in a neat, clean, and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, and fertilizing.
2. The developer, successor, subsequent owners or their agents shall be responsible for continuous maintenance of all plant materials.
3. The City shall have the authority to require that dead trees, shrubs, and plants on commercial or industrial sites be replaced within the next planting season at the property owner's sole cost and expense.
4. The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within public grounds, parks, and rights-of-way as may be necessary to ensure public safety.
5. The City shall have the authority to prune, maintain, and remove trees, plants, and shrubs located upon private property which cause an obstruction to public travel

along streets or sidewalks, or impair vision of traffic signals or prevent the proper sight distance at intersections.

6. The City shall have the right to cause removal of any dead or diseased trees, plants, or shrubs on private property within the City, when such trees, plants, and shrubs constitute a safety hazard because of site restrictions to vehicle traffic, hazard to life and property, or harbor insects of disease which constitute a potential threat to other trees, plants, or shrubs within the City. The City's Public Works Director, or any authorized representative, will notify, in writing, the owners of such trees. Said owner at his own expense shall do removal within 30 days after date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the property owner or have same on the owner's property tax notice.

**167.21 COMPLETION OF LANDSCAPING.** When the final landscape plan is submitted, a date for completion of all plantings and related work shall be included on the plan. Landscaping shall be installed and completed prior to the issuance of a Certificate of Occupancy, weather permitting. In periods of adverse weather conditions, an irrevocable letter of credit will be accepted for the completion of necessary landscaping, said letter of credit to be equal to one and one-half times the cost of the landscaping to be completed. A cost estimate for landscaping not installed at the time shall be presented to the City Council for approval. Letters of credit will not be released until all planting and finish materials shown on the approved landscape plan are installed and accepted.

**167.22 ENFORCEMENT.** Regulations for enforcement of the landscape requirements are as follows:

1. When in the opinion of the Director of Public Works landscaping has not been installed, maintained, or replaced to comply with the approved final or landscape plan, said official shall issue a written order to the alleged violator. The order shall specify the sections of this Code of Ordinances of which the individual is in violation.
2. All landscaping on public or private property shall be subject to periodic inspection by the Director of Public Works to detect diseased, dead, or hazardous shrubs, trees, or plants.

**167.23 RECOMMENDED TREES.** No list of recommended trees is ever complete or static. New species and cultivars are developed and will prove useful, while old standards will be phased out. The following list, taken from Iowa State University Extension Service Bulletin, should provide a broad selection of trees proven to be tough and attractive. The following is a list of trees that are currently acceptable and not acceptable:

### Recommended Street Trees

<i>Acer Platanoides and Saccharum</i>	Norway Maple, Black Maple, Red Maple, Sugar Maple
<i>Carya ovata</i>	Shagbark Hickory
<i>Celtis occidentalis</i>	Hackberry
<i>Corylus colurna</i>	Turkish Filbert
<i>Franxinus Spp.</i>	White Ash, European Ash, Green Ash, Blue Ash
<i>Gleditsia triacanthos Var. inermis</i>	Thornless Common Honeylocust
<i>Quercus Spp.</i>	White Oak, Swamp White Oak, Hills Oak, Shingle Oak, Bur Oak, Chinkapin Oak, English Oak, Red Oak, Black Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Titlia Spp.</i>	American Linden, Littleleaf Linden, Redmond Linden, European Linden
<i>Ulmus "Regal"</i>	Regal hybrid Elm

### Unacceptable Street Trees:

<i>Ginkgo bilboa (Female)</i>	Female Ginkgo
<i>Betula papyrifera</i>	Paper/White Birch
<i>Maculara pomifera</i>	Osage Orange, Hedge Apple
<i>Malus Spp.</i>	Apples, Crabapples
<i>Populus Spp.</i>	Poplars, Cottonwoods, Aspen
<i>Prunus Spp.</i>	Cherries, Plums

### Recommended Plant Materials For Detention Areas

<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Betula nigra</i>	River Birch
<i>Franxinus quadrangulata</i>	Blue Ash
<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree
<i>Jaglans nigra</i>	Black Walnut
<i>Quercus bicolor</i>	Swamp White Oak
<i>Taxodium disficium</i>	Bald Cypress

**167.24 SHRUBS.** Shrubs are not acceptable plants in the street right-of-way setback triangle. Any other plantings or ground cover planted in the street right-of-way setback triangle shall not attain a height greater than 18 inches at maturity.



# INDEX TO CODE OF ORDINANCES

	CHAPTER OR SECTION NUMBER
<b>ABANDONED BUILDINGS</b> .....	145
<b>ABANDONED OR UNATTENDED REFRIGERATORS</b> .....	41.08
<b>ABANDONED UTILITY CONNECTIONS</b>	
On-Site Wastewater Treatment and Disposal Systems .....	98.07
Water Service .....	90.26(8)
<b>ABANDONED VEHICLES</b> .....	80
<i>See also</i> Impounding Vehicles .....	70.06
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>ABANDONMENT OF CATS AND DOGS</b> .....	55.07
<b>ABATEMENT OF NUISANCES</b> .....	50
<b>ACCESS CONTROLLED</b> .....	139
<b>ACCESSORY BUILDINGS</b> .....	165, 167
<b>ACCOUNTING RECORDS</b> .....	7.07
<b>AIR POLLUTION</b> .....	50.02(9)
<i>See also</i> <b>ENVIRONMENTAL VIOLATION</b> .....	4.02
<b>AIRPORT AIR SPACE</b> .....	50.02(12)
<b>ALCOHOL</b>	
Consumption and Intoxication .....	45
Liquor Licenses and Wine and Beer Permits .....	120
Open Containers in Motor Vehicles.....	62.01(49) and (50)
Social Host Liability .....	45.04
<b>ALL-TERRAIN VEHICLES AND UTILITY VEHICLES</b> .....	74
<b>AMUSEMENT DEVICES</b> .....	120.06
<b>ANGLE PARKING</b> .....	69.03 and 69.04
<b>ANIMAL PROTECTION AND CONTROL</b>	
Abandonment of Cats and Dogs .....	55.07
Animal Neglect .....	55.03
Annoyance or Disturbance .....	55.16
At Large Prohibited.....	55.12
Confinement of Animals Suspected of Having Rabies .....	55.18
Damage or Interference by Animals .....	55.15
Dangerous and Vicious Animals.....	56
Duty to Report Attacks.....	55.17
Impounding .....	55.13 and 55.14
Livestock.....	55.04 and 55.08
Pet Awards Prohibited.....	55.20
Rabies Vaccination.....	55.09
Tampering with a Rabies Vaccination Tag .....	55.21
Tampering with an Electronic Handling Device.....	55.22
Vicious Animals.....	56

	CHAPTER OR SECTION NUMBER
<b>ANTENNA AND RADIO WIRES</b> .....	41.09
<b>APPOINTMENTS</b>	
By Council.....	17.05
By Mayor.....	15.03
<b>ASSAULT</b> .....	40.01
<b>ATTORNEY FOR CITY</b> .....	20
<b>ATVS AND UTVS</b> .....	74
<b>AUTOMOBILE REPAIR ON PUBLIC PROPERTY</b> .....	69.05(2)
<b>AWNINGS</b> .....	140.12
<b>BARBED WIRE AND ELECTRIC FENCES</b> .....	41.10
<b>BEER, LIQUOR, AND WINE CONTROL</b>	
<i>See</i> <b>ALCOHOL</b>	
<b>BICYCLES</b> .....	75
<i>See also</i> <b>BICYCLE LICENSING</b> .....	76
<i>See also</i> Clinging to Vehicles.....	62.04
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>BILLBOARDS</b> .....	50.02(6) and 62.06
<b>BOARDS AND COMMISSIONS</b>	
Historic Preservation Commission.....	25
Library Board .....	22
Local Access Television Commission.....	27
Parks and Recreation Board .....	24
Planning and Zoning Commission .....	23
Tree Board.....	26
Zoning Board of Adjustment.....	23
<b>BONDS</b>	
City Officials .....	5.02
House Movers.....	123.04
Public Bonds, Records of .....	18.08(3)
Streets .....	135.09
Transient Merchants .....	122.06
<b>BOUNDARIES</b> .....	17.02 and 165.05
<b>BUDGET</b>	
Amendments.....	7.06
Preparation .....	7.05
<b>BUILDING CODE</b>	
<i>See also</i> Minimum Dwelling Standards .....	148
<i>See also</i> Health Regulations – Minimum Living Standards.....	149
<i>See also</i> Site Plan and Landscaping Plan Review and Regulations .....	167
<i>See also</i> Subdivision Regulations.....	166
<i>See also</i> Zoning Regulations .....	165

	CHAPTER OR SECTION NUMBER
<b>BUILDING MOVERS</b> .....	123
<b>BUILDING NUMBERING</b> .....	147
<b>BUILDING SEWERS AND CONNECTIONS</b> .....	96
<b>BUILDINGS, DANGEROUS</b> .....	145
<b>BULKY RUBBISH</b> .....	106.06
<b>BURNING</b>	
Burning on Streets and Alleys.....	135.08
Fires in Parks.....	47.03
Fires or Fuel on Sidewalks .....	140.15
Open Burning Restricted.....	105.07
<b>BUSINESS DISTRICT</b> .....	60.02(1)
<i>See also:</i>	
Bicycles on Sidewalks.....	75.09
<b>CABLE TELEVISION</b>	
Customer Service Standards .....	113
Franchise .....	112
Regulation of Rates Charged By Cable Television Operators .....	114
<b>CAMPING IN PARKS</b> .....	47.06
<b>CAR WASHING ON STREETS</b> .....	135.07
<b>CEMETERY PROVISIONS</b> .....	116
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits).....	63.03
<b>CHARTER</b> .....	2
<b>CIGARETTES AND TOBACCO</b>	
Permits .....	121
Possession by Minors.....	46.02
<b>CITY ADMINISTRATOR</b> .....	21
<b>CITY ATTORNEY</b> .....	20
<b>CITY CHARTER</b> .....	2
<b>CITY CLERK</b> .....	18
<b>CITY COUNCIL</b>	
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
<b>CITY ELECTIONS</b> .....	6

---

 CHAPTER OR SECTION  
NUMBER
 

---

**CITY OFFICERS AND EMPLOYEES**

Appointments by Council.....	17.05
Appointments by Mayor.....	15.03
Bonds.....	5.02
City Administrator.....	21
City Attorney.....	20
City Clerk.....	18
City Council .....	17
City Treasurer.....	19
Conflict of Interest.....	5.07
Discretionary Powers .....	1.13
Extension of Authority .....	1.07
Fire Chief.....	35
Gifts to.....	5.11
Harassment of.....	41.05
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(27)
<b>CITY OPERATING PROCEDURES .....</b>	<b>5</b>
<b>CITY POWERS.....</b>	<b>1.03</b>
<b>CITY SEAL.....</b>	<b>18.13</b>
<b>CIVIL CITATIONS .....</b>	<b>4.04</b>
<b>CLINGING TO VEHICLE .....</b>	<b>62.04</b>
<b>CODE OF IOWA TRAFFIC REGULATIONS .....</b>	<b>62.01</b>
<b>CODE OF ORDINANCES</b>	
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
<b>COMMISSIONS AND BOARDS</b>	
Historic Preservation Commission.....	25
Library Board.....	22
Local Access Television Commission .....	27
Parks and Recreation Board .....	24
Planning and Zoning Commission .....	23
Tree Board.....	26
Zoning Board of Adjustment.....	23
<b>COMPENSATION</b>	
Changes in.....	17.02(7)
City Administrator .....	21.02
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
<b>CONFLICT OF INTEREST .....</b>	<b>5.07</b>
<b>CONTRIBUTING TO DELINQUENCY .....</b>	<b>46.03</b>
<b>CONTROLLED ACCESS FACILITIES.....</b>	<b>139</b>
<b>COUNCIL .....</b>	<b>17</b>
<b>COUNCIL MEETINGS .....</b>	<b>17.04</b>
<b>CRIMINAL MISCHIEF.....</b>	<b>42.02</b>
<b>CROSSWALKS</b>	
Designation and Maintenance .....	61.02
Parking Prohibited in .....	69.06(1)
Pedestrians in Crosswalks.....	65.08
<b>CURFEW .....</b>	<b>46.01</b>
<b>DANGEROUS BUILDINGS.....</b>	<b>145</b>
<b>DANGEROUS SUBSTANCES, DISTRIBUTING OF .....</b>	<b>41.01</b>
<b>DANGEROUS TOYS (THROWING AND SHOOTING) .....</b>	<b>41.12</b>
<b>DANGEROUS AND VICIOUS ANIMALS.....</b>	<b>56</b>
<b>DEFACING PROCLAMATIONS AND NOTICES .....</b>	<b>42.03</b>
<b>DEPOSIT FOR UTILITIES .....</b>	<b>92.05</b>
<b>DEPOSITS AND INVESTMENTS .....</b>	<b>7.03(2)</b>
<b>DESTRUCTION OF PROPERTY .....</b>	<b>42.02</b>

	CHAPTER OR SECTION NUMBER
<b>DISCRETIONARY POWER OF CITY OFFICERS AND EMPLOYEES.....</b>	1.13
<b>DISORDERLY CONDUCT .....</b>	40.03
<b>DOGS.....</b>	55 and 56
<i>See also ANIMALS</i>	
<b>DRIVEWAY CULVERTS.....</b>	135.13
<b>DRUG PARAPHERNALIA .....</b>	43
<b>DUTCH ELM DISEASE .....</b>	50.02(11)
<b>EASEMENTS, USE OF .....</b>	95.08
<b>ELECTIONS</b>	
Duties of Clerk .....	18.12
Procedures .....	6
<b>ELECTRIC FRANCHISE.....</b>	111
<b>ENVIRONMENTAL VIOLATIONS .....</b>	4.02
<b>EXCAVATIONS</b>	
Sewer.....	96.04
Streets .....	135.09
Water .....	90.28
<b>EXTENSION OF AUTHORITY .....</b>	1.07
<b>FAILURE TO DISPERSE.....</b>	40.05
<b>FALSE IDENTIFICATION INFORMATION .....</b>	41.03
<b>FALSE REPORTS</b>	
Of Catastrophe.....	40.03(5)
To Public Safety Entities.....	41.02
<b>FENCES</b>	
Barbed Wire and Electric Fences .....	41.10
Blocking Public and Private Ways.....	50.02(5)
In Subdivisions.....	166.16
Zoning .....	165.23(3)
<b>FIGHTING.....</b>	40.03(1)
<b>FINANCE OFFICER.....</b>	7.02
<b>FINANCES.....</b>	7
<b>FINANCIAL REPORTS.....</b>	7.08

	CHAPTER OR SECTION NUMBER
<b>FIRE DEPARTMENT .....</b>	<b>35</b>
<b>FIRE HAZARD CONDITIONS</b>	
Health and Fire Hazard .....	105.06
Storing of Flammable Junk .....	50.02(8)
Unsafe Buildings .....	145
Weeds and Brush.....	50.02(10) and 52
<b>FIRE SPRINKLER SYSTEMS CONNECTIONS.....</b>	<b>91.06</b>
<b>FIRES</b>	
In Parks .....	47.03
On Sidewalks .....	140.15
Open Burning Restricted.....	105.07
<b>FIREWORKS .....</b>	<b>41.14</b>
<b>FISCAL MANAGEMENT .....</b>	<b>7</b>
<b>FLAG, DISRESPECT OF .....</b>	<b>40.03(6)</b>
<b>FLOODPLAIN REGULATIONS.....</b>	<b>160</b>
<b>FORM OF GOVERNMENT.....</b>	<b>2.02</b>
<b>FRAUD.....</b>	<b>42.05</b>
<b>FUNDS .....</b>	<b>7.04</b>
<b>FUNERAL SERVICE, DISRUPTION OF .....</b>	<b>40.03(8)</b>
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>GANG ACTIVITY .....</b>	<b>40.09 and 50.02(13)</b>
<b>GARAGES AND ACCESSORY BUILDINGS .....</b>	<b>165, 167</b>
<b>GARBAGE COLLECTION AND DISPOSAL .....</b>	<b>105 and 106</b>
<b>GAS FRANCHISE .....</b>	<b>110</b>
<b>GIFTS TO CITY OFFICIALS .....</b>	<b>5.11</b>
<b>GOLF CARTS.....</b>	<b>72</b>
<b>GRADES OF STREETS, ALLEYS AND SIDEWALKS.....</b>	<b>137</b>
<b>HANDICAPPED PARKING</b>	
<i>See</i> Persons with Disabilities Parking .....	69.07
<b>HARASSMENT</b>	
Of Other Persons .....	40.02
Of Public Officers and Employees.....	41.05
<b>HAZARDOUS SUBSTANCE SPILLS.....</b>	<b>36</b>
<b>HAZARDOUS WASTE.....</b>	<b>105.11</b>
<i>See also</i> Prohibited and Restricted Discharges to Sewer System.....	97.03 and 97.04

	CHAPTER OR SECTION NUMBER
<b>HEALTH REGULATIONS – MINIMUM LIVING STANDARDS .....</b>	<b>149</b>
<b>HISTORIC PRESERVATION COMMISSION .....</b>	<b>25</b>
<b>HITCHHIKING .....</b>	<b>67.02</b>
<b>HOTEL/MOTEL TAX .....</b>	<b>10</b>
<b>HOUSE MOVERS .....</b>	<b>123</b>
<b>HOUSE NUMBERS .....</b>	<b>147</b>
<b>HOUSES OF ILL FAME.....</b>	<b>50.02(13)</b>
<i>See also</i> Keeping Disorderly House .....	40.09
<b>IMPOUNDING</b>	
Animals .....	55.13 and 55.14
Vehicles.....	70.06 and 80.02
<b>INDEMNITY AGREEMENT, PERMITS, AND LICENSES.....</b>	<b>1.04</b>
<b>INSURANCE REQUIREMENTS</b>	
Firefighters .....	35
Fireworks.....	41.14
House Movers.....	123.05
Solid Waste Collector.....	106.09
Street Excavations .....	135.09
<b>INTERFERENCE WITH OFFICIAL ACTS.....</b>	<b>41.06</b>
<b>INTERMENT RIGHTS.....</b>	<b>116</b>
<b>INVESTMENTS AND DEPOSITS.....</b>	<b>7.03(2)</b>
<b>JUNK AND JUNK VEHICLES .....</b>	<b>51</b>
<i>See also</i> Storing of Flammable Junk .....	50.02(8)
<b>LANDSCAPING REGULATIONS .....</b>	<b>167</b>
<b>LAWN MAINTENANCE .....</b>	<b>52</b>
<b>LEGAL OPINIONS .....</b>	<b>20.06</b>
<b>LIBRARY.....</b>	<b>22</b>
<b>LICENSES</b>	
Bicycle.....	76
Drivers.....	62.01
Liquor .....	120
Peddlers, Solicitors, and Transient Merchants .....	122
Solid Waste Collector.....	106.09
<i>See also</i> Issuance of Licenses and Permits.....	18.10
<i>See also</i> <b>PERMITS</b>	
<b>LIQUOR LICENSES AND WINE AND BEER PERMITS.....</b>	<b>120</b>

	CHAPTER OR SECTION NUMBER
<b>LITTERING</b>	
Debris on Sidewalks.....	140.17
Park Regulations .....	47.04
Placing Debris on Streets .....	135.03
Solid Waste Control.....	105.10
<b>LIVESTOCK.....</b>	55.04 and 55.08
<b>LOAD AND WEIGHT RESTRICTIONS, VEHICLES.....</b>	66
<b>LOCAL ACCESS TELEVISION COMMISSION.....</b>	27
<b>LOITERING.....</b>	40.04 - 40.06
<b>MANUFACTURED AND MOBILE HOMES .....</b>	146
<i>See also:</i>	
Factory-Built Homes (Floodplain Regulations).....	160
Mobile Homes (Zoning Regulations).....	165 - 167
<b>MAYOR</b>	
Appointments .....	15.03
Compensation.....	15.04
Powers and Duties.....	15.02
Term of Office.....	15.01
Voting.....	15.05
<i>See also</i> <b>CITY OFFICERS AND EMPLOYEES</b>	
<b>MAYOR PRO TEM.....</b>	16
<b>MEETINGS</b>	
Council Meetings .....	17.04
Procedures for Notice and Conduct of.....	5.06
Publication of Minutes of Council Meetings .....	18.03
<b>METERS, WATER.....</b>	91
<b>MINIMUM DWELLING STANDARDS.....</b>	148
<b>MINIMUM LIVING STANDARDS, HEALTH REGULATIONS .....</b>	149
<b>MINORS .....</b>	46
<i>See also:</i>	
Amusement Devices.....	120.06
Employment for Serving of Alcohol.....	120.05(4)
In Licensed Premises.....	120.05(12)
Persons Under Legal Age.....	45.01
Persons Under Legal Age.....	121.07
<b>MOBILE HOMES .....</b>	146
<i>See also</i> <b>ZONING REGULATIONS.....</b>	165 - 167
<b>MUNICIPAL INFRACTIONS .....</b>	4
<i>See also</i> <b>MUNICIPAL INFRACTION ABATEMENT PROCEDURE .....</b>	50.07

	CHAPTER OR SECTION NUMBER
<b>NAMING OF STREETS .....</b>	<b>138</b>
<b>NATURAL GAS FRANCHISE.....</b>	<b>110</b>
<b>NOISE</b>	
Annoyance or Disturbance (Barking Dogs) .....	55.16
Disorderly Conduct .....	40.03
Disturbing the Peace With a Motor Vehicle.....	62.08
Quiet Zones .....	62.05
Standards For Vehicles.....	71
Truck Parking .....	69.09(2)
<b>NOMINATIONS FOR ELECTIVE OFFICES .....</b>	<b>6</b>
<b>NUISANCE ABATEMENT PROCEDURE .....</b>	<b>50</b>
<b>NUMBERING OF BUILDINGS.....</b>	<b>147</b>
<b>OATH OF OFFICE.....</b>	<b>5.01</b>
<b>OFFENSIVE SMELLS AND SUBSTANCES .....</b>	<b>50.02(1) and (2)</b>
<i>See also</i> Restricted Discharges to Sanitary Sewer System.....	97.04
<b>OFF-ROAD UTILITY VEHICLES .....</b>	<b>74</b>
<b>ONE-WAY TRAFFIC .....</b>	<b>68</b>
<b>ON-SITE WASTEWATER SYSTEMS .....</b>	<b>98</b>
<b>OPEN BURNING .....</b>	<b>105.07</b>
<b>OPEN CONTAINERS IN MOTOR VEHICLES.....</b>	<b>62.01(49) and (50)</b>
<b>OPEN MEETINGS .....</b>	<b>5.06</b>
<b>OPERATING PROCEDURES .....</b>	<b>5</b>
<b>PARADES REGULATED.....</b>	<b>60.08</b>
<b>PARK REGULATIONS .....</b>	<b>47</b>
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits).....	63.03
<b>PARKING REGULATIONS</b>	
All Night Parking Prohibited.....	69.12
Angle Parking.....	69.03 and 69.04
Controlled Access.....	69.13 and 139
Illegal Purposes .....	69.05
Limited to 48 Hours .....	69.05
No Parking Zones.....	69.08
Park Adjacent to Curb .....	69.01 and 69.02
Parking of Bicycles .....	75.12
Parking Prohibited.....	69.06
Parking Violations.....	70.03 and 70.04
Persons With Disabilities Parking.....	69.07
Snow Emergency.....	69.10
Snow Routes.....	69.11
Truck Parking Limited .....	69.09

---

 CHAPTER OR SECTION  
NUMBER
 

---

**PEACE OFFICERS**

Failure to Assist.....	41.04
Interference with .....	41.06
Obedience to.....	60.07
Powers and Authority under Traffic Code .....	60
Qualifications .....	30.03
Removal of an Officer's Communication or Control Device .....	41.07
Training.....	30.04

*See also* **POLICE DEPARTMENT**..... 30

**PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS**..... 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
Curfew Violations .....	46.01(6)
Floodplain Violations.....	160
Municipal Infractions.....	4
Special Penalties (Sanitary Sewer Regulations).....	95.09
Special Penalty (Bicycle Regulations) .....	75.14
Standard Penalty for Violation of Code of Ordinances.....	1.14
Traffic Code Violations.....	70

**PERMITS**

Beer and Wine.....	120
Building.....	165
Cigarette and Tobacco.....	121.02
Construction/Development .....	167
Curb Cuts and Driveway Access.....	135.14
Fireworks .....	41.14
Floodplain Development.....	160
Golf Carts.....	72.07
House Mover.....	123.02
Mausoleums or Above-Surface Cemetery Vaults .....	116.05
Noise .....	40.08(7)
On-Site Wastewater System.....	98.04
Persons with Disabilities Parking.....	69.07

	CHAPTER OR SECTION NUMBER
<b>PERMITS (continued)</b>	
Sewer Connection.....	96.01
Sidewalks .....	140.07
Street Excavation.....	135.09
Vehicles, Excess Size and Weight.....	66.02
Vending Machines and Sales Stands on Sidewalks.....	140.19
Water System Connection .....	90.16 – 90.19
<i>See also</i> Issuance of Licenses and Permits.....	18.10
<i>See also</i> <b>LICENSES</b>	
<b>PERSONAL INJURIES</b> .....	1.05
<b>PET AWARDS PROHIBITED</b> .....	55.20
<b>PETTY CASH FUND</b> .....	7.03(3)
<b>PLANNING AND ZONING COMMISSION</b> .....	23
<b>PLAY STREETS</b> .....	62.02
<i>See also</i> Playing in Streets.....	135.04
<b>POLICE DEPARTMENT</b> .....	30
<b>POLLUTION</b>	
Air Pollution.....	50.02(9)
Environmental Violations.....	4.02
Hazardous Substance Spills.....	36
Incinerators Required .....	105.13
Open Burning Restricted.....	105.07
Prohibited Discharges to Public Sewer .....	97.03
Restricted Discharges to Sewer System .....	97.04
Toxic and Hazardous Wastes .....	105.11
Water Pollution.....	50.02(4)
<b>POWERS AND DUTIES</b>	
City Administrator.....	21
City Clerk .....	18.02
City Council .....	17.02 and 17.03
City Officers Generally .....	2.03
Fire Chief.....	35.07
Mayor .....	15.02
Mayor Pro Tem .....	16.02
Municipal Officers .....	5.03
Police Chief.....	30.07
<b>PRIVATE PROPERTY</b> .....	42
<b>PRIVATE WATER SYSTEMS (SEWER CHARGES)</b> .....	99.07
<b>PUBLIC AND PRIVATE PROPERTY</b>	
Criminal Mischief.....	42.02
Damage to Sewer System.....	95.04(1)
Defacing Proclamations or Notices .....	42.03



	CHAPTER OR SECTION NUMBER
<b>PUBLIC AND PRIVATE PROPERTY (continued)</b>	
Fraud .....	42.05
Injury to Library Books or Property.....	22.10
Littering Prohibited .....	105.10
Park Regulations .....	47
Public and Private Property.....	42
Sidewalk Regulations.....	140
Street Excavations.....	135.09
Theft.....	42.06
Trees and Shrubs on Public Property .....	151, 167
Trespassing.....	42.01
Unauthorized Entry .....	42.04
<b>PUBLIC HEALTH AND SAFETY .....</b>	<b>41</b>
<b>PUBLIC NOTICES.....</b>	<b>18.05(1)</b>
<b>PUBLIC OFFENSES</b>	
Drug Paraphernalia.....	43
Littering Prohibited .....	105.10
Public and Private Property.....	42
Public Health and Safety .....	41
Public Peace .....	40
<i>See also</i> <b>SIDEWALK REGULATIONS .....</b>	<b>140</b>
<i>See also</i> <b>STREET EXCAVATIONS .....</b>	<b>135.09</b>
<b>PUBLICATION REQUIREMENTS.....</b>	<b>18.05</b>
<b>RABIES VACCINATION .....</b>	<b>55.09</b>
<b>RECORDS</b>	
Accounting .....	7.07
Fire Department .....	35.07(12)
Maintenance by Clerk .....	18.08
Minutes of Council Meetings.....	5.06(3)
Public Records, Access to .....	5.04
Transfer to Successors.....	5.05
<b>REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES .....</b>	<b>5.09</b>
<b>REPRESENTATION OF CITY EMPLOYEES .....</b>	<b>20.09</b>
<b>RESIGNATION OF ELECTED OFFICERS.....</b>	<b>5.08</b>
<b>RIGHT TO ENTER</b>	
Fire Chief .....	35.07(9)
Nuisance Abatement .....	50.05
Sewer Service Inspection and Sampling .....	95.07
Solid Waste Collection.....	106.07
Use of Easements .....	95.08

	CHAPTER OR SECTION NUMBER
<b>RIGHT TO ENTER (continued)</b>	
Warrants .....	1.12
Water Meter Service.....	91.11
Water Turn-Off.....	92.09
<b>SANITARY SEWER SYSTEM</b>	
Building Sewers and Connection Requirements .....	96
General Provisions .....	95
On-Site Wastewater Systems .....	98
Pretreatment Requirements .....	100
Sewer Service Charges.....	99
Use of Public Sewers.....	97
<b>SEWER RATES .....</b>	<b>99</b>
<b>SEXUALLY-ORIENTED BUSINESSES .....</b>	<b>165.12(2)(F)</b>
<b>SIDEWALKS</b>	
Barricades and Warning Lights.....	140.09
Bicycles on Sidewalks.....	75.09
Construction Standards.....	140.08
Debris on .....	140.17
Defacing .....	140.16
Encroaching Steps .....	140.13
Fires and Fuel on .....	140.15
Interference with Improvements.....	140.11
Maintenance .....	140
Obstruction of Public Sidewalks .....	140.20
Openings and Enclosures .....	140.14
Parking Prohibited on Sidewalks .....	69.06(4)
Sales Stands and Merchandise Displays.....	140.18 and 140.19
Snow Removal .....	140.03
Use by Pedestrians.....	67.04
Vehicles Crossing Sidewalks .....	65.06
Vehicles on Sidewalks.....	62.03
<b>SITE PLAN AND LANDSCAPING PLAN REVIEW AND REGULATIONS</b>	<b>167</b>
<b>SKATEBOARDS, SKATES, COASTERS AND TOY VEHICLES</b>	
Clinging to Vehicle .....	62.04
General Regulations .....	75.15
<b>SNOW EMERGENCY .....</b>	<b>69.10</b>
<b>SNOW REMOVAL</b>	
From Sidewalks.....	140.03
From Streets .....	135.12
Parking .....	69.10 and 69.11
<b>SNOW ROUTES .....</b>	<b>69.11</b>
<b>SNOWMOBILES .....</b>	<b>73</b>

	CHAPTER OR SECTION NUMBER
<b>SOLICITORS, PEDDLERS, AND TRANSIENT MERCHANTS .....</b>	<b>122</b>
<b>SOLID WASTE CONTROL</b>	
Collection .....	106
General Provisions .....	105
<i>See also</i> Restricted Discharges to Sewer System .....	97.04
<b>SPEED REGULATIONS .....</b>	<b>63</b>
<i>See also</i> <b>CONTROLLED ACCESS FACILITIES .....</b>	<b>139</b>
<b>STATE CODE TRAFFIC REGULATIONS .....</b>	<b>62.01</b>
<b>STOP OR YIELD REQUIRED .....</b>	<b>65</b>
<b>STORMWATER</b>	
Discharge to Sanitary Sewer Prohibited.....	95.04(2) and 97.01
Surface Water Exception.....	97.02
<b>STRAWBERRY HILL SCHOOL DROP-OFF ZONES .....</b>	<b>65.05</b>
<b>STREET NAME MAP .....</b>	<b>138.04 and 138.05</b>
<b>STREETS AND ALLEYS</b>	
Billboards and Signs Obstructing View .....	50.02(6)
Blocking Public and Private Ways.....	50.02(5)
Excavations and Maintenance.....	135
Grades .....	137
Naming.....	138
Obstructing Use of Streets .....	40.03(7)
Vacation and Disposal.....	136
<i>See also</i> <b>TRAFFIC CODE</b>	
<b>SUBDIVISION REGULATIONS .....</b>	<b>166</b>
<b>TAX, HOTEL/MOTEL .....</b>	<b>10</b>
<b>TELEVISION, CABLE .....</b>	<b>112 - 114</b>
<b>TELEVISION, LOCAL ACCESS COMMISSION .....</b>	<b>27</b>
<b>TERMS OF OFFICE</b>	
City Administrator .....	21
Clerk.....	18.01
Council .....	2.04 and 17.01
Mayor.....	2.05 and 15.01
Treasurer .....	19.01
<b>THEFT</b>	
Library Property .....	22.11
Public and Private Property.....	42.06
<b>TOBACCO PERMITS .....</b>	<b>121</b>
<b>TOXIC AND HAZARDOUS WASTE .....</b>	<b>105.11</b>

	CHAPTER OR SECTION NUMBER
<b>TRAFFIC CODE</b>	
Administration of .....	60
Enforcement Procedures.....	70
General Regulations .....	62
Load and Weight Restrictions .....	66
One-Way Traffic .....	68
Parking Regulations .....	69
Pedestrians.....	67
Speed Regulations .....	63
Stop or Yield Required.....	65
Traffic Control Devices.....	61
Turning Regulations .....	64
<b>TRAFFIC CONTROL DEVICES</b>	
Installation; Standards; Compliance.....	61
Location.....	65
Traveling on Barricaded Street or Alley .....	135.05
<b>TRAFFIC REGULATIONS.....</b>	<b>62.01</b>
<b>TRANSIENT MERCHANTS, PEDDLERS, AND SOLICITORS .....</b>	<b>122</b>
<b>TREASURER .....</b>	<b>19</b>
<b>TREE BOARD.....</b>	<b>26</b>
<b>TREES</b>	
Disease Control .....	151.05
Dutch Elm Disease .....	50.02(11)
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 .....	105.07
Planting Restrictions.....	151.02
Tree Board.....	26
Trimming Trees to be Supervised .....	151.04
<b>TRESPASSING .....</b>	<b>42.01</b>
<b>TRUCK PARKING LIMITED .....</b>	<b>69.09</b>
<b>TRUCK ROUTES .....</b>	<b>66.05</b>
<b>TURNING REGULATIONS.....</b>	<b>64</b>
<b>UNAUTHORIZED ENTRY .....</b>	<b>42.04</b>
<b>UNLAWFUL ASSEMBLY .....</b>	<b>40.04</b>
<b>URBAN RENEWAL .....</b>	<b>8</b>
<b>URBAN REVITALIZATION .....</b>	<b>9</b>
<b>URINATING AND DEFECATING IN PUBLIC .....</b>	<b>41.13</b>

	CHAPTER OR SECTION NUMBER
<b>UTILITIES</b>	
Cable Television Franchise .....	112
Electric Franchise .....	111
Natural Gas Franchise .....	110
Sewer Service System .....	95 - 100
Water Service System .....	90 - 92
<b>U-TURNS</b> .....	64.02
<b>UTVS AND ATVS</b> .....	74
<b>VACANCIES IN OFFICE</b> .....	5.10
<b>VACATING STREETS OR ALLEYS</b> .....	136
<b>VETO</b>	
Council May Override .....	17.03
Mayor's Authority .....	15.02(4)
<b>VICIOUS ANIMALS</b> .....	56
<b>VIOLATIONS</b>	
Cigarette and Tobacco Violations (Sale to Minors) .....	121.07
Environmental .....	4.02
Floodplain .....	160.08
Municipal Infractions .....	4
Parking .....	70
Special Penalties for Violation of Sanitary Sewer Regulations .....	95.09
Standard Penalty for Violation of Code of Ordinances .....	1.14
Traffic .....	62.01
Zoning .....	165.29
<b>VOTING PRECINCTS</b> .....	17.02(2)
<b>WARDS</b> .....	17.02(2)
<b>WARRANTS</b> .....	1.12
<b>WASTE STORAGE CONTAINERS</b> .....	105.12
<b>WASTEWATER SYSTEMS, ON-SITE</b> .....	98
<b>WATER POLLUTION</b> .....	50.02(4)
<b>WATER SERVICE SYSTEM</b>	
Connections; General Regulations .....	90
Meters .....	91
Rates .....	92
<b>WEAPONS</b>	
Discharging Weapons in City Limits .....	41.11
Taking Weapons During Arrest .....	30.10
Throwing and Shooting .....	41.12
<b>WEEDS AND BRUSH</b> .....	50.02(10) and 52

	CHAPTER OR SECTION NUMBER
<b>WELL PROTECTION .....</b>	<b>150</b>
<b>WELLS, PRIVATE WITHIN THE CITY .....</b>	<b>90.52</b>
<b>WINE</b>	
<i>See</i> <b>ALCOHOL</b>	
<b>YARD REQUIREMENTS .....</b>	<b>52, 165 - 167</b>
<i>See</i> <b>ZONING .....</b>	<b>165 - 167</b>
<b>YARD WASTE .....</b>	<b>105.08</b>
<b>YIELD REQUIRED .....</b>	<b>65</b>
<b>ZONING REGULATIONS .....</b>	<b>165</b>
<i>See also</i> <b>SITE PLAN AND LANDSCAPING PLAN REVIEW</b>	
<b>AND REGULATIONS .....</b>	<b>167</b>
<i>See also</i> <b>SUBDIVISION REGULATIONS .....</b>	<b>166</b>

# APPENDIX TO CODE OF ORDINANCES

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## 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 shown in the following sample ordinance:



## ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
CITY OF ANAMOSA, IOWA, BY ADDING A NEW SECTION  
LIMITING PARKING TO 30 MINUTES ON A PORTION OF  
\_\_\_\_\_ STREET**

**BE IT ENACTED** by the City Council of the City of Anamosa, Iowa:

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Anamosa, Iowa, is amended by adding a new Section 69.14, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

**69.16 PARKING LIMITED TO 30 MINUTES.** It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. \_\_\_\_\_ Street, on the \_\_\_\_\_ side, from \_\_\_\_\_ Street to \_\_\_\_\_ Street.

**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 shown in the following sample ordinance:

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANAMOSA, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON \_\_\_\_\_ STREET.**

**BE IT ENACTED** by the City Council of the City of Anamosa, Iowa:

**SECTION 1. SUBSECTION REPEALED.** The Code of Ordinances of the City of Anamosa, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on \_\_\_\_\_ Street to stop at \_\_\_\_\_ Street.

**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 shown in the following sample:

**ORDINANCE NO. \_\_\_\_****AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
CITY OF ANAMOSA, IOWA, BY AMENDING PROVISIONS  
PERTAINING TO SEWER SERVICE CHARGES**

**BE IT ENACTED** by the City Council of the City of Anamosa, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 99.01 of the Code of Ordinances of the City of Anamosa, Iowa, is repealed and the following adopted in lieu thereof:

**99.01 SEWER SERVICE CHARGES REQUIRED.** Every customer shall pay to the City sewer service charges in the amount of \_\_\_\_\_ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than \$\_\_\_\_\_ dollars per \_\_\_\_\_.

**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 (INSERT LOCATION OR LEGAL  
DESCRIPTION OF STREET OR ALLEY BEING VACATED) TO  
ANAMOSA, IOWA**

Be It Enacted by the City Council of the City of Anamosa, Iowa:

**SECTION 1.** The (location or legal description of street or alley) to Anamosa, 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.

## SUGGESTED FORMS

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### 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 Anamosa, 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 Anamosa, 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 Anamosa, 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 Anamosa, Iowa

By: \_\_\_\_\_  
(enforcement officer)

**RESOLUTION AND ORDER  
REGARDING DANGEROUS BUILDING**

**BE IT RESOLVED**, by the City Council of the City of Anamosa, 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 Anamosa, 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 Anamosa, Iowa

By: \_\_\_\_\_, \_\_\_\_\_  
(Name) (Title)

## NOTICE OF HEARING

## REQUIRED SEWER CONNECTION

TO: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_, Iowa

You are hereby notified that the City Council of Anamosa, Iowa, will meet on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

**Description of Property**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: \_\_\_\_\_

City of Anamosa, Iowa

By: \_\_\_\_\_, \_\_\_\_\_  
(Name) (Title)

**RESOLUTION AND ORDER**  
**REQUIRED SEWER CONNECTION**

**BE IT RESOLVED**, by the City Council of the City of Anamosa, 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

## CITY OF ANAMOSA, IOWA

## APPLICATION FOR A BUILDING/LAND USE PERMIT

DATE: \_\_\_\_\_ APPLICATION NO.: \_\_\_\_\_ FEE: \_\_\_\_\_

Applicant \_\_\_\_\_  
Address \_\_\_\_\_

Tel. No. (Bus.) \_\_\_\_\_ (Res.) \_\_\_\_\_

**FOR OFFICE USE ONLY**

\_\_\_\_ FEE PAID  
\_\_\_\_ PLOT DIAGRAM SUBMITTED  
\_\_\_\_ PLAN SUBMITTED  
\_\_\_\_ APPLICATION FOR A CERTIFICATE OF OCCUPANCY SUBMITTED

I/WE HEREBY REQUEST A BUILDING/LAND USE PERMIT TO:

☐ BUILD ☐ ALTER ☐ CHANGE THE USE OF

THE FOLLOWING DESCRIBED PROPERTY:

STREET ADDRESS \_\_\_\_\_

LEGAL DESCRIPTION:

TYPE OF IMPROVEMENT: \_\_\_\_\_

\_\_\_\_\_

PRESENT USE: \_\_\_\_\_

PROPOSED USE: \_\_\_\_\_

\_\_\_\_\_

*A PLOT DIAGRAM, showing lot lines, exact location and dimensions of all existing and proposed structures on the property, AND A PLAN OF ANY PROPOSED WORK MUST ACCOMPANY THIS APPLICATION.*

\*\*\*\*\*

I have read Chapter \_\_\_\_\_ of the Code of Ordinances of Anamosa, Iowa, and believe to the best of my knowledge, that the work proposed in this application would not violate any portion of this chapter.

\_\_\_\_\_  
(Applicant's Signature)

**CITY OF ANAMOSA, IOWA**

**BUILDING/LAND USE PERMIT**

PERMIT NO. \_\_\_\_\_ (Date)

APPLICATION NO. \_\_\_\_\_  
(Date of Application)

LOCATION \_\_\_\_\_

\*\*\*\*\*

THIS PERMIT IS ISSUED PURSUANT TO THE REQUIREMENTS OF CHAPTER \_\_\_\_,  
“BUILDING AND LAND USE REGULATIONS” OF THE CODE OF ORDINANCES OF  
ANAMOSA, IOWA.

APPROVED BY COUNCIL \_\_\_\_\_ (Date)

\*\*\*\*\*

THIS PERMIT ISSUED TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Building Official

**CITY OF ANAMOSA, IOWA**

**APPLICATION FOR A CERTIFICATE OF OCCUPANCY**

DATE \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_

APPLICATION NO. OF BUILDING/LAND USE PERMIT \_\_\_\_\_

\*\*\*\*\*

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE NO.    (Business)    \_\_\_\_\_  
                          (Home)        \_\_\_\_\_

\*\*\*\*\*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Building Official

CITY OF ANAMOSA, IOWA

CERTIFICATE OF OCCUPANCY

NO. \_\_\_\_\_

☐ PERMANENT

☐ TEMPORARY

DATE: \_\_\_\_\_

C.O. APPLICATION NO. \_\_\_\_\_

BUILDING/LAND USE PERMIT NO. \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_

LOCATION \_\_\_\_\_

\*\*\*\*\*

THIS CERTIFICATE IS ISSUED PURSUANT TO THE REQUIREMENTS OF CHAPTER  
\_\_\_\_\_ OF THE CODE OF ORDINANCES OF \_\_\_\_\_, IOWA,  
AND COMPLIES WITH ALL THE BUILDING AND HEALTH LAWS.

\*\*\*\*\*

THIS CERTIFICATE ISSUED TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Building Official



