

**MUNICIPAL CODE
OF THE
CITY OF GILBERT, IOWA
2013**

GILBERT, IOWA

**MUNICIPAL CODE
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TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 1
CODE OF ORDINANCES

1-1.0101 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Gilbert, Iowa, 2013.

1-1.0102 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined by state law, such definitions shall apply to their use in this Code of Ordinances and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances:

1. "City": shall mean the City of Gilbert, Iowa.
2. "County": shall mean Story County, Iowa.
3. "State": shall mean the State of Iowa.
4. "Council": shall mean the City Council of Gilbert, Iowa.
5. "Clerk": shall mean the City Clerk of Gilbert, Iowa.
6. "Person": shall mean 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.
7. "Ordinances": shall mean the ordinances of the City of Gilbert, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted thereafter.
8. "Code of Ordinances": shall mean the Code of Ordinances of the City of Gilbert, Iowa, 2010.
9. "Code": shall mean the specific chapter or article 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).
10. "Measure": shall mean an ordinance, amendment, resolution or motion.
 11. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.
 12. "Preceding", "Following": shall mean next before and next after, respectively.
 13. "Property": shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
 14. "Property Owner": shall mean a person owning private property in the City as shown by the County Auditor's plats of the City.
 15. "Occupant, Tenant": applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
 16. "Year": shall mean a calendar year.
 17. "Month": shall mean a calendar month.
 18. "Writing, Written": shall include printing, typing, lithographing, or other mode of representing words and letters.
 19. "Oath": shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn".
 20. "Public Property": shall mean any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.
 21. "Public Place": shall include in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
 22. "Public Way": shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
 23. "Street" or "Highway": shall mean 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.
 24. "Alley": shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.
 25. "Sidewalk": shall mean that paved portion of the street between the edge of the travelled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

1-1.0103 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 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)

1-1.0104 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all 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. This section shall apply even though acts or omissions of the City, or its officers, agents and employees, may have caused or contributed to such damage, injury or death. This section shall apply even though the City, or its officers, agents and employees, may have knowledge of any act, omission or condition which caused or contributed to such loss, damage, injury or death. 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.

1-1.0105 RULES OF CONSTRUCTION. In the construction of the Code of Ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provisions.

1. Tense: Words used in the present tense include the future.
2. May: Confers a power.
3. Must: States a requirement.
- 4 Shall: Imposes a duty.
5. Gender: The masculine gender includes the feminine and neuter genders.
6. Interpretation: All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.

7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act, it shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1-1.0106 AMENDMENTS. All ordinances which amend, repeal or in any manner affect the Code of Ordinances shall include proper reference to title, division, chapter, article, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1-1.0107 CATCHLINES AND NOTES. The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and State law references, unless set out in the body of the section itself, contained in the 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.

1-1.0108 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

1-1.0109 STANDARD PENALTY. Any person failing to perform a duty, obtain a license required by, or violating any provision of the Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than \$500.00 or imprisonment not to exceed 30 days -

1. Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section, or chapter; and
2. Except that a person guilty of a violation of the traffic code shall be subject to the scheduled penalty as provided in the Code of Iowa.

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

1-1.0110 SEVERABILITY. If any section, provision or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

1-1.0121 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.

Seeking or obtaining a civil penalty as authorized by this Code of Ordinances shall 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.

Nothing herein shall 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 a violation charged as a municipal infraction. Nothing herein shall preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions, administrative procedures, or other lawful means.

1-1.0122 ENVIRONMENTAL VIOLATION. A municipal infraction which 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:

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.

1-1.0123 PENALTIES. A municipal infraction is punishable by the following civil penalties:

- 1 Standard Civil Penalties. Unless a specific penalty is otherwise provided:
 - a. First Offense — Not to exceed \$750.00.
 - b. Each Repeat Offense — Not to exceed \$1,000.00.
 - c. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.
2. Special Civil Penalties.
 - a. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial

user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.

- b. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
 - i. 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.
 - ii. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - iii. The violation does not continue in existence for more than eight (8) hours.

1-1.0124 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. The citation may be served by any officer authorized by the City to enforce this Code of Ordinances by personal service as provided in the Iowa Rules of Civil Procedure, 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 by the Iowa Rules of Civil Procedure and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. In the discretion of the issuing officer, the citation may assess the civil penalty immediately or suspend the civil penalty until a date certain pending the abatement of the violation.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1- GENERAL PROVISIONS

ARTICLE 2
OFFICERS AND EMPLOYEES

1-1.0201 OATHS. The oath of office shall be required and administered in accordance with the following:

1. **Qualify for Office.** All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath:
(Code of Iowa, Sec. 63.1)
 - a. City Clerk.
 - b. Deputy City Clerk.
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 Gilbert as now or hereinafter 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 office:
 - a. The Mayor.
 - b. The Clerk.
 - c. Members of all boards, commissions or bodies created by law.(Code of Iowa, Sec. 78.2 & 78.4)

1-1.0202 BONDS. Surety bonds shall be provided in accordance with the following:

1. **Required.** The Council shall provide by resolution for a surety bond running to the City and covering the Mayor, Clerk, 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. 64.13)
3. **Bonds Filed.** All bonds, after approval and proper record, shall be filed with the Clerk.(Code of Iowa, Sec. 64.23[6])

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

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

1-1.0203 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and 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])

1-1.0204 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request, unless some other provisions of law expressly limit such right or requires such records to be kept confidential.

(Code of Iowa, Sec. 22.1 & 22)

1-1.0205 TRANSFER TO SUCCESSOR. Each officer shall transfer to his successor in office all books, paper, records, documents and property in his custody and appertaining to his office.

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

1-1.0206 OPEN MEETINGS. All meetings of the Council, any board or commission, or any multi-member body formally and directly created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. Notice of any such meeting shall be provided pursuant to law.

(Code of Iowa, 21.3 & 21.4)

1-1.0207 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)
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)
3. City Treasurer. An employee of a bank or trust company, who serves as Treasurer of the City.

(Code of Iowa, Sec. 362.5)

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 eight (8) of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

(Code of Iowa, Sec. 362.5)

- 5 Newspaper. The designation of an official newspaper.
6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time he was elected or appointed, but the contract may not be renewed.

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stockholdings when less than five (5) 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)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

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)

1-1.0208 TERMS OF APPOINTED OFFICERS. The terms of all appointed officers that are not otherwise fixed by law or ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the Council in January following the regular municipal election and the appointment of a successor.

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

1-1.0209 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])

1-1.0210 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

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

(Code of Iowa, Sec. 372.15)

1-1.0211 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

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

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

(Code of Iowa, Sec. 372.13 [2a]1)

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

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

1-1.0212 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2[5])

1-1.0213 GIFTS. Except as otherwise provided by State law, 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. In addition, a person shall not, directly or indirectly, individually or jointly with one or more persons, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.7B)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1- GENERAL PROVISIONS

ARTICLE 3
CITY ELECTIONS

1-1.0301 PURPOSE. The purpose of this article is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

1-1.0302 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)

1-1.0303 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (10) eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

1-1.0304 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)

1-1.0305 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

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

(Code of Iowa, Sec. 45.3)

1-1.0306 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)

1-1.0307 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[3J])

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 4
FISCAL MANAGEMENT

1-1.0401 PURPOSE. The purpose of this article is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

1-1.0402 FINANCE OFFICER. The City Clerk shall be the finance and accounting officer of the City and is responsible for the administration of the provisions of this Article.

1-1.0403 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 State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.
(Code of Iowa. Sec. 384.21, 452.10, 453.1)

3. Petty Cash Fund. The Clerk shall be custodian of a petty cash fund not to exceed two hundred fifty dollars (\$250.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the Clerk shall obtain some form of receipt or bill acknowledge as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the Clerk shall draw a check for replenishment in the amount of the accumulated expenditures, and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal expenses.

1-1.0404 FUND CONTROL. There shall be established and maintained separate and distinct funds in accordance with the following:

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.
2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the Council.
3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.
(IAC, 545-2.5 1384, 388J, Sec. 2.5[2])
4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.
(IAC, 545-2.5[384,388] Sec. 2.5 OD)
5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.
(IAC, 545-2.5[384,388] Sec. 2.5[4])
6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the City finance committee.
7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

1-1.0405 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The Clerk shall be 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 Clerk for inclusion in the proposed City budget no later than February 1 of each year and in such form as may be required by the Council.
3. Submission to Council. The Clerk shall submit the completed budget proposal to the Council no later than February 15 of each year.

4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor. (Code of Iowa, Sec. 384.16[3])
6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations and have them available for distribution at the offices of the Mayor and City Clerk and have a copy posted at one of the places designated for the posting of notices. (Code of Iowa, Sec. 384.1612])
7. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of, the tax certificate must be transmitted to the County Auditor. (Code of Iowa, Sec. 384.16[5])

1-1.0406 CAPITAL BUDGET PREPARATION.

(Reserved for Future Use)

1-1.0407 BUDGET AMENDMENTS. A City budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this section. (Code of Iowa, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget. (IAC, 230-2.2[384,388])
2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted and subject to protest in the same manner as the original budget.

(IAC, 230-2.3[384,388])

3. Sub-program Transfer. Any transfer of appropriation from one sub-program to another must be approved by resolution of the Council. (IAC, 230-2.4[384,388])
4. Activity Transfers. The Clerk shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however, that when such adjustments in any one activity aggregate five hundred dollars (\$500.00) or ten (10) percent of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the Council. All such transfers shall be reported in writing at the next regular meeting of the Council following the transfer and recorded in the minutes for the information of the Council and general public. (IAC, 230-2.4[384,388])

1-1.0408 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 un-appropriated surpluses.
3. Checks. Checks shall be pre-numbered and signed by the Clerk and Mayor following Council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-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 Clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

1-1.0409 FINANCIAL REPORTS. The Clerk shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council at the second meeting of 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 published annual report must be furnished to the Auditor of state.

(Code of Iowa, Sec. 384.22)

1-1.0410 CONTINGENCY ACCOUNT. Whenever the Council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim shall be paid.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 5
INDUSTRIAL PROPERTY TAX EXEMPTIONS

1-1.0501 PURPOSE. Pursuant to Chapter 427B, Code of Iowa, there is hereby provided a partial exemption from property taxation of the actual value added to qualifying real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers; and pursuant to Section 427A.1, Subsection 1, paragraph "e", Code of Iowa, there is hereby provided a partial exemption from property taxation of new machinery and equipment assessed as real estate.

1-1.0502 DEFINITIONS. For use in this article the following terms are defined:

1. "New construction" means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council of the City.
2. "Research-service facilities" means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate-research services which do not have a primary purpose of providing on-site services to the public.
3. "Warehouse" means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.
4. "Distribution center" means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be

used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

5. "New machinery and equipment assessed as real estate" means new machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1, Paragraph "e," Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.
6. "Qualified industrial real estate" means that which is zoned, classified and assessed as industrial real estate entitled to the exemption created by Chapter 427B and Iowa Department of Revenue Administrative Rules 730-71.1(6).

1-1.0503 PERIOD OF PARTIAL EXEMPTION.

The actual value added to industrial real estate as specified in this article is eligible to receive a partial exemption from taxation for a period of five (5) years. However, if property ceases to be classified as industrial real estate, the partial exemption shall not be allowed for subsequent assessment years. Actual value added means the actual value added as of the first year for which the exemption is received.

The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, seventy-five percent (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%).

The granting of an exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

1-1.0504 APPLICATION FOR EXEMPTION.

An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with City Hall to obtain City Council approval. Upon approval the City Clerk will file the application with the Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue, State of Iowa, and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

A property tax exemption under this article shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

1-1.0504 EXEMPTION MAY BE REPEALED. When in the opinion of the City Council continuation of the exemption granted ceases to be of benefit to the City, the City Council may repeal this article, but all existing exemptions shall continue until their expiration.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 2- ORGANIZATION

ARTICLE 1
CHARTER PROVISIONS

1-2.0101 TITLE. This Article may be cited as the charter of the City of Gilbert, Iowa.

1-2.0102 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council form of government.
(Code of Iowa, Sec. 372.4)

1-2.0103 POWERS AND DUTIES. 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.

1-2.0104 NUMBER AND TERM OF COUNCIL. The Council consists of five Council members elected at large for overlapping terms of four (4) years.
(Code of Iowa, Sec. 376.2)

1-2.0105 TERM OF MAYOR. The Mayor is elected for a term of two (2) years.
(Code of Iowa, Sec. 376.2)

1-2.0106 COPIES ON FILE. The Clerk shall keep an official copy of the charter on file with the official records of the Clerk, 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)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 2- ORGANIZATION

ARTICLE 2
BOUNDARIES

1-2.0201 CORPORATE LIMITS. The corporate limits of the City are described as follows:

The South One-half of Section Four; AND that part of the Southwest Quarter of the Southwest Quarter, Section Three commencing at the Southwest Section Corner, north 1,259.8 feet, thence east 1,319.6 feet, thence south 1,248.9 feet, thence west 1,319.5 feet to the point of beginning; AND the Northeast Quarter Section Nine, except that portion of the Southwest Quarter of the Northeast Quarter lying on the west side of the Chicago and Northwestern Railroad; AND the Northeast Quarter of the Northwest Quarter, Section Nine; AND the West One-half of the Northwest Quarter, Section 10; ALL IN Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 3- MAYOR AND COUNCIL

ARTICLE 1
MAYOR

1-3.0101 TERM OF OFFICE. The Mayor is elected for a term of two (2) years.
(Code of Iowa, Sec. 376.2)

1-3.0102 POWERS AND DUTIES. The powers and duties of the Mayor shall be as follows:

1. Chief Executive Officer. Supervise all departments of the City and 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. Presiding Officer. Act as presiding officer at all regular and special Council meetings. The Mayor Pro Tem shall serve in this capacity in the Mayor's absence.
(Code of Iowa, Sec. 372.14[1 & 3])
3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.
(Code of Iowa, Sec. 372.14[1])
4. Mayor's veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.
(Code of Iowa, Sec. 380.5 & 380.6[2])
5. Reports to Council. Make such oral or written reports to the Council at the first meeting of every month as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.
6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.
7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the

City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.
9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Shall order in writing, to be removed at public expense, any nuisance for which no person can be found responsible and liable. The order to remove said nuisances shall be carried out by the Chief of Police.
11. Absentee Officer. Shall make appropriate provision that duties of any absentee officer be carried on during such absence.

1-3.0103 APPOINTMENTS. The Mayor, with the approval of the City Council, shall appoint the following officials:

1. Mayor Pro Tem.
2. City Attorney.
3. Waste Water Treatment Superintendent.
4. City Clerk.
5. City Treasurer.
6. Building Official.
7. Flood Plain Administrator.
8. Park and Recreation Commission Members.
9. Planning and Zoning Commission Members.
10. Zoning Board of Adjustment Members.

(Code of Iowa, Sec. 372.4)

1-3.0104 COMPENSATION. The salary of the Mayor shall be twelve hundred dollars (\$1200.00) per calendar year.

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

1-3.0105 VOTING. The Mayor is not a member of the Council and may not vote as a member of the Council.

(Code of Iowa, Sec. 372.4)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 3- MAYOR AND COUNCIL

ARTICLE 2
MAYOR PRO TEMPORE

1-3.0201 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem shall be vice president of the Council.

(Code of Iowa, 1981, Sec. 372.14 [3])

1-3.0202 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 his duties. In the exercise of the duties of his office the Mayor Pro Tem shall not have power to 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, 1981, Sec. 372.14 [3])

1-3.0203 VOTING RIGHTS. The Mayor Pro Tem shall have the right to vote as a member of the Council even while performing the duties of the Mayor.

(Code of Iowa, 1981, Sec. 372.14 [3])

1-3.0204 COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during his absence or disability for a continuous period of fifteen (15) days or more, the Mayor pro tem may be paid for that period such compensation as determined by the Council, based upon his performance of the Mayor's duties and upon the compensation of the Mayor.

(Code of Iowa, 1981, Sec. 372.13 [8])

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 3- MAYOR AND COUNCIL

ARTICLE 3
COUNCIL

1-3.0301 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for overlapping terms of four (4) years.
(Code of Iowa, Sec. 372.4 & 376.2)

1-3.0302 POWERS AND DUTIES. The powers and duties of the Council shall include, but are not limited to the following:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.
(Code of Iowa, Sec. 364.2 [1])
2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.
(Code of Iowa, Sec. 372.13 [7])
3. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.
(Code of Iowa, Sec. 364.2 [1], 384.16 & 384.38 [1])
4. Public Improvements. The Council shall make all orders for the doing of work, or the making or 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, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the Council, or reduced to writing and approved by the Council, or expressly authorized by ordinance or resolution adopted by the Council.
(Code of Iowa, Sec. 364.2 [1] & 384.95 through 384.102)
6. Employees. The Council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by state law or the Code of Ordinances.
(Code of Iowa, Sec. 372.13 [4])

7. Records. The Council shall maintain records of its proceedings.
(Code of Iowa, Sec. 372.13 [5])
8. 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])

1-3.0303 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 seventy-five thousand dollars (\$75,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated
(Code of Iowa, Sec. 380.4)
2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.
(Code of Iowa, Sec. 380.6[2])
3. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:
 - a. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.
(Code of Iowa, Sec. 380.6[1a])
 - b. A resolution signed by the Mayor becomes effective immediately upon signing.
(Code of Iowa, Sec. 380.6[1b])

- c. A motion becomes effective immediately upon passage of the motion by the Council.
(Code of Iowa, Sec. 380.6[1c])
- d. If the Mayor vetoes an ordinance, amendment or resolution and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.
(Code of Iowa, Sec. 380.6[2])
- e. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than fourteen (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])
- f. "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. 380.4)

1-3.0304 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The regular meetings of the Council shall be at such times as may be determined by the Council in the Council Chambers at City Hall.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of notice shall be maintained by the Clerk.
(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 the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.
(Code of Iowa, Sec. 372.13[5])
5. Compelling Attendance. Any three (3) 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.

6. Notice of Meetings. The Council shall give reasonable notice, as defined by state law, of the time, date and place of each meeting, and its tentative agenda. (Code of Iowa, Sec. 21.4)
7. 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)
8. 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 the vote of each member present shall be made public. (Code of Iowa, Sec. 21.3)
9. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Chapter 21 of the Iowa Code. (Code of Iowa, Sec. 21.5)
10. Cameras and Recorders. The public may use cameras or recording devices at any open session. (Code of Iowa, Sec. 21.7)
11. 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 Iowa Code. (Code of Iowa, Sec. 21.8)

1-3.0305 COMPENSATION. The salary for each Council member for each Council meeting attended shall be twenty-five dollars (\$25.00) for each meeting attended.

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

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 – ADMINISTRATION

ARTICLE I
CITY CLERK

1-4.0101 APPOINTMENT. At its first meeting in January following the regular City election the Council shall appoint by majority vote a City Clerk to serve for a term of two (2) years.

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

1-4.0102 POWERS AND DUTIES: GENERAL. The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, shall have the powers and duties as provided in this article, the Code of Ordinances and the law.

1-4.0103 RECORDING AND PUBLICATION OF MEETING MINUTES. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed, a summary of all receipts and the gross amount of the claims approved.

(Code of Iowa, Sec. 372.13[61])

1-4.0104 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 re-passed after the Mayor's veto.

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

1-4.0105 PUBLICATION. The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by the Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.
(Code of Iowa, Sec. 362.3[1])
2. Manner of Publication. A publication required by the Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City, except that ordinances and amendments may be published by posting in the following places:
 - a. City Hall.

- b. U.S. Post Office.
- c. Key Cooperative.

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

1-4.0106 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])

1-4.0107 CERTIFY MEASURES. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

1-4.0108 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. The Clerk shall 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. The Clerk shall maintain all City records for at least five (5) years. However, ordinances, resolutions, Council proceedings and records and documents relating to real property transactions or bond issues or accurate reproductions of those ordinances, resolutions, Council proceedings and records and documents relating to real property transactions or bond issues, shall be maintained permanently. Bonds and coupons may be destroyed after two (2) years from the retirement of debt and a record of destruction shall be placed with the original bond record.
(Code of Iowa, Sec. 372.13[3 & 5])
4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal.
(Code of Iowa, Sec. 372.13[4&5] and 380.7[5])

5. Filing of Communications. The Clerk shall 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])

1-4.0109 ATTENDANCE AT MEETINGS. At the direction of the Council the Clerk shall attend meetings of committees, boards and commissions. He shall record and preserve a correct record of the proceedings of such meetings.

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

1-4.0110 ISSUE LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this code, 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])

1-4.0111 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.

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

1-4.0112 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations:

1. In the event of a change in the method of nomination process used by the City, certify to the commissioner of elections the type of nomination process to be used by the City no later than seventy-seven (77) days before the date of the regular City election.
(Code of Iowa, Sec. 376.6)
2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.
(Code of Iowa, Sec. 376.4)
3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.
(Code of Iowa, Sec. 376.4)
4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.
(Code of Iowa, Sec. 376.4)
5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County commissioner of

elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

1-4.0113 CITY SEAL. The City seal shall be in the custody of the Clerk and shall be attached by him to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal shall be circular in form, in the center of which shall be the word "GILBERT" and around the margin the words "TOWN SEAL - IOWA."

TITLE I – POLICY AND ADMINISTRATION
CHAPTER 4 – ADMINISTRATION

ARTICLE 2
TREASURER

1-4.0201 APPOINTMENT. The City Clerk shall be the Treasurer and perform all functions required of the position of Treasurer.

1-4.0202 COMPENSATION. The Clerk shall receive no additional compensation for performing the duties of the Treasurer.

1-4.0203 DUTIES OF TREASURER. The duties of the Treasurer shall be as follows:

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

1. Custody of Funds. The Treasurer shall 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. The Treasurer shall keep the record of each fund separate.
3. Record Receipts. The Treasurer shall 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. The Treasurer shall keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. The Treasurer shall keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. The Treasurer shall, upon receipt of monies to be held in his custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. The Treasurer shall reconcile depository statements with his books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. The Treasurer shall keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. The Treasurer shall perform such other duties as specified by the Council by resolution or ordinance.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4- ADMINISTRATION

ARTICLE 3
CITY ATTORNEY

1-4.0301 APPOINTMENT AND COMPENSATION. The City attorney shall be appointed by the Mayor subject to approval of the Council and receive such compensation as shall be established by Council.
(Code of Iowa, 1981, Sec. 372.13 [4])

1-4.0302 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, 1981, Sec. 372.13 [4])

1-4.0303 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, 1981, Sec. 372.13 [4])

1-4.0304 ORDINANCE PREPARATION. The City attorney shall prepare those ordinances which 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, 1981, Sec. 372.13 [4])

1-4.0305 REVIEW AND COMMENT. The City attorney shall, upon request, make a written report to the Council and interested department heads, giving his opinion on all contracts, documents, resolutions, or ordinances submitted to him or coming under his notice.
(Code of Iowa, 1981, Sec. 372.13 [4])

1-4.0306 OPINION ON CONTRACTS. The City attorney shall, at the request of the Council, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City.
(Code of Iowa, 1981, Sec. 372.13 [4])

1-4.0307 PROVIDE LEGAL OPINION. The City attorney shall, upon request, give his legal opinion in writing upon all questions of law relating to City matters

submitted by the Council, any board or the head of any City department.
(Code of Iowa, 1981, Sec. 372.13 [4])

1-4.0308 ATTENDANCE AT COUNCIL MEETINGS. The City attorney shall attend meetings of the Council at the request of the Mayor or Council.
(Code of Iowa, 1981, Sec. 372.13 [4])

1-4.0309 PREPARE DOCUMENTS. The City attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.
(Code of Iowa, 1981, Sec. 372.13 [4])

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4- ADMINISTRATION

ARTICLE 4
POLICE DEPARTMENT

1-4.0401 POLICE DEPARTMENT. In lieu of the establishment of a Police Department, the Council has contracted with the Story County Sheriff for the provision of law enforcement services within the City. Until and unless such contract is terminated by City the Story County Sheriff, shall have and exercise the powers and duties of a Police Department for the City of Gilbert. For the purposes of this Code and all relevant provisions of the Code of Iowa, the terms Police Chief, Marshall, and Police Officer shall refer to duly authorized members of the Story County Sheriff's Department. The term Peace Officer shall refer to any person authorized pursuant to Iowa State Law to act as such. (Code of Iowa, Sec. 28E)

2-4.0102 SECTIONS RESERVED. This and all following sections of this article are reserved for the possible future establishment of a Gilbert Police Department.

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 1
PUBLIC PEACE

2-1.0101 ASSAULT. No person shall, without justification do any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which 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 which 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])
3. Dangerous Weapon. Intentionally point any firearm toward another, or display in a threatening manner any dangerous weapon toward another.
(Code of Iowa, Sec. 708.1 [3])
4. Exceptions. Provided, that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act shall not be an assault.
(Code of Iowa, Sec. 708.1)

2-1.0102 WILLFUL INJURY. No person shall do any act which is not justified and which is intended to cause and does cause serious injury to another.
(Code of Iowa, Sec. 708.4)

2-1.0103 HARASSMENT. No person shall with intent to intimidate, annoy or alarm another person, do any of the following:

1. Communications. Communicate with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.
(Code of Iowa, Sec. 708.7 [1a])
2. Simulated Explosive. Place any simulated explosive or 4110 simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by such person.
(Code of Iowa, Sec. 708.7 [1b])

3. Merchandise or Services. Order 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 [lc])
4. False Reports. Report or cause 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[1d])

2-1.0104 WILLFUL DISTURBANCE. No person shall willfully disturb any deliberative body or agency of the state or subdivision thereof with the purpose of disrupting the functioning of such body or agency by tumultuous behavior, or coercing by force or the threat of force any official conduct or proceeding. (Code of Iowa, Sec. 718.3)

2-1.0105 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 which 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 which 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 a public offense. (Code of Iowa, Sec. 723.4 [6])

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])

2-1.0106 RIOT. It shall be unlawful for three (3) or more persons to assemble together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them or any of them against another person, or causing property damage. No person shall willingly join in or remain part of a riot, knowing or having reasonable grounds to believe that it is such.

(Code of Iowa, Sec. 723.1)

2-1.0107 UNLAWFUL ASSEMBLY. It shall be unlawful for three (3) 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)

2-1.0108 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)

2-1.0109 TERRORISM. No person shall shoot, throw, launch, or discharge a dangerous weapon at or into any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person, and thereby place the occupants thereof in reasonable apprehension of serious injury.

(Code of Iowa, Sec. 708.6[1])

2-1.0110 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "Parade" Defined. Parade shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor. Such permit shall state the time and date for the parade to be held and the streets or general route therefore. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not a Street Obstruction. Any parade for which a permit shall have been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control by Police and Firemen. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of the members of the police and fire departments.

2-1.0111 STALKING. No person shall, on more than one occasion, willfully follow, pursue or harass another person and, ill while doing so and without legitimate purpose, make a credible threat against the other person.

(Code of Iowa, Sec. 708.11)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 2
PUBLIC MORALS

2-1.0201 PROSTITUTION. No person shall sell or offer for sale his or her services as a partner in a sex act, or purchase or offer to purchase such services.

(Code of Iowa, 1981, Sec. 725.1)

2-1.0202 PIMPING. No person shall solicit a patron for a prostitute, or knowingly take or share in the earnings of a prostitute, or knowingly furnish a room or other place to be used for the purpose of prostitution, whether for compensation or not.

(Code of Iowa, 1981, Sec. 725.2)

2-1.0203 PANDERING. No person shall persuade or arrange knowingly for another to become an inmate of a brothel, or to become a prostitute, such person not having previously engaged in prostitution, or to return to the practice of prostitution after having abandoned it, or keep or maintain a brothel or take a share in the income from a brothel.

(Code of Iowa, 1981, Sec. 725.3)

2-1.0204 LEASING PREMISES FOR PROSTITUTION. No person shall rent or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, when such person knows, or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such prostitution in such place.

(Code of Iowa, 1981, Sec. 725.4)

2-1.0205 INDECENT EXPOSURE. No person shall expose his or her genitals or pubes to another not his or her spouse, or commit a sex act in the presence of or view of a third person, if:

1. Sexual Desire. The person does so to arouse or satisfy the sexual desires of either party; and
2. Offensive. The person knows or reasonably should know that his act is offensive to the viewer.

(Code of Iowa, 1981, Sec. 709.9)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 3
PUBLIC HEALTH AND SAFETY

2-1.0301 SPITTING. It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

2-1.0302 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

2-1.0303 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, 1981, Sec. 727.1)

2-1.0304 FIREWORKS. The sale, use or exploding of fireworks within the City shall be subject to the following:

1. Definition. The term "fireworks" shall mean and include 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 shall include blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance.

(Code of Iowa, 1981, Sec. 727.2)

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

- a. Personal Injury: \$ 250,000.00 per person.

b. Property Damage: \$ 50,000.00

c. Total Exposure: \$ 1,000,000.00
(Code of Iowa, 1981, Sec. 727.2)

- 3. Exceptions. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
(Code of Iowa, 1981, Sec. 727.2)

2-1.0305 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES.

No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.
(Code of Iowa, 1981, Sec. 718.6)

2-1.0306 FALSE REPORTS OF DESTRUCTIVE SUBSTANCE.

No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered.
(Code of Iowa, 1981, Sec. 712.7)

2-1.0307 IMPERSONATING A PUBLIC OFFICIAL.

No person shall falsely hold himself or herself out or assume to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the state or any sub-division thereof, having no authority to do so.
(Code of Iowa, 1981, Sec. 718.2)

2-1.0308 INTERFERENCE WITH OFFICIAL ACTS.

No person shall knowingly resist or obstruct anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, 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.
(Code of Iowa, 1981, Sec. 719.1)

2-1.0309 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, 1981, Sec. 719.2)

2-1.0310 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, 1981, Sec. 718.4)

2-1.0311 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, 1981, Sec. 727.3)

2-1.0312 RECKLESS USE OF FIRE OR EXPLOSIVES. No person shall so use fire or any incendiary or explosive device or material as to recklessly endanger the property or safety of another.

(Code of Iowa, 1981, Sec. 712.5)

2-1.0313 BOMB THREATS. No person shall threaten to place or attempt to place any incendiary or explosive device or material, or any destructive substance or device in any place where it will endanger persons or property.

(Code of Iowa, 1981, Sec. 712.8)

2-1.0314 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

(Code of Iowa, 1981, Sec. 364.12 [2])

2-1.0315 BARBED WIRE. It shall be unlawful for a person to use barbed wire to enclose land within the City limits without the consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

2-1.0316 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the City limits except by authorization of the Council.

2-1.0317 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place, except when under proper supervision of persons authorized by the Council.

(Code of Iowa, 1981, Sec. 364.12 [2])

2-1.0318 CARRYING WEAPONS No person shall go armed with a dangerous weapon concealed on or about his person, or shall, within the limits of the City, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or

not, or shall knowingly carry or transport in a vehicle a pistol or revolver, provided that this section shall not apply to any of the following:

(Code of Iowa, 1981, Sec. 724.4)

1. Own Premises. A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person.
(Code of Iowa, 1981, Sec. 724.4[1])
2. Peace Officer. Any peace officer, when his or her duties require the person to carry such weapons.
(Code of Iowa, 1981, Sec. 724.4[2])
3. Armed Forces. Any member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with his or her duties as such.
(Code of Iowa, 1981, Sec. 724.4[3])
4. Within Container. Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.
(Code of Iowa, 1981, Sec. 724.4[5])
5. Within Vehicle. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.
(Code of Iowa, 1981, Sec. 724.4[6])
6. Target Practice. Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while engaged in lawful hunting for game in any place designated by local law as a hunting area. (Code of Iowa, Sec. 724.4[7])
7. Valid Permit. Any person who has in his or her possession and who displays to any peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that Permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.
(Code of Iowa, Sec. 724.4[8])
8. Correctional Officer. Any correctional officer, when is or her duties require,

serving under the authority of the division of adult corrections.
(Code of Iowa, Sec. 724.4[4])

2-1.0319 STORAGE AND USE OF EXPLOSIVES. No person shall purchase, possess, transport, store, or detonate explosive materials without first obtaining a use permit from the County sheriff except when the explosives are possessed for the sole purpose of transporting them through the City.
(Code of Iowa, Sec. 101A.3)

2-1.0320 URINATING IN PUBLIC. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto the floor, hallway, steps, stairway, doorway or window of any public building or any privately owned building open to the public.

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 4
PUBLIC PROPERTY

2-1.0401 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.
(Code of Iowa, 1981, Sec. 364.1, 364.12 [2])

2-1.0402 INJURING NEW PAVEMENT. It shall be unlawful for a person to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.
(Code of Iowa, 1981, Sec. 364.12)

2-1.0403 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.
(Code of Iowa, 1981, Sec. 364.12 [2])

2-1.0404 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this 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, 1981, Sec. 716.1)

2-1.0405 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.
(Code of Iowa, 1981, Sec. 716.1)

2-1.0406 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any electric railway or apparatus belonging thereto; or any bridge, rail or plank road; or place, or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the

wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with, or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, 1981, Sec. 716.1)

2-1.0407 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, court house, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.

(Code of Iowa, 1981, Sec. 716.1)

2-1.0408 OBSTRUCTING DRAINAGE. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.

(Code of Iowa, 1981, Sec. 716.1)

2-1.0409 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, 1981, Sec. 716.1)

2-1.0410 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful.

(Code of Iowa, 1981, Sec. 716.1)

2-1.0411 UNAUTHORIZED ENTRY. No person shall enter any public building or public enclosure unless authorized to do so. An entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public.

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 5
PRIVATE PROPERTY

2-1.0501 TRESPASSING PROHIBITED. It shall be unlawful for a person to commit one or more of the following acts:

1. Enter Property Without Permission. Enter upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate. (Code of Iowa, Sec. 716.7 [2a])
2. Vacate Property When Requested. 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. For purposes of this section, "being notified" includes the posting in a conspicuous place of hours during which such property is open or closed for public access. (Code of Iowa, Sec. 716.7 [2b])
3. Interfere with Lawful Use of Property. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others. (Code of Iowa, Sec. 716.7 [2c])
4. Use of Property Without Permission. Be upon or in property and wrongfully use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession. (Code of Iowa, Sec. 716.7 [2d])
5. Retrieving Property. None of the above shall be construed to prohibit 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.

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

2-1.0502 ELECTRONIC AND MECHANICAL EAVESDROPPING. No person, having no right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record, or otherwise intercept a conversation or communication of any kind; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

(Code of Iowa, Sec. 727.8)

2-1.0503 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.

(Code of Iowa, Sec. 716.1)

2-1.0504 THEFT. No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.

(Code of Iowa, Sec. 714.1 [1])

2-1.0505 THEFT OF UTILITY SERVICES. No person shall obtain gas, electricity or water from a public utility or obtain cable television service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.

(Code of Iowa, Sec. 714.1 [7])

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 1
GENERAL PROVISIONS

2-2.0101 TITLE. This chapter may be known and cited as the "Gilbert Traffic Code".

2-2.0102 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "Park or Parking": shall mean 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.
2. "Stand or Standing": shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
3. "Stop": shall mean when required, the complete cessation of movement.
4. "Stop or Stopping": shall mean, 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.
5. "Business District": shall mean the territory contiguous to and including a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business. (Code of Iowa, Sec. 321.1 [7])
6. "Residence District": shall mean the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty (40) percent or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business. (Code of Iowa, Sec. 321.1 [63])
7. "School District": shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house. (Code of Iowa, Sec. 321.1 [70])

- 8 "Suburban District": shall mean all other parts of the City not included in the business, school or residence districts.
(Code of Iowa, Sec. 321.1 [79])
9. "Peace Officer": shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
(Code of Iowa, Sec. 321.1 [50])
10. "Traffic Control Device": shall mean 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": shall mean any vehicle in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.
(Code of Iowa, Sec. 321.1 [90])
12. "All-terrain Vehicle": shall mean a motor vehicle designed to travel on three or more wheels and designed primarily for off-road use but not including farm tractors, construction equipment, forestry vehicles or lawn and grounds maintenance vehicles.

2-2.0103 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the Chief of Police.
(Code of Iowa, Sec. 372.13 [4])

2-2.0104 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency traffic may be directed as conditions require notwithstanding the provisions of the traffic laws.

2-2.0105 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Public Safety. 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 & 321.274)

2-2.0106 INVESTIGATION OF TRAFFIC ACCIDENTS. The Chief of Police shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.
(Code of Iowa, Sec. 372.13 [4])

2-2.0107 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, the Chief of Police shall conduct studies of such accidents and propose remedial measures.
(Code of Iowa, Sec. 372.13 [4])

2-2.0108 FILES MAINTAINED. The Chief of Police shall maintain, or have access to, a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three (3) year period. Such reports shall be filed alphabetically under the name of the driver concerned.
(Code of Iowa, Sec. 372.13 [4])

2-2.0109 HABITUAL TRAFFIC VIOLATORS. The Chief of Police shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.
(Code of Iowa, Sec. 321.201-321.215)

2-2.0110 ANNUAL SAFETY REPORTS. The Chief of Police shall prepare annually a traffic report which shall be filed with the Mayor and Council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including plans and recommendations for future traffic safety activities.
(Code of Iowa, Sec. 372.13 [4])

2-2.0111 PEACE OFFICERS' AUTHORITY. Any peace officer is authorized to stop any vehicle to require exhibition of the driver's operator or chauffeur license, 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, 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.
(Code of Iowa, Sec. 321.492)

2-2.0112 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)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 2
TRAFFIC CONTROL DEVICES

2-2.0201 INSTALLATION. The Chief of Police shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this City to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this City or under state law, or to guide or warn traffic. He shall keep a record of all such traffic control devices.

(Code of Iowa, 1981, Sec. 321.254 & 321.255)

2-2.0202 CROSSWALKS. The Chief of Police is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, 1981, Sec. 372.13[4] & 321.255)

2-2.0203 TRAFFIC LANES. The Chief of Police is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, 1981, Sec. 372.1314) & 321.2.5)

2-2.0204 STANDARDS. Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, 1981, Sec. 321.255)

2-2.0205 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.

(Code of Iowa, 1981, Sec. 321.256)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 2 — TRAFFIC CODE

ARTICLE 3
GENERAL REGULATIONS

2-2.0301 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. Display of Registration and License to Drive: 321.32, 321.37, 321.38, 321.79, 321.98, 321.174, 321.174A, 321.180, 321.180B, 321.193, 321.194, 321.216, 321.216B and 321.219 through 321.224.
2. All Terrain Vehicles, Golf Carts and Bicycles to Obey Traffic Regulations, Radar Jamming Devices, Road Workers: 321.232 through 321.234A and 321.247.
3. Traffic Signs, Signals and Markings: 321.259 and 321.260.
4. Accidents and Accident Reporting: 321.262 through 321.265.
5. Operation of Motorcycles and Motorized Bicycles: 321.275.
6. Drag Racing, Speed and Control of Vehicle: 321.277, 321.278, 321.285, 321.288, 321.295, 321.382 and 321.383.
7. Turning and Starting, Signals on Turning and Stopping: 321.312 through 321.317.
8. Right-of-Way: 321.319 through 321.324.
9. Pedestrian Rights and Duties and Safety Zones: 321.329, 321.330, 321.332, 321.333 and 321.340.
10. Railroad Crossings: 321.341 through 321.344.
11. Stopping, Standing, Parking: 321.354 and 321.359.
12. Unattended Vehicle, Obstructing Driver's View, Crossing Median, Following Fire Apparatus, or Crossing Fire Hose, and Putting Glass, Etc., on Streets: 321.362 through 321.371.
13. School Buses: 321.372.

14. Lighting Equipment Required and Time of Use: 321.384 through 321.390, 321.392 through 321.395, 321.398, 321.402 through 321.406, 321.408, 321.409, 321.415, 321.417 through 321.423. In accordance with authorization granted by Section 321.395, Code of Iowa, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from City street lights to reveal any person or object within a distance of five hundred (500) feet upon such street.
15. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.434; 321.436 through 321.442; 321.444 through 321.446, 321.449 and 321.450.
16. Size, Weight and Load: 321.454 through 321.458, 321.460 through 321.463, 321.465 and 321.466.
17. Unsafe Vehicles: 321.381.

2-2.0302 PLAY STREETS DESIGNATED. The Chief of Police 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)

2-2.0303 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

2-2.0304 CLINGING TO VEHICLES. 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 shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

2-2.0305 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, by-pass or similar device.

(Code of Iowa, Sec. 321.436)

2-2.0306 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.

2-2.0307 SCHOOL BUSES. The following school bus safety regulations shall apply within the City:

1. **Signals.** The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the City, turn on the flashing warning lamps at a distance of not less than three hundred (300) feet, nor more than five hundred (500) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing warning lamps, retract the stop arm and then proceed on the route. Except to the extent that reduced visibility is caused by fog, snow or weather conditions, a school bus shall not stop to load or unload pupils unless there is at least three hundred (300) feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway. A school bus, when operating on a highway with four or more lanes, shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils who must cross the highway may do so at points where there are official traffic control devices or police officers.
(Code of Iowa, Sec. 321.372[1])
2. **Lights On.** The driver of a school bus shall, while carrying passengers, have its headlights turned on.
(Code of Iowa, Sec. 321.372 [1])
3. **Discharging Pupils.** All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.
(Code of Iowa, Sec. 321.372 [2])
4. **Passing Prohibited.** The driver of any vehicle over-taking a school bus shall not pass a school bus when red or amber flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen (15) feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed.
(Code of Iowa, Sec. 321.372 [3])

5. Stop when Meeting. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when school bus stops and signal arm is extended and said vehicle shall remain stopped until the stop arm is retracted after which driver may proceed with due caution.

(Code of Iowa, Sec. 321.372 [3])

6. Multi-lane Roads. The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.

(Code of Iowa, 321.372 [4])

2-2.0308 FUNERAL OR OTHER PROCESSIONS. The following regulations shall apply to funeral or other processions within the City:

1. Identified. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Chief of Police.

(Code of Iowa, Sec. 321.236 [3])

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

(Code of Iowa, Sec. 321.236 [3])

3. Interrupting Procession. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or peace officers.

(Code of Iowa, Sec. 321.236 [3])

2-2.0309 TAMPERING WITH VEHICLE. Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a misdemeanor punishable as provided in Section 321.482 of the Code of Iowa.

2-2.0310 ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VEHICLE. No driver of a motor vehicle shall willfully fail to bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual or audible signal to stop and in doing so exceed the speed limit by twenty-five

(25) miles per hour or more. The signal given by the peace officer shall be by flashing red light or siren.

(Code of Iowa, Sec. 321.279)

2-2.0311 TRAFFIC OBSTRUCTION. Any person operating any vehicle who, contributes to traffic congestion by traveling upon a particular street with such frequency and in such a manner as to indicate an aimless route of travel with no immediate destination, is guilty of traffic obstruction.

2-2.0312 ALL-TERRAIN VEHICLES. All-terrain vehicles shall be operated on a street or highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. A person operating an all-terrain vehicle on a highway shall have a valid operator's license and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, be day-glow in color, and shall be in lieu of the reflective equipment required by Section 321.383 of the Code of Iowa.

2-2.0313 MILLING. It shall be 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.

2-2.0314 EXCESSIVE ACCELERATION. It shall be 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 skid marks on the pavement, or to cause the wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

2-2.0315 SQUEALING 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.

2-2.0316 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

(Code of Iowa, Sec. 321.277A)

2-2.0317 OPEN CONTAINERS IN MOTOR VEHICLES. The following regulations apply to open containers in motor vehicles:

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.
(Code of Iowa, Sec. 321.284)
2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.
(Code of Iowa, Sec. 321.284A)
3. As used in this section "passenger area" means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
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ARTICLE 4
SPEED REGULATIONS

2-2.0401 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 him 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, 1981, Sec. 321.285)

2-2.0402 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1981, Sec. 321.285 [1])

2-2.0403 RESIDENCE OR SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1981, Sec. 321.285 [2])

2-2.0404 SUBURBAN DISTRICT. A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1981, Sec. 321.285 (41))

2-2.0405 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1981, Sec. 321.236 [5])

2-2.0406 MINIMUM SPEED. No person shall 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, 1981, Sec. 321.294)

2-2.0407 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the driver's thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the

safety of others.

(Code of Iowa, 1981, Sec. 321.231)

2-2.0408 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth 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 thereat.

(Code of Iowa, 1981, Sec. 321.290)

2-2.0409 SPECIAL SPEED ZONES. The following special speed zones are established:

1. On East Mathews Drive, from the east corporate limit to the west line of Gretten Street, the maximum speed limit shall be 25 miles per hour.
2. On Park Avenue, from Ammerman Street southerly and westerly to its terminus and within the parking lot area, the maximum speed limit shall be 15 miles per hour.

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
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ARTICLE 5
TURNING REGULATIONS

2-2.0501 **AUTHORITY TO MARK.** The Chief of Police may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.
(Code of Iowa, 1981, Sec. 321.311)

2-2.0502 **"U" TURNS.** It shall be unlawful for a driver to make a "U" turn except at an intersection provided, however, that "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.
(Code of Iowa, 1981, Sec. 321.255)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
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ARTICLE 6
STOP OR YIELD REQUIREMENTS

2-2.0601 THROUGH STREETS — STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this article before entering an intersection with the following designated through streets:

1. Mathews Drive, within the City.
2. Gretten Street, within the City.
3. Main Street.

(Code of Iowa, Sec. 321.345)

2-2.0602 SPECIAL STOPS REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

1. Ammerman Street. (a) Vehicles traveling north on Ammerman Street shall stop at Mathews Drive. (b) Vehicles traveling south on Ammerman Street shall stop at Park Avenue.
2. Ashton Street. Vehicles traveling west on Ashton Street shall stop at Jensen Street.
3. Banford Park. Vehicles exiting Banford Park shall stop at Prairie View Drive.
4. Christian Petersen Avenue. Vehicles traveling east on Christian Petersen Avenue shall stop at School Street.
5. First Street. Vehicles traveling on First Street shall stop at Dunn Street.
6. Gretten Street. (a) Vehicles traveling north on Gretten Street shall stop at Mathews Drive. (b) Vehicles traveling south on Gretten Street shall stop at Mathews Drive. (c) Vehicles traveling north on Gretten Street shall stop at the Middle School driveway. (d) Vehicles traveling south on Gretten Street shall stop at the Middle School driveway. (e) Vehicles traveling north on Gretten Street shall stop at the High School driveway. (f) Vehicles traveling south on Gretten Street shall stop at the High School driveway.
7. Hall Street. (a) Vehicles traveling on Hall Street shall stop at First Street. (b) Vehicles traveling on Hall Street shall stop at Second Street.
8. Harriman Street. Vehicles traveling west on Harriman Street shall stop at

School Street.

9. Jensen Street. Vehicles traveling north on Jensen Street shall stop at Rothmoor Drive.
 10. Mathews Drive. (a) Vehicles traveling east on Mathews Drive shall stop at Gretten Street. (b) Vehicles traveling west on Mathews Drive shall stop at Gretten Street.
 11. Rothmoor Drive. (a) Vehicles traveling on Rothmoor Drive shall stop at Jensen Street. (b) Vehicles traveling east on Rothmoor Drive shall stop at School Street.
 12. School Driveways. (a) Vehicles traveling east on the two Elementary School driveways shall stop at Rothmoor Drive. (b) Vehicles exiting the High School driveways shall stop at Gretten Street and Mathews Drive. (c) Vehicles exiting the Middle School driveways shall stop at Mathews Drive and Gretten Street.
 13. School Street. Vehicles traveling south on School Street shall stop at Prairie View Drive.
 14. South Second Street. Vehicles traveling west on South Second Street shall stop at School Street.
 15. Stanley Drive. Vehicles traveling west on Stanley Drive shall stop at Rothmoor Drive.
 16. Thompson Avenue. Vehicles traveling east on Thompson Avenue shall stop at School Street.
 17. Upstill Drive. (a) Vehicles traveling north on Upstill Drive shall stop at Christian Petersen Avenue. (b) Vehicles traveling south on Upstill Drive shall stop at Prairie View Drive.
- (Code of Iowa, Sec. 321.345)

2-2.0603 THREE-WAY STOP INTERSECTION. Every driver of a vehicle shall stop before entering the following designated 3-way stop intersection:

1. Intersection of Mathews Drive and Rothmoor Drive.
2. Intersection of Prairie View Drive and Gretten Street.

2-2.0604 SCHOOL STOPS. The following regulations shall apply at school crossing zones and stops:

- 1 At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten 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 having passed through

such school crossing zone:

- a. On Mathews Drive at the intersection with Dunn Street and Ammerman Street.
 - b. On Rothmoor Drive at the intersection with Jensen Street.
- 2 School stops shall be marked by movable or collapsible stop signs. The Mayor shall, in the Mayor's discretion and in cooperation with school officials, designate one or more adult persons who shall have the responsibility to erect, assemble, place, collapse or remove the school zone stop signs and the dates and times such stop signs shall be in place for the maximum protection of pedestrians traveling to or from a school.
- 3 It shall not be a defense to a charge of violating this section:
- a. that no pedestrian was present, or
 - b. that the stop signs were in place at times not designated or not during school hours, or
 - c. by persons not designated.

2-2.0605 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 he shall proceed into the sidewalk area only when he can do so without danger to pedestrian traffic and he shall yield the right-of-way to any vehicular traffic on the street into which his vehicle is entering.

(Code of Iowa, Sec. 321.353)

2-2.0606 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 he is operating.

2-2.0607 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 so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.32 7)

2-2.0608 YIELDS REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

1. First Street. Vehicles traveling west on First Street shall yield at Dana Street.
2. Dana Street. Vehicles traveling north on Dana Street shall yield at Second

Street.
(Code of Iowa, Sec. 321.345)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 7
LOAD AND WEIGHT RESTRICTIONS

2-2.0701 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, 1981, Sec. 321.471 & 472)

2-2.0702 PERMITS FOR EXCESS SIZE AND WEIGHT. The Chief of Police may, upon application in writing and good cause being shown therefore, 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 City ordinance over those streets named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, 1981, Sec. 321.473 & 321E.1)

2-2.0703 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 following streets or parts of streets:

(Code of Iowa, 1981, Sec. 321.473 & 475)

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ARTICLE 8
PEDESTRIANS

2-2.0801 USE OF SIDEWALKS. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

2-2.0802 WALKING IN STREET. Where sidewalks are not provided pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, 1981, Sec. 321.326)

2-2.0803 HITCH HIKING. 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, 1981, Sec. 321.331)

2-2.0804 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, 1981, Sec. 321.328)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
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ARTICLE 9
ONE-WAY TRAFFIC

2-2.0901 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross-traffic, shall move only in the indicated direction when appropriate signs are in place.
(Code of Iowa, 1981, Sec. 321.236 [41])

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 10
PARKING REGULATIONS

2-2.1001 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.
(Code of Iowa, 1981, Sec. 321.361)

2-2.1002 PARK ADJACENT TO CURB: ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.
(Code of Iowa, 1981, Sec. 321.361)

2-2.1003 DIAGONAL PARKING. Angle or diagonal parking shall be permitted only in the following locations:

Main Street, on the west side, from Mathews Street to Second Street.

(Code of Iowa, 1981, Sec. 321.361)

2-2.1004 ANGLE PARKING: MANNER. Upon those streets or portions of streets which 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 as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.
(Code of Iowa, 1981, Sec. 321.361)

2-2.1005 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes:

1. Sale. Displaying such vehicle for sale.
2. Repairing. For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying or advertising.

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.
5. Storage. Storage or as junkage or dead storage for more than forty-eight (48) hours.

(Code of Iowa, 1981, Sec. 321.236 [1])

2-2.1006 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 at an intersection.
(Code of Iowa, 1981, Sec. 321.236 [1] & 321.358 [5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, 1981, Sec. 321.236 [1])
3. Mailboxes. Within fifteen (15) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, 1981, Sec. 321.236 [11])
4. Sidewalks. On or across a sidewalk. (Code of Iowa, 1981, Sec. 321.358 [11])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, 1981, Sec. 321.358 [21])
6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, 1981, Sec. 321.358 [31])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, 1981, Sec. 321.358 [41])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, 1981, Sec. 321.358 [6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, 1981, Sec. 321.358 [8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, 1981, 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, 1981, 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, 1981, 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 Chief of Police may cause curbings to be painted with a yellow color and erect no parking or standing signs. (Code of Iowa, 1981, Sec. 321.358 [13])
14. Theatres, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, Auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxi-cab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose. (Code of Iowa, Sec. 321.360)
15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services. (Code of Iowa, Sec. 321.236[1])

2-2.1007 HANDICAPPED PARKING. The following regulations shall apply to the establishment and use of handicapped parking spaces:

1. Nonresidential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide ten (10) or more parking spaces shall set aside handicapped parking spaces in accordance with the following: (Code of Iowa, Sec. 104A.7)
 - a. Municipal off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent (2%) of the total parking spaces in each parking facility as handicapped parking spaces, rounded to the nearest

whole number of handicapped parking spaces. However, such parking facilities having ten (10) or more parking spaces shall set aside at least one handicapped parking space.

- b. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing handicapped parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for handicapped parking spaces in a facility exceeds sixty percent (60%) during normal business hours, the entity shall provide additional handicapped parking spaces as needed.
- c. An entity providing off-street nonresidential parking as a lessor shall provide a handicapped parking space to an individual requesting to lease a parking space, if that individual possesses a handicapped parking permit issued in accordance with Section 321L.2 of the Code of Iowa. (Code of Iowa, Sec. 321L.5[3c])
- d. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide handicapped parking spaces as stipulated below:

TOTAL PARKING SPACE IN LOT REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES

10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1001 and over.....	**

* TWO PERCENT (2%) OF TOTAL

** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000 (Code of Iowa, Sec. 321L.5)

- 2. Residential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, which are residences, excluding condominiums as defined in Chapter 499B, Code of Iowa, and which provide ten (10) or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space for each individual dwelling

unit in which a handicapped person resides.
(Code of Iowa, Sec. 104A.7)

3. Business District. With respect to any on-street parking areas provided by the City within the business district, not less than two percent (2%) of the total parking spaces within each business district shall be designated as handicapped parking spaces.

(Code of Iowa, Sec. 321L.5[44])

4. Other Spaces. Any other person may set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space.

(Code of Iowa, Sec. 321L.5[3eD])

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

- a. Use by a motor vehicle not displaying a handicapped parking permit;
- b. Use by a motor vehicle displaying a handicapped parking permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly and the persons being so transported in a vehicle displaying a removable windshield placard in accordance with Section 321L.2[lb] of the Code of Iowa);

- c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

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

2-2.1008 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.

1. Shephard Street, on either side from Second Street south a distance of 350 feet.
2. Rothmoor Drive, on the north and east sides.
3. Jensen Street, on the east side.
4. Ashton Street, on the south side.
5. School Street, on both sides, from Mathews Drive to 100 feet south.
6. On the south sides of Thompson Avenue and Second Street and on the south and east side of Stanley Drive.

7. On the north side of Second Street from Shepard Street to Jordison Street.
8. On the south side of First Street west of Dunn Street.
9. On both the east and west sides of Shepard Street.
10. On the east sides of Dana Street, Jordison Street, School Street and Gretten Street.
11. On the south and west sides of Ashton Street and on the north side of Christian Petersen Avenue.
12. On the north side of Thompson Avenue for a distance of 68 feet from School Street.
13. On the east and west sides of Ammerman Street.
14. On Park Avenue, on the north side, from Rothmoor Drive for a distance of 625 feet west.
15. On Stanley Drive, on the west side, from Mathews Drive for a distance of 88 feet south, and on the west and north sides from a point 215 feet south of Mathews Drive for a distance of 80 feet along, the arc south and west for a distance of 80 feet.
16. On Gretten Street, on both sides.
17. On Prairie View Drive, on the south side.
18. On Upstill Drive, on the east side.
19. On Christian Petersen Drive, on the north and west sides.
20. On Ammerman Street, on the east side during school hours.
21. On Park Avenue, on both sides from Ammerman to the city parking lot (approximately 810 feet.)
(Code of Iowa, Sec. 321.236 [1.1])

2.-2.1009 SNOW REMOVAL. No person shall park, stand, abandon or leave, whether occupied or not, any vehicle on any public street or alley during any snowfall and for twenty -four (24) hours following cessation of snowfall, except temporarily for the purpose of and while actually engaged in the loading and unloading of passengers and merchandise.

2.-2.1010 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the Code of Ordinances any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it is the duty of the Mayor to erect

or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.256)

2-2.1011 FIVE MINUTE PARKING. It is unlawful to park any vehicle for a continuous period of more than five (5) minutes upon the following designated streets:

[Reserved for future use].

2-2.1012 NON-TRAVELED AREAS. Unless specifically authorized, the parking of vehicles on the “parking,” sidewalks, driveway aprons, or other unsurfaced or non-traveled portions of the street right-of-way is prohibited.

1. Notwithstanding the above provisions of this section and notwithstanding sections 2-2.1008 and 2-2.1010, parking shall be permitted within the parking area (non-traveled portion) of the right-of-way, regardless of “No Parking” signage, as follows:

- a. On Shepard Street, east side and west side, between Mathews Drive and Second Street.
- b. On Dana Street, east side and west side, between Mathews Drive and Second Street.
- c. On Jordison Street, east side and west side, between Mathews Drive and Second Street.
- d. On First Street, north side and south side, between Dana Street and Main Street.
- e. On Second Street, north side and south side, between Shepard Street and Main Street.

**TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE****ARTICLE 11
ENFORCEMENT PROCEDURES**

2-2.1101 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. Immediate Arrest. Immediately arrest such person and take him 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 and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6, 321.485)

2-2.1102 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of ten dollars (\$10.00) for all violations except snow route parking violations and improper use of a handicapped parking permit. If such fine is not paid within thirty (30) days, it shall be increased to twenty dollars (\$20.00). The simple notice of a fine for snow route parking violations is twenty-five dollars (\$25.00), and the simple notice of a fine for improper use of a handicapped parking permit is one hundred dollars (\$100.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Code of Iowa, Sec. 321.236 [1a] & 321L.4[2])

2-2.1103 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

2-2.1104 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 this chapter, and
2. Registered Owner. The defendant named in the information was the registered

owner at the time in question.

2-2.1105 IMPOUNDING VEHICLES. A police 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 upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
(Code of Iowa, Sec. 321.236 [1])
2. Illegally Parked Vehicle. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
(Code of Iowa, 1981, 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 Forty-eight Hour Period. When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found he shall be given an opportunity to remove the vehicle.
(Code of Iowa, 1981, Sec. 321.236 [1])
5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.
(Code of Iowa, 1981, Sec. 321.236 [1])

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 3 - BEER, LIQUOR & WINE CONTROL

ARTICLE 1
ALCOHOL CONSUMPTION AND INTOXICATION

2-3.0101 PERSONS UNDER LEGAL AGE. As used in this section, "legal age" means twenty-one (21) years of age or more.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under legal age.

(Code of Iowa, Sec. 123.47[1])

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

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

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

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

2-3.0102 PUBLIC CONSUMPTION OR INTOXICATION. The following provisions shall control the public consumption of alcoholic beverages.

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 which provides teaching for any grade from kindergarten through grade twelve.
2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.
 3. 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)

TITLE II - COMMUNITY PROTECTION AND LAW ENFORCEMENT
CHAPTER 3 - BEER, LIQUOR & WINE CONTROL

ARTICLE 2
LIQUOR LICENSES AND WINE AND BEER PERMITS

2-3.0201 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.
(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

2-3.0202 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 for a violation thereof.
(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

2-3.0203 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit by the Clerk, it shall be forwarded to the Police Chief, who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the Council as to the approval of the license or permit. It is the duty of the Fire Chief to inspect the premises to determine if they conform to the requirements of the City, and no license or permit shall be approved until or unless an approving report has been filed with the Council by such officers.
(Code of Iowa, Sec. 123.30)

2-3.0204 ACTION BY COUNCIL. The Council shall either approve or disapprove an application. Action taken by the Council shall be so endorsed on the application and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.
(Code of Iowa, Sec. 123.32 [2])

2-3.0205 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (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 eight o'clock (8:00) a.m. on Sunday and two o'clock (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 eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.
(Code of Iowa, Sec. 123.49 (2b and 2k) & 123.150)
3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.
(Code of Iowa, Sec. 123.49 [2C])
4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.
(Code of Iowa, Sec. 123.49 [V])
5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.
(Code of Iowa, Sec. 123.49)6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
(Code of Iowa, Sec. 123.49 [2a])
7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.
(Code of Iowa, Sec. 123.49 [2j])
8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.
(Code of Iowa, Sec. 123.49 [24])

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 which has been reused or adulterated.
(Code of Iowa, Sec. 123.49 [2e])
10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting, of such beverages, except as allowed by State law.
Code of Iowa, Sec. 123.49 [2g1)
11. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving, of prepared foods. This provision does not apply to holders of a class "C" beer permit only.

TITLE III – STREET REGULATIONS
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 1
GENERAL PROVISIONS

3-1.0101 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.
(Code of Iowa, 1981, Sec. 716.1)

3-1.0102 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.
(Code of Iowa, 1981, Sec. 716.1)

3-1.0103 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.
(Code of Iowa, 1981, Sec. 321.369)

3-1.0104 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways, except in the areas blocked off by the Chief of Police for such purposes.
(Code of Iowa, 1981, Sec. 364.12 [2])

3-1.0105 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way 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.

3-1.0106 PARKING ON THE PARKINGS. For use in this article "Parkings" means the area of the street right of way that is adjacent to and parallel to the paved, or traveled, portion of the right of way. Parkings may be that area between the sidewalks and the traveled portion of the street, in areas where there are sidewalks.

1. Parking in the parkings shall be prohibited anywhere there is curb and gutter as part of the street.

2. Parking on the parkings shall be prohibited anywhere on Mathews Drive except on the north side of Mathews Drive in the C-1 Commercial District from the west side of Hall Street to the east side of Main Street and except on the south side of Mathews Drive in front of the Church at 308 Mathews Drive.

3-1.0107 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

3-1.0108 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street 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 shall not be construed to prevent any person from washing or cleaning his own vehicle or equipment when it is lawfully parked in the street.

3-1.0109 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.

3-1.0110 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or other portion within the street right-of-way unless such person shall first obtain a permit therefore as hereinafter provided or as provided in other sections of the Code of Ordinances.

1. Application. Before such permit shall be granted, the person shall file with the City a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades and Lighting. Adequate barricades 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 or warning lights shall be paid to the City by the permit holder.
4. Bond Required. The applicant shall post with the City a penal bond in the sum of ten thousand (10,000) dollars issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of

all costs incurred by the City in the course of administration of this section.

5. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.
6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street surface begun, until such backfill is inspected and approved by the City. The permit holder shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
7. Completion by the City. Should any excavation in any street or alley be left open or unfinished, for a period of twenty-four (24) hours or should the work be improperly done, the City shall have the right to finish or correct such work and the expense shall be charged to the permit holder and/or property owner.
8. Property Owner's Responsibility. All costs and expenses incident to the excavation shall be borne by the permit holder and owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
9. Permit Fee. A permit fee of twenty-five (25) dollars shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each excavation.
10. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee a permit shall be issued.

3-1.0111 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.
(Code of Iowa, 1981, Sec. 364.12 [2c])

3-1.0112 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.
(Code of Iowa, 1981, Sec. 364.12 [2e])

3-1.0113 DUMPING OF SNOW. It shall be 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 streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the

business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

(Code of Iowa, 1981, Sec. 364.12 [2])

3-1.0114 DRIVEWAY CULVERTS. The property owner shall, at his own expense, install any culvert deemed necessary under any driveway or any other access to his 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 he 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 Auditor and specially assessed against the property as by law provided.

(Code of Iowa, 1981, Sec. 364.12 [2c])

TITLE III- STREET REGULATIONS
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 2
CONTROLLED ACCESS PROVISIONS

[RESERVED FOR FUTURE USE]

TITLE III- STREET REGULATIONS
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 3
BUILDING NUMBERING

3-1.0301 DEFINITIONS. For use in this article, the following terms shall be defined:

1. "Principal Building": shall mean the main building on any lot or subdivision thereof.
2. "Owner": shall mean the owner of the principal building.

3-1.0302 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. He shall obtain the assigned number to his principal building from the Clerk.
(Code of Iowa, 1981, Sec. 364.12 [3d])
2. Display Building Number. He shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (21/2) inches in height and of a contrasting color with their background.
(Code of Iowa, 1981, Sec. 364.12 [3d])
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the cost of such action against the property for collection in the same manner a property tax.
(Code of Iowa, 1981. Sec. 364.12 (3111))

3-1.0303 BUILDING NUMBERING MAP. The Clerk shall be responsible for preparing and maintaining a building numbering map.

TITLE III – STREET REGULATIONS
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 4
NAMING OF STREETS

3-1.0401 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.
3. Planning Commission. Proposed street names shall be referred to the planning commission for review and recommendation.

3-1.0402 CHANGING NAME OF STREET. The Council may, by ordinance, change the name of a street.

3-1.0403 RECORDING STREET NAMES. Following adoption of an ordinance 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. 409A.26)

3-1.0404 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 article. 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 3-1.0404 of the Code of Ordinances of Gilbert, Iowa".

3-1.0405 REVISION OF STREET NAME MAP. If in accordance with the provisions of this article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

HISTORICAL NOTE

All ordinances previously adopted by the Council which establish street names are not codified herein; however, they are specifically saved from repeal and remain in full force and effect.

TITLE III – STREET REGULATIONS
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 5
VACATION AND DISPOSAL

3-1.0501 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street or alley or portion thereof, the Council may do so by ordinance in accordance with the provisions of this article.
(Code of Iowa, Sec. 364.12 [a])

3-1.0502 PLANNING COMMISSION. Any proposal to vacate a street or alley shall be referred by the Council to the planning commission for its study and recommendation prior to further consideration by the Council. The planning commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the commission.
(Code of Iowa, Sec. 392.1)

3-1.0503 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.

3-1.0504 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the Council finds that:

1. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and 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.

(Code of Iowa, Sec. 364.15)

3-1.0505 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, or portion thereof, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.
(Code of Iowa, Sec. 364.7)

3-1.0506 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7[3])

EDITOR'S NOTE

All ordinances previously adopted by the City which vacated certain streets, alleys and/or public grounds are not codified herein; however, they are specifically saved from repeal and remain in full force and effect.

TITLE III – STREET REGULATIONS
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 6
STREET AND SIDEWALK GRADES

3-1.0601 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.

3-1.0602 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

All ordinances previously adopted by the Council which establish street and/or sidewalk grades are not codified herein; however, they are specifically saved from repeal and remain in full force and effect.

TITLE III – STREET REGULATIONS
CHAPTER 2 - SIDEWALK REGULATIONS

ARTICLE 1
GENERAL PROVISIONS

3-2.0101 PURPOSE. The purpose of this chapter is to enhance safe passage by citizen 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.

3-2.0102 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom Finish": shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Defective Sidewalk": shall mean any public sidewalk exhibiting one or more of the following characteristics:
 - a) Vertical separations equal to three-fourths (3/4) inch or more.
 - b) Horizontal separations equal to one-half (1/2) inch or more.
 - c) Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
 - d) Spalling over fifty (50) percent over a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - e) Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
 - f) A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - g) A sidewalk with any part thereof missing to the full depth.
 - h) A change in the grade equal to or greater than three-fourths (3/4) inch.
11. "Established Grade": shall mean that grade established by this City for the particular area in which a sidewalk is to be constructed.
12. "One-course Construction": shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
13. "Owner": Owner means the person owning the fee title and the contract purchaser for purposes of notification required herein. For or all other purposes,

"owner" shall include the lessee, if any.

14. "Portland Cement": shall mean any type of cement except bituminous cement.
15. "Sidewalk": shall mean all permanent public walks in business, residential or suburban areas.
16. "Sidewalk Improvements": shall mean 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.
17. "Wood Float Finish": shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

3-2.0103 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to remove snow, ice and other accumulations promptly from sidewalks. If a property owner does not remove measureable amounts of snow, ice or other accumulations within twenty-four (24) hours, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[2b & e])

3-2.0104 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.
(Code of Iowa, Sec. 364.12 [2c])

3-2.0105 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain or repair defective sidewalks as required and 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 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 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)

3-2.0106 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 him to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

3-2.0107 SIDEWALK CONSTRUCTION ORDERED. The Council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a majority of the linear feet of the property fronting on the improvement, petition the Council therefore, new permanent sidewalks shall not be required unless three-fourths (3/4) of all the members of the Council, by resolution, order the making thereof, all in accordance with state law for special assessments.

(Code of Iowa, Sec. 384.38)

3-2.0108 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.

3-2.0109 INDEMNIFICATION. Any person securing a permit as required above shall agree to hold the City free from all liability for damages on account of injuries received by anyone through the negligence of such person or his agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

3-2.0110 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. 4,000 pound test Portland Cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete shall be placed directly on a two (2) inch, sand sub-base, tamped or rolled.
4. Sidewalk Bed. The sidewalk bed shall be graded so that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - a) Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick.
 - b) Business district sidewalks shall be at least eight (8) feet wide. Each

section shall be four (4) inches thick.

- c) Driveway areas shall be not less than six (6) inches in thickness.
 - d) A sidewalk shall be no more than six (6) feet in length without a one-half (1/2) inch expansion strip.
10. Location. Placement of sidewalks shall be at the property line with the sidewalk in the right-of-way unless otherwise approved by the Planning and Zoning Commission, and such placement shall be shown on any plan submitted for approval or on any plan for erection of a new structure.
 11. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
 12. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk.
 13. Adjacent Walks. Where new sidewalks meet old sidewalks which are not to the appropriate grade, a reasonable transition shall be constructed by replacing the old sidewalk to the extent necessary for safe pedestrian travel. Such construction costs thereof shall be the responsibility of the builder.
 14. Slope. All sidewalks shall slope one-quarter (4) inch per foot toward the curb.
 15. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
 16. Intersections. At intersections of the sidewalk and street, a one (1) inch expansion joint shall be placed between the sidewalk and the curb.
 17. Striking. Every four (4) feet or as close thereto as possible, the slab shall be cut through with a trowel or similar tool used to finish the cut.
 18. Edging. An edging tool shall be used to finish along the edge of the walk.
 19. Curing. As soon as possible, and without marring the finished concrete, such sidewalk shall be covered with wet burlap, for a period of five (5) days or sprayed with a curing compound approved by an engineer. When such sprayed compound is used, it shall be applied just after the concrete has attained the initial set.
 20. Ramps for Handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one (1) inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a non-skid surface, and shall otherwise be so constructed as to allow reasonable access to

the crosswalk for physically handicapped persons using the sidewalk.
(Code of Iowa, Sec. 601D.9)

3-2.0111 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind shall be 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 constructor 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.

3-2.0112 FAILURE TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or their contractor or agent to notify the City immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

3-2.0113 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.

3-2.0114 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

3-2.0115 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

3-2.0116 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

3-2.0117 FIRES ON SIDEWALKS. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

3-2.0118 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

3-2.0119 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.
(Code of Iowa, Sec. 716.1)

3-2.0120 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])

3-2.0121 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

3-2.0122 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

TITLE III – STREET REGULATIONS
CHAPTER 3 – BICYCLE REGULATIONS

ARTICLE 1
GENERAL PROVISIONS

3-3.0101 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, 1981, Sec. 321.236 [10])

3-3.0102 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 this state declaring rules of the road applicable to vehicles or by the traffic code of this City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians.
(Code of Iowa, 1981, Sec. 321.234)

3-3.0103 SINGLE FILE REQUIRED. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
(Code of Iowa, 1981, Sec. 321.236 [10])

3-3.0104 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, 1981, Sec. 321.236 [10])

2.5.0105 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
(Code of Iowa, 1981, Sec. 321.236 [10])

3-3.0106 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, 1981, Sec. 321.236 [10])

3-3.0107 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, 1981, Sec. 321.236 [10])

3-3.0108 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk except in accordance herewith:

1. Business District. No person shall ride a bicycle upon a sidewalk within a business district.

(Code of Iowa, 1981, 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, 1981, 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, 1981, Sec. 321.236 [10])

3-3.0109 TOWING. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.

3-3.0110 FOLLOWING FIRE TRUCK. No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

3-3.0111 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zig-zagging, stunting, speeding or otherwise so as to disregard the safety of the operation or others.

3-3.0112 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, 1981, Sec. 321.236 [10])

3-3.0113 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Night-time Use. Every bicycle when in use at night-time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red

reflector.

(Code of Iowa, 1981, Sec. 321.236 [10])

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
(Code of Iowa, 1981, Sec. 321.236 [10])
3. Brakes Required. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
(Code of Iowa, 1981, Sec. 321.236 [10])

TITLE III – STREET REGULATIONS**CHAPTER 4 - ALL-TERRAIN VEHICLES AND SNOWMOBILES****ARTICLE 1****GENERAL PROVISIONS**

3-4.0101 STATE CODE ADOPTED BY REFERENCE. Chapter 321G of the Code of Iowa, as amended from time to time, is hereby adopted by reference.

3-4.0102 SNOWMOBILE REGULATIONS. In accordance with the authority granted to the City in Sections 321G.2 and 321G.9(4)(a) of the Code of Iowa, as may be amended from time to time, snowmobiles may be operated in compliance with Section 2.1-6.01 upon streets within the corporate limits during the snow season as follows:

1. Upon any unplowed public street for transit or recreation.
2. Upon the parking of any plowed public street for transit at a rate not to exceed ten miles per hour.
3. As used in this section:
 - a. "Parking" is the area between the traveled portion of the public street and the sidewalk, if any, or the area between the traveled portion of the public street and the property line if no sidewalk.
 - b. "Recreation" means operating the snowmobile for any purpose other than transit.
 - c. "Transit" means operating the snowmobile as a means of transportation of the operator from a point of origin with the actual purpose of conveying the operator to an alternate point of destination.
 - d. "Unplowed" means having an accumulation of at least 0.25 inch of new snow that has not been removed from the traveled portion of the street.

3-4.0103 VIOLATIONS. A person who violates any provisions of this chapter commits a simple misdemeanor. Upon conviction of a violation of any part thereof for which Section 805.8 of the Code of Iowa provides a fine, the violator shall be fined the amount described therein.

TITLE IV - PUBLIC HEALTH
CHAPTER 1 – NUISANCES

ARTICLE I
GENERAL PROVISIONS

4-1.0101 DEFINITIONS. For use in this chapter, the following terms are defined:

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

(Code of Iowa, Sec. 657.1)

- a) **Offensive Smells.** The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
(Code of Iowa, Sec. 657.2[1])
- b) **Filth or Noisome Substance.** The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
(Code of Iowa, Sec. 657.2[2])
- c) **Impeding Passage of Navigable River.** The obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
(Code of Iowa, Sec. 657.20D)
- d) **Water Pollution.** The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
(Code of Iowa, Sec. 657.2[4])
- e) **Blocking Public and Private Ways.** The obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
(Code of Iowa, Sec. 65 7.2[5])
- f) **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct

and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.

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

- g) **Abandoned Appliances.** Abandoning or otherwise leaving unattended any refrigerator, ice box or similar container, with doors that may become locked, outside of buildings and accessible to children, or allowing 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)
- h) **Storing of Flammable Junk.** The 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.
(Code of Iowa, Sec. 657.2[10])
- i) **Air Pollution.** The emission of dense smoke, noxious fumes or fly ash.
(Code of Iowa, Sec. 657.2[11])
- j) **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.
(Code of Iowa, Sec. 657.2[12])
- k) **Dutch Elm Disease.** Trees infected with Dutch Elm Disease. (Code of Iowa, Sec. 657.12[13])
- l) **Airport Air Space.** Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
(Code of Iowa, Sec. 657.2[9])
- m) **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[6] 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.
(Code of Iowa, Sec. 657.2[6])

- n) **Obstructing View at Intersections.** All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

4-1.0102 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)

TITLE IV- PUBLIC HEALTH
CHAPTER 1- NUISANCES

ARTICLE 2
ADMINISTRATIVE ABATEMENT PROCEDURE

4-1.0201 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, he shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

(Code of Iowa, 1981, Sec. 364.12 [3h])

4-1.0202 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

1. Description of Nuisance. A description of what constitutes the nuisance or other condition.
2. Location of Nuisance. The location of the nuisance or condition.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance or condition.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment of City Costs.
6. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

(Code of Iowa, 1981, Sec. 364.12 [3h])

4-1.0203 METHOD OF SERVICE. The notice may be in form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, 1981, Sec. 364.12 [3h])

4-1.0204 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.

4-1.0205 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 which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 4-1.0207 after notice to the property owner under the applicable provisions of Sections 4-1.0201, 4-1.0202 and 4-1.0203 and hearing as provided in Section 4-1.0204.

(Code of Iowa, 1981, Sec. 364.12 [3h1])

4-1.0206 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City. (Code of Iowa, 1981, Sec. 364.12 [3h])

4-1.0207 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 Auditor and it shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, 1981, Sec. 364.12 [3h])

4-1.0208 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred (100) dollars, the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest as benefited property.

(Code of Iowa, 1981, Sec. 364.13)

4-1.0209 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 shall be in violation of the Code of Ordinances.

TITLE IV - PUBLIC HEALTH
CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

ARTICLE 1
GENERAL PROVISIONS

4-2.0101 DEFINITIONS. For use in this chapter, the following terms are defined:

- 1 "Animal": shall mean all living creatures not human.
2. "At Large": shall mean any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Owner": shall mean any person owning, keeping, sheltering or harboring an animal.

4-2.0102 CRUELTY TO ANIMALS. No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently.

(Code of Iowa, Sec. 717.2)

4-2.0103 ABANDONMENT. A person who has ownership of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717.4)

4-2.0104 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

(Code of Iowa, Sec. 717.3)

4-2.0105 INJURIES TO ANIMALS. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.

(Code of Iowa, Sec. 717.1)

4-2.0106 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the City.

4-2.0107 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the City such bothersome animals as barking dogs, bees, roosters, cattle, horses, swine and sheep which tend to disrupt the peace and good order of the community.

4-2.0108 DAMAGE OR INTERFERENCE. It shall be 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.

4-2.0109 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

4-2.0110 VICIOUS DOGS. It shall be unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when propensity to attack or bite persons shall exist and is known or ought reasonably to be known to the owner.

4-2.0111 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the Police Chief, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

4-2.0112 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

4-2.0113 IMPOUNDING COSTS. Impounding costs shall be paid to the Story County Animal Shelter by the owner of any impounded animal upon claim of said animal in accordance with the shelter's schedule of fees. Should the owner no longer desire to keep said animal, he may be released of ownership upon payment of all fines and charges. Charges shall include all boarding fees which have been incurred and the cost of any veterinary care which was administered.

4-2.0114 OWNER'S DUTY. It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of

such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

4-2.0115 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

TITLE IV - PUBLIC HEALTH
CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

ARTICLE 2 DOG LICENSES

[RESERVED FOR FUTURE USE]

TITLE III- PUBLIC HEALTH
CHAPTER 3- LIQUID WASTES

ARTICLE 1
GENERAL PROVISIONS

4-3.0101 PURPOSE. The purpose of this chapter 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.

4-3.0102 DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D."(denoting Biochemical Oxygen Demand): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.
2. "Building Drain": shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall. (IAC, 1977, 470.12.4 [1g])
3. "Building Sewer": shall mean the extension from the building drain to the public sewer or other place of disposal. (IAC, 1977, 470-12.4 [1g])
4. "City": shall mean the City of Gilbert.
5. "Combined Sewer": shall mean a sewer receiving both surface run-off and sewage.
6. "Contributor": shall mean any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
7. "Garbage": shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
8. "Industrial Wastes": shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage. (IAC, 1977, 470-21.2 [63])

9. "Inspector": shall mean 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.
10. "Natural Outlet": shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
11. "pH": shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Private Sewer": shall mean a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen (16) individuals on a continuing basis.
13. "Properly Shredded Garbage": shall mean 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 (1/2) inch (1.27 centimeters) in any dimension.
14. "Public Sewer": shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
15. "Sanitary Sewage": shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
16. "Sanitary Sewer": shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
17. "Semi-Public Sewage Disposal System": shall mean a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a City, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act.
18. "Sewage": shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
19. "Sewage Treatment Plant": shall mean any arrangement of devices and structures used for treating sewage.
20. "Sewage Works" or "Sewage System": shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
21. "Sewer": shall mean a pipe or conduit for carrying sewage.

22. "Sewer Rental": shall mean any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
23. "Slug": shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
24. "Storm Drain" or "Storm Sewer": shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
25. "Superintendent": shall mean the Superintendent of sewage works and/or of water pollution control of the City or his authorized deputy, agent, or representative.
26. "Suspended Solids": shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
27. "Watercourse": shall mean a channel in which a flow of water occurs, either continuously or intermittently.

4-3.0103 SUPERINTENDENT. The Superintendent of the City sewage system shall be appointed by the Mayor and exercise the following powers and duties:

1. Operation and Maintenance. He shall operate and maintain the City sewage system.
2. Inspection and Tests. He shall conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. He shall maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

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

4-3.0104 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 which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Diversion of Surface and Subsurface Water. Connect directly or indirectly to a sanitary sewer or to a building sewer or building drain which is connected to a sanitary sewer any source of surface or subsurface waters, including, but not limited to the following:

- a. roof downspouts;
 - b. foundation or subsoil drains; or
 - c. sump pumps.
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 this chapter.
(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 this chapter.
(Code of Iowa, Sec. 364.12 [3f])

4-3.0105 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 this chapter, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within fifty (50) 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.

(Code of Iowa, Sec. 364.12 [3f]) (IAC, 567-69.1[3J])

4-3.0106 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

(Code of Iowa, Sec. 364.4 [2 & 3.1])

4-3.0107 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.

4-3.0108 OWNER'S LIABILITY LIMITED. While performing the necessary work on private property, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for injury or death to City employees and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

4-3.0109 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.

4-3.0110 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of this chapter:

1. Notice of Violation. Any person found to be violating any provision of this chapter except subsections 1, 3 and 4 of Section 33.0104 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.

TITLE IV - PUBLIC HEALTH
CHAPTER 3- LIQUID WASTES

ARTICLE 2
BUILDING SEWERS AND CONNECTIONS

4-3.0201 PERMIT REQUIRED. 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 Clerk in accordance with the following:

1. Application. Any person desiring to make a connection with the sewer system shall first file with the Clerk an application therefore, on blanks furnished by the City, setting forth the location and description of the property to be connected with the sewer system and for what purpose the sewer is to be used.
2. Plans and Specifications. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City.
3. Classes of Permits. There shall be two (2) classes of building sewer permits:
 - a) For residential and commercial service.
 - b) For service to establishments producing industrial wastes.
4. Permit Fee. The person who makes the application shall pay the following fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work:

a.	Residential and Commercial.	\$15.00
b.	Industrial.	\$15.00
5. Limited Responsibility for Permit Revocation. All permits to connect with sewer shall be given upon the express condition that the Council may at any time before the work is completed revoke and annul the same and no party interested shall have a right to claim damages in consequence of any such permits being revoked or annulled.
6. Connection Charge. All applications filed shall be accompanied by a fee of three hundred (300) dollars for each lot that faces or borders on a City sewer, but in no case shall this connection charge exceed the equitable portion of the total original cost to the City of extending the sanitary utilities to the new vicinity of the property served less any part of such cost assessed as a special assessment against the property under Iowa law.

4-3.0202 PLUMBER REQUIRED. Any connection to a public sewer shall be made by a plumber approved by the City. The inspector shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The inspector shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which he will be granted a hearing. At this Council meeting the inspector shall make a written report to the Council stating his reasons for the suspension, and the Council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

4-3.0203 EXCAVATIONS. All excavations for building sewer installations shall be made in accord with the following:

1. **Barricades and Lighting.** Adequate barricades and warning lights shall be so placed as to protect the public from hazard.
2. **Public Convenience.** Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. **Construction Methods.** All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. specification C12-19, except that no backfill shall be placed until the work has been inspected.
4. **Restoration of Public Property.** Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.
5. **Completion by the City.** Should any excavation in any street or alley be left open or unfinished, for a period of twenty-four (24) hours or should the work be improperly done, the inspector shall have the right to finish or correct such work and the expense shall be charged to the property owner.

4-3.0204 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the inspector 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 by the Superintendent, to meet all requirements of this article.
(IAC, 1977, 470-12.1, Sec. 31.2 [5])
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. (IAC, 1977, 470-12.1, Sec. 31.2 [6])
3. Installation. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9.
 4. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the inspector before installation.
 5. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer. (IAC, 1977, 470-12.1, Sec. 30.6 [2])
 6. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
 7. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:
 - a. Four (4) inch lines: one-eighth (1/8) inch per foot.
 - b. Six (6) inch lines: one-sixteenth (1/16) inch per foot.
 - c. Minimum velocity: 2.00 feet per second with the sewer half full.
 8. Deviations: Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with properly curved pipe and fittings.
 9. 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. (IAC, 1977, 470-22.17)
 10. 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. (IAC, 1977, 470-31.7 [1])
 11. 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 one of the following minimum requirements:
- a. Clay sewer pipe - A.S.T.M. C 13-50T.
 - b. Extra heavy cast iron soil pipe - A.S.T.M. A74-69.
 - c. Cast iron water pipe - A.S.T.M. A74-42.
 - d. P.V.C. - DWV - A.S.T.M. D3034-73 S.D.R. 35.
 - e. Concrete sewer pipe - A.S.T.M. C14.
 - f. Cast iron soil pipe with hot poured lead joints and caulked shall be required where the building sewer is exposed to damage by roots.
12. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened. (IAC, 1977, 470-22.10 [3])
13. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used and subject to the approval of the inspector, subject to the following specific requirements:
(IAC, 1977, 470-22.10 [3])
- a. Clay sewer pipe - compression joints in accordance with A.S.T.M. C425-71.
 - b. Cast iron soil pipe - A.S.T.M. A74-69.
 - c. Cast iron water pipe - A.S.T.M. 377-66.
 - d. P.V.C. - A.S.T.M. D2665-68.
 - e. Concrete sewer pipe - A.S.T.M. C14-70.
14. 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 en-casement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end. (IAC, 1977, 470-31.1, Sec. 31.2)
15. 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 inspector. 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.

4-3.0205 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided in accordance with the following: filling stations, schools, restaurants, automobile wash racks, garages, and other grease-producing facilities, when in the professional 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.
(IAC, 1977, 470-26.2 [1])

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and 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.
(IAC, 1977, 470-26.1 [2])
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, water-tight and equipped with easily removable covers that shall be gas-tight and water-tight.
(IAC, 1977, 470-26.1)
3. Maintenance. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his expense in continuously efficient operations at all times.
(IAC, 1977, 470-26.12)

4-3.0206 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 the public sewer is twelve (12) inches in diameter or less and no properly located "Y" branch is available, the owner shall at his own expense install a "Y" branch in the public sewer at the location specified by the City. Where the public sewer is greater than twelve (12) inches and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction at an angle of approximately forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the private sewer at the point of connection shall be at the same, or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the City. At no time shall a building sewer be constructed so as

to enter a manhole unless special written permission is received from the inspector and in accordance with his direction if such connection is approved.

4-3.0207 CONNECTION DEADLINE. All approved connection permits shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty (30) days from the approval of the permit, except that when, in the judgment of the inspector, a property owner on application has made sufficient showing that due to conditions beyond his control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him, an extension of time within which to comply with the provisions herewith may be granted.

4-3.0208 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the inspector. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the inspector shall be notified and he 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 inspector refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

4-3.0209 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.

4-3.0210 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 article, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

(Code of Iowa, 1981, Sec. 364.12 [3])

TITLE IV - PUBLIC HEALTH
CHAPTER 3- LIQUID WASTES

ARTICLE 3
USE OF PUBLIC SEWERS

4-3.0301 STORM WATER. 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 as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the inspector, to a storm sewer, combined sewer, or natural outlet.

4-3.0302 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the inspector 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 the best interests of the sewer system.

4-3.0303 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics,

wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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

4-3.0304 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 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 its opinion as to the acceptability of these wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. High Temperature Liquids. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4)

- horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City.
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 which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
 8. Radio-active Wastes. Any radio-active wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable state or federal regulations.
 9. Excess Acidity. Any waters or wastes having a pH in excess of 9.5.
 10. Unusual Wastes. Materials which 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 BOD, 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 which 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 which 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 which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

4-3.0305 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4-3.0304 of this article, and which in the judgment of the City 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 may:

1. Rejection. Reject the wastes.
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 Article 5 of this chapter.

4-3.0306 SPECIAL FACILITIES. If the City 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 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 his expense.

4-3.0307 CONTROL MANHOLES. When required by the City, 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. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

4-3.0308 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 of the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable

samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but now always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples)

TITLE IV - PUBLIC HEALTH
CHAPTER 3 - LIQUID WASTE

ARTICLE 4
PRIVATE AND SEMI-PUBLIC SEWER SYSTEMS

4-3.0401 WHEN PROHIBITED. Except as otherwise provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(Code of Iowa, Sec. 364.12[3f])

4-3.0402 WHEN REQUIRED. Where a public sanitary or combined sewer is not available under the provisions of Section 4-3.0105 the building sewer shall be connected to a private or semi-public sewage system complying with the provisions of this article.

4-3.0403 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private or semi-public sewage disposal system shall comply with all recommendations of the state Department of Natural Resources.
(IAC, 567-69.3[3])

4-3.0404 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(IAC, 567-69.3[3])

4-3.0405 MAINTENANCE OF FACILITIES. The owner of private and semi-public sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the City.

4-3.0406 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his official capacity.

4-3.0407 PRIVATE SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 4-3.0105, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
(Code of Iowa, Sec. 364.12[3f])

4-3.0408 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any other location

in the City except in such location as may be designated by the Superintendent. The rate or charge for receiving such waste shall be determined by resolution of the Council.

TITLE IV - PUBLIC HEALTH
CHAPTER 3 - LIQUID WASTES

ARTICLE 5
SEWER RENTAL

4-3.0501 SEWER RENTAL REQUIRED. Every contributor shall pay to the City sewer rental fees as hereinafter provided.
(Code of Iowa, Sec. 384.84 [1])

4-3.0502 SANITARY SEWER RENTAL RATE. There shall be and there are hereby established rates and charges for the use of and for the service supplied by the municipal sanitary sewer system, except public schools, based upon the meter readings of the amount of water consumed. The rates and charges are as follows:

1. Effective July 1, 2013, the following shall be charged: (a) a monthly charge of \$13.08, regard - less of usage, plus (b) a charge of \$0.00259 per gallon of water used; however, each public school shall pay a flat rate of \$159.14 per month, regardless of consumption.

2. Effective July 1, 2014, the following shall be charged: (a) a monthly charge of \$13.47, regard - less of usage, plus (b) a charge of \$0.00267 per gallon of water used; however, each public school shall pay a flat rate of \$163.91 per month, regardless of consumption.

3. Effective July 1, 2015, the following shall be charged: (a) a monthly charge of \$13.87, regard - less of usage, plus (b) a charge of \$0.00275 per gallon of water used; however, each public school shall pay a flat rate of \$168.83 per month, regardless of consumption.

(Amended by Ordinance No. 305)

4-3.0503 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer rental provided in Section 4-3.0502 would be inequitable or unfair to either the City or the contributor, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.
(Code of Iowa, Sec. 384.84 [2b])

4-3.0504 PRIVATE WATER SYSTEMS. Contributors whose premises are served by a private water system shall pay sewer rentals based upon the water used as determined by the Superintendent either by an estimate agreed to by the contributor or

by metering the water system at the contributor's expense. Any negotiated, or agreed upon sales or rentals shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84 [2b])

4-3.0505 PAYMENT OF BILLS. All sewer rentals shall be due and payable under the same terms and conditions provided for payment for water service except that the provision of Section 4-3.0507 shall be used to enforce collection of delinquent sewer charge.

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

4-3.0506 LIABILITY. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises.

4-3.0507 LIEN FOR NON-PAYMENT. Sewer rental charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

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

4-3.0508 SPECIAL AGREEMENTS PERMITTED. No statement in this article 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.

TITLE IV - PUBLIC HEALTH
CHAPTER 4- SOLID WASTE CONTROL

ARTICLE 1
GENERAL PROVISIONS

4-4.0101 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection and disposal of solid wastes and, thereby, to protect the citizens of this City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid wastes.

4-4.0102 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Solid Waste": shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.
(Code of Iowa, 1981, Sec. 455B.75 [4])
2. "Garbage": shall mean all solid and semisolid, putrescible animal and vegetable wastes 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 shall include all such substances from all public and private establishments and from all residences.
(IAC, 1977, 400-25.1 [7])
3. "Refuse": shall mean putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form.
(IAC, 1977, 400-25.1 [19])
4. "Rubbish": shall mean non-putrescible solid waste consisting of combustible and non-combustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery or litter of any kind.
(IAC, 1977, 400-25.1 [21])
5. "Open Burning": shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.
(IAC, 1977, 400-25.1 [13])

6. "Landscape Wastes": shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
(IAC, 1977, 400-1.2 [32])
7. "Back Yard Burning": shall mean the disposal of residential waste by open burning on the premises of the property where such waste is generated.
(IAC, 1977, 400-1.2 [11])
8. "Residential Waste": shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.
(1AG, 1977, 400-1.2 [49])
9. "Discard": shall mean to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 4558.361 [2])
10. "Litter": shall mean any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361 [1])
11. "Open Dumping": shall mean the depositing of solid wastes on the surface of the ground or into a body or stream of water.
(IAC, 567-100.2)
12. "Rubble": shall mean stone, brick or similar inorganic material.
13. "Sanitary Disposal Project": shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which 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 executive director.
(Code of Iowa, Sec. 4553.301)
14. "Toxic and Hazardous Wastes": shall mean waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.
(IAC, 567-100.2)
15. "Owner": shall mean 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.

16. "Yard Waste": shall mean any organic debris except garbage which is produced as part of yard and garden development, maintenance and landscaping, and shall include grass, garden plants, bushes, weeds, flowers, shrubbery, trees, limbs, brush, branches, stumps, bark and leaves.
17. "Sanitary Disposal": shall mean a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance. (IAC, 567-100.2)
18. "Executive Director": shall mean the executive director of the state Department of Natural Resources or any designee. (Code of Iowa, Sec. 4558.101 [2b])
19. "Approved Incinerator": shall mean equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the environmental protection commission.
20. "Salvage Operation": shall mean any business, industry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.

4-4.0103 HEALTH HAZARD. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

4-4.0104 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

4-4.0105 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists. (IAC, 567-23.2[3])
2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at the City-operated burning site, provided such burning is conducted in compliance with the rules established by the state Department of Natural Resources. (IAC, 567-23.2[3])
3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the state

Department of Natural Resources.
(IAC, 567-23.2[3])

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the state Department of Natural Resources.
(IAC, 567-23.2[3])
5. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that the executive director of the state Department of Natural Resources receives notice in writing at least one week before such action commences.
(IAC, 567-23.2[3])
6. Variance. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the executive director.
(IAC, 567-23.2[2]) (IAC, 567-23.2[45513])

4-4.0106 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, 1981, Sec. 4558.97)

4-4.0107 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the state Department of Natural Resources.

4-4.0108 TOXIC AND HAZARDOUS WASTES. The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof. (IAC, 1977, 400-26.3 [2c])
2. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with federal and state laws, rules and regulations. (IAC, 1977, 400-26.3 (2c))
3. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or his agent, to a place of safe deposit or

disposal as prescribed by the executive director of the state Department of Natural Resources. (IAC, 1977, 27.14 [2])

4-4.0109 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse.

(IAC, 1977, 400-26.5[13] & 26.5[2b])

4-4.0110 STORAGE OF YARD WASTES. All yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way.

4-4.0111 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Title 3, Chapter 1, Article 2, or by initiating proper action in district court.

(Code of Iowa, 1981, Ch. 657)

4-4.0112 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers other than his own 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. Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.
4. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

(IAC, 1977, 400-4.4 [12])

TITLE IV- PUBLIC HEALTH
CHAPTER 4- SOLID WASTE CONTROL

ARTICLE 2
COLLECTION AND TRANSPORTATION

4-4.0201 DEFINITIONS. For use in this article the following terms are defined:

1. "Residential Premises": means a single-family dwelling and any multiple family dwelling. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.
2. "Collectors": shall mean any person authorized to gather solid waste from public and private places.
3. "Dwelling Unit": shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
4. "Single-family Dwelling": shall mean a structure containing one dwelling unit only.
5. "Multiple-family Dwelling": shall mean a structure containing more than one dwelling unit.
6. "Property Served": shall mean any property which is being used or occupied and is eligible to receive solid waste collection and disposal service as provided herein.

4-4.0202 COLLECTION SERVICE. The collection of solid waste within the City shall be only by collectors authorized by the City.

(IAC, 1977, 400-26.3 [1a])

4-4.0203 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 1977, 400-26.3 [2b])

4-4.0204 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.

(IAC, 1977, 400-26.3 [2a])

4-4.0205 FREQUENCY OF COLLECTION. All solid waste shall be collected 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.

(IAC, 1977, 400-26.3 [1b])

4-4.0206 LOCATION OF CONTAINERS. Containers for the storage of solid waste awaiting collection shall be placed out-of-doors at some easily accessible place by the owner or occupant of the premises served.

4-4.0207 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.

TITLE IV - PUBLIC HEALTH
CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 3
SOLID WASTE DISPOSAL

4-4.0301 DEFINITIONS. For use in this article the following terms are defined:

1. "Administrator" means the Mayor of the City or the Mayor's designated City employee.
2. "Sanitary Disposal Facility" means a facility approved by the state Department of Natural Resources for the final disposition of solid waste.
3. "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 a person's agent or managing officer who is authorized to exercise control over the use of the real property.
4. "Building" means any structure with a fully enclosed interior space designed for the storage, shelter or protection of persons, animals or property.
5. "Waste Container" means a fully enclosed rust-proof and watertight container specifically designed and manufactured for the temporary storage of solid waste.
6. "Discard" means to place or store a substance or material, other than any motor vehicle subject to the registration laws of the state, upon real property for a continuous period of more than seven (7) days under conditions where it serves no reasonable functional purpose and has no direct supporting relationship to a responsible person's lawful use of the real property. Any motor vehicle subject to the registration laws of the state shall be deemed to be "discarded" after being placed or stored upon real property for a continuous period of more than forty-eight (48) hours under conditions where it serves no reasonable functional purpose and has no direct supporting relationship to a responsible person's lawful use of the real property.
7. "Solid Waste" means solid or semi-solid substances or materials that are the resulting product of any process of agriculture, business, trade, industry, manufacturing or domestic household living and that have been discarded by the person in possession thereof. Solid waste does not include grass clippings,

leaves and other landscape waste originating on the real property; or soil, sand, gravel and other inert natural resources existing in their natural state. Solid waste does include, by way of illustration and not limitation, the following discarded substances and materials:

- a. Garbage, refuse and rubbish;
- b. Food, food containers and soiled diapers;
- c. Debris resulting from the construction, maintenance, repair or demolition of buildings, fences, roadway paving, communications systems, structures and other improvements to real property;
- d. Building materials salvaged from the construction, maintenance, repair or demolition of buildings, fences, roadway paving, communications systems, structures and other improvements to real property;
- e. Previously used or damaged or inoperable household furniture, furnishings, fixtures, appliances, utensils, equipment and supplies;
- f. Salvaged parts of previously used cloth, paper, wood, metal, glass and plastic products;
- g. Any motor vehicle subject to the registration laws of the state that is not currently registered;
- h. Any motor vehicle subject to the registration laws of the state with a broken, cracked or loose windshield, window, side-view mirror, headlight, tail light, fender, door, bumper, hood, hood ornament, door handle, running board, trunk, radio antenna, or tail pipe which would make the operation of such motor vehicle on a public road or street unlawful under the laws of the state or the ordinances of the City;
- i. Previously used vehicles, machinery, equipment, tools and appliances that are in a state of disrepair that renders them presently incapable of being used or operated for the purpose for which they were originally designed and manufactured;
- j. Disassembled parts from previously used vehicles, machinery, equipment, tools and appliances;
- k. Previously used petroleum products.

4-4.0302 GENERAL PROHIBITION. A responsible 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.

4-4.0303 BUSINESS ACTIVITIES. Even though it may serve a reasonable functional purpose or have a direct supporting relationship to a responsible person's

lawful use of the real property, a responsible person shall not place or store on real property used for commercial or industrial purposes, for a continuous period of more than seven (7) 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 five (5) feet or more than six (6) feet high, any of the substances or materials described in the definition of "solid waste" in Section 4-4.0301(7). Any substances or materials described in the said subsection which are stored inside an area fully enclosed by a solid opaque fence or wall of uniform design and color not less than five (5) feet or more than six (6) feet high, shall be stored in such a manner that such substances or materials cannot be seen by a person six (6) feet in height standing a distance of fifty (50) feet from the edge of the enclosed area.

4-4.0304 WASTE CONTAINER. Responsible persons 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 containing food, food containers, soiled diapers and other garbage that is produced by the activities conducted on the real property.

4-4.0305 WASTE DISPOSAL. Responsible persons shall cause all solid waste containing any food, food containers, soiled diapers or other garbage to be removed from the real property and deposited at a sanitary disposal facility at least once each week. Any solid waste containing food, food containers, soiled diapers or other materials which attract prowling animals shall be stored by responsible persons at all times in a waste container.

4-4.0306 SANITARY DISPOSAL FACILITY. There are hereby established official sanitary disposal facilities at such place or places as the Council may direct where solid waste shall be disposed. All persons shall comply with the regulations governing the use of such sanitary disposal facilities.

4-4.0307 BURNING PROHIBITED. No person shall burn solid waste within the City except in an incinerator authorized by law and the regulations of the state Department of Natural Resources.

4-4.0308 LITTERING PROHIBITED. No person shall deposit, dump, leak or spill any solid waste upon any alley, street, highway or public ground of the City.

4-4.0309 NOTICE OF VIOLATION.

1. If the administrator determines that there is probable cause to believe a violation of the Solid Waste Disposal Ordinance has occurred, the administrator shall serve upon the responsible person or persons either:
 - a. A written notice thereof; or
 - b. A citation for the municipal infraction.
2. If the administrator elects under Subsection 1(A) to give a written notice to the

alleged violator, the notice shall:

- a. Specify the alleged violation;
 - b. Order the alleged violator to eliminate or cure the violation within seven (7) days after the notice is given or within such other specified period of time as is reasonable under the circumstances; and
 - c. Advise the alleged violator of the right to have a hearing before the Council concerning the alleged violation by filing a written request therefore with the Clerk within seven (7) days after the notice is given.
3. If the administrator elects under Subsection 1(B) to give a citation for the municipal infraction, the form and contents of the citation shall comply with and the citation shall be served upon the responsible person or persons as required by Section 364.22 of the Code of Iowa.

4-4.0310 HEARING ON NOTICE. A person who receives a violation notice from the administrator shall be entitled to a hearing before the City Council concerning the alleged violation, if the alleged violator files a written request therefore with the Clerk within seven (7) days after the notice is given to the 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 administrator's notice. 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 administrator's notice as affirmed or modified by the resolution of the Council.

4-4.0311 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 (a) personally delivered to the person entitled thereto, or (b) 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 (c) served on the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

4-4.0312 MUNICIPAL INFRACTION. Any person who violates any provision of the Solid Waste Disposal Ordinance commits a municipal infraction. Each day that a violation occurs or is permitted to exist by a responsible person shall constitute a new, separate infraction. The civil penalty for a violation of the Solid Waste Disposal Ordinance shall be \$100.00 for each violation or \$200.00 for each repeat violation. In addition to the civil penalty, the administrator may seek such other relief as may be allowed by law.

TITLE IV - PUBLIC HEALTH
CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 4
RESOURCE RECOVERY UTILITY

4-4.0401 DEFINITIONS. As used herein, the following words and phrases have the meaning set out:

A “residential dwelling unit” means an individual dwelling unit. For purposes of this ordinance, an apartment or a mobile/manufactured home shall be treated as one unit, and a duplex is two units. A mobile home park or apartment complex shall be assessed a fee based on the total number of units.

4-4.0510 RESOURCE RECOVERY UTILITY ESTABLISHED. There is hereby established the Gilbert Resource Recovery Utility. The city council is the governing body of the utility. The utility shall consist of one district, which shall include all of the area within the corporate limits of the city. The purpose of the utility is to recover the estimated cost of the fees that the city pays for solid waste disposal. The fees assessed under this chapter shall be collected in conjunction with water and sewer billing.

4-4.0520 RESOURCE RECOVERY RATES.

Each solid waste disposal customer shall pay the monthly fee established herein. There shall be no credit or reduction for nonuse.

1. Residential dwelling unit:
 - a. Effective July 1, 2013, \$2.12 per month.
 - b. Effective July 1, 2014, \$2.18 per month.
 - c. Effective July 1, 2015, \$2.25 per month.
2. Nonresidential, except public school buildings:
 - a. Effective July 1, 2013, \$3.18 per month.
 - b. Effective July 1, 2014, \$3.28 per month.
 - c. Effective July 1, 2015, \$3.38 per month.
3. Public school buildings:
 - a. Effective July 1, 2013, \$10.61 per month.
 - b. Effective July 1, 2014, \$10.93 per month.

c. Effective July 1, 2015, \$11.26 per month.

TITLE III - PUBLIC HEALTH
CHAPTER 5 - HAZARDOUS SUBSTANCE SPILLS

ARTICLE 1
GENERAL PROVISIONS

4-5.0101 PURPOSE. In order to reduce the danger to the public health, safety and welfare from spills of hazardous substances, these regulations are promulgated to establish responsibility for the removal and cleanup of spills within the City.

4-5.0102 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. "Cleanup" means the same as set out in Section 455B.381[1] of the Code of Iowa, and the rules of the Iowa Department of Natural Resources.
2. "Hazardous condition" means the same as set out in Section 455B.381[4] of the Code of Iowa.
3. "Hazardous substance" means any substance as defined in Section 455B.381[5] of the Code of Iowa.
4. "Person having control over a hazardous substance" means the same as set out in Section 4558.381[7] of the Code of Iowa.
5. "Treatment" means a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance non-hazardous, safe for transport, amenable for recovery, amenable for storage or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substances to render them non-hazardous.

(Code of Iowa, Sec. 455B.411[10])

4-5.0103 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the person having control over a hazardous substance. If the person having control over a hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may proceed to procure

cleanup services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

4-5.0104 NOTIFICATION. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the County Sheriff's office of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The County Sheriff shall immediately notify the Department of Natural Resources. Any other person who discovers a hazardous condition shall notify the County Sheriff's office, which shall then notify the Department of Natural Resources.

TITLE IV - PUBLIC HEALTH
CHAPTER 6 - STORM WATER UTILITY

ARTICLE 1
GILBERT STORM WATER UTILITY CODE

4-6.0101 SHORT TITLE. This chapter shall be known as the Gilbert Storm Water Utility Code.

4-6.0102 FINDINGS.

1. The City Council finds that the detention, management, and discharge of surface and subsurface storm waters materially affects the health, safety, and welfare of the population of the City. The City Council further finds that the systems of a storm water management utility are of benefit and provide services to all real properties within the incorporated City limits, including those real properties directly and indirectly served.
2. The City Council finds that storm water management provides numerous benefits to the City, property owners, and citizens, all of which are of benefit to all citizens and real properties both directly and indirectly, including, but not limited to –
 - a. Providing important systems of collection, conveyance, detention, treatment and release of storm water;
 - b. Reducing the hazard to life and property resulting from storm water runoff and flooding;
 - c. Improving general health and welfare through reduction of undesirable storm water conditions and flooding, including reductions in pestilence and disease; and
 - d. Improving water quality in the storm water and surface water system and its receiving waters.
3. Based upon utility department studies and recommendations, the City Council finds that the infiltration of storm water into the sanitary sewer and wastewater treatment systems is a serious and on-going problem for municipal utility systems. It is necessary to reduce and ultimately to eliminate storm waters from the sanitary sewer and wastewater treatment systems in order to –
 - a. Maintain compliance with federal and state wastewater treatment permits and regulations; and

- b. Reduce or limit the burdensome costs of maintaining or expanding wastewater treatment systems.
4. The City Council finds that there is a significant, burdensome, and on-going economic cost to the City, to taxpayers, and to the citizens thereof, which affects utility rates and general property taxes, caused by persons who refuse or neglect, regardless of their knowledge of the circumstances, to come into compliance with ordinances requiring disconnection and removal of storm water effluents from the sanitary sewer and wastewater treatment systems.

4-6.0103 STORM WATER UTILITY ESTABLISHED. A Storm Water Utility is hereby created.

1. The Storm Water Utility shall be responsible for storm water management within the corporate boundaries of the City and shall provide for the collection, treatment, and disposal of storm water, surface water, and groundwater and the management, protection, control, regulation, use, and enhancement of storm water management systems and facilities.
2. The Storm Water Utility consists of and includes all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or man-made, within the corporate boundaries of the City, which control or convey storm water through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system that (1) are located within public streets, rights-of-ways and easements; (2) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or (3) are located on public lands to which the City has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of storm water systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner or its occupant.

4-6.0104 PURPOSE. The Storm Water Utility shall provide for repairing, replacing, improving, and constructing of storm water sewers, drainage ditches, and other storm water collection, detention, management, and discharge facilities. The Storm Water Utility shall provide for the disconnection of storm water drains and rectification of other infiltration sources into the sanitary sewer and wastewater treatment systems.

4-6.0105 GOVERNING BODY. The City Council is the governing body of the Storm Water Utility.

4-6.0106 MANAGEMENT AND ENFORCEMENT AUTHORITY.

1. The utility Superintendent shall supervise the day-to-day operation of the Storm Water Utility.
2. The utility Superintendent shall have the authority to enforce the provisions of this chapter and shall carry out the policy directives of the City Council acting in its role as governing body. As used in this chapter the term “utility Superintendent” includes the utility Superintendent’s designee.
3. The utility Superintendent shall have the authority to inspect within or upon private property all connections to public utility systems to determine compliance with this chapter and this Code of Ordinances.
4. The utility Superintendent may determine and assess civil penalties provided herein in the absence of direction by the governing body. The utility Superintendent may suspend or defer civil penalties upon such conditions as in the opinion of the utility Superintendent will achieve compliance with the provisions of this chapter.
5. The utility Superintendent may prescribe additional written regulations for the administration of the terms of this chapter.

4-6.0107 FUND. A separate fund shall be created for the accounting of revenues and expenditures associated with the Storm Sewer Utility.

4-6.0108 SURCHARGE. The surcharge for the Storm Water Utility shall be charged to each water and sewer user on the monthly water and sewer bills

4-6.0109 FEES. The monthly storm water charge shall be as follows:

1. For each residential customer, except as stated in Subsections 3 and 4 hereof:
 - a. Effective July 1, 2013, \$3.18 per month.
 - b. Effective July 1, 2014, \$3.28 per month.
 - c. Effective July 1, 2015, \$3.38 per month.
2. For each nonresidential customer, except as stated in Subsections 3 and 4 hereof:
 - a. Effective July 1, 2013, \$4.24 per month.
 - b. Effective July 1, 2014, \$4.37 per month.

- c. Effective July 1, 2015, \$4.50 per month.
3. For each public school building:
 - a. Effective July 1, 2013, \$18.57 per month.
 - b. Effective July 1, 2014, \$19.13 per month.
 - c. Effective July 1, 2015, \$19.70 per month.
4. For each residential and nonresidential customer having an impermeable surface for parking between 10 and 20 cars, \$10.00, for more than 20 cars, \$15.00.

4-6.0110 PROHIBITED ACTS.

1. No person shall discharge storm water into the sanitary sewer system. No person shall discharge storm water by a sump line on to the public right-of-way, unless the person shall first have obtained an inspection of the person's utility lines and have obtained a permit for discharge.
2. No person shall break, damage, destroy, uncover, deface, or tamper with any structure, pipe, appurtenance, equipment or other facility that is part of the storm water management system.
3. No person individually or through another shall throw, drain, allow to seep, or otherwise discharge into the storm water management system any substance, whether liquid, solid, or gas, other than storm water.
4. Alter or connect to the storm water management system without the consent of the utility Superintendent.

4-6.0111 CERTIFICATE OF COMPLIANCE. The utility Superintendent shall issue a Certificate of Compliance when the utility Superintendent determines by inspection that a property is in compliance with the terms of this chapter. Subject to other applicable provisions of this municipal code, the Certificate of Compliance shall be the authority of the responsible person for the use and occupancy of the complying property for so long as the property shall continue to comply with the provisions of this chapter.

4-6.0112 TEMPORARY CERTIFICATE OF COMPLIANCE. The utility Superintendent may issue a temporary Certificate of Compliance to a responsible person for a property permitting the property to be occupied and utilities to be connected for a period not to exceed 60 days. The utility Superintendent may extend the temporary Certificate of Compliance for one additional period of 60 days. If at the expiration of the temporary certificate of compliance the utility Superintendent has not issued a Certificate of Compliance, the utility Superintendent shall cause the utilities to be

terminated and the property to be vacated.

4-6.0113 PERMIT FOR RIGHT-OF-WAY DISCHARGE. The utility Superintendent may issue a Certificate of Compliance together with a permit for right-of-way discharge to a responsible person if, in the opinion of the utility Superintendent:

- a) the public storm sewer is not within a reasonable proximity to the property,
- b) the discharge does not create a traffic or pedestrian hazard, and
- c) there is adequate surface drainage capacity available.

The responsible person shall accept the permit subject to the condition that the utility Superintendent may withdraw the permit and discontinue permission to discharge upon a right of way at any time the conditions required by this paragraph shall no longer be true.

4-6.0114 LAND DIVISION. No new subdivision of land shall be approved by the City until the responsible person shall have provided for the adequate detention, management, removal, or a combination of detention, management, and removal of storm water from the land to be divided. The governing body may require the installation and dedication to the public of storm sewers and other structures, easements for detention or flowage of surface waters, connection to municipal storm sewers or storm water management systems, sump lines, and on-site management and detention facilities.

4-6.0115 NEW CONSTRUCTION. No building permit shall issue until the applicant shall have provided for the adequate detention, management, removal, or a combination of detention, management, and removal of storm water from the land upon which the structure is to be constructed.

1. If the building permit is for an addition to an existing structure, no building permit shall issue unless the applicant has obtained a Certificate of Compliance.
2. The applicant shall disclose to the City and comply with an approved plan for detention, management, and removal of storm water during construction and when construction is completed.

4-6.0116 NEW UTILITY ACCOUNTS. No water or sewer service shall commence until the applicant for such utility service shall have obtained a certificate of compliance.

4-6.0117 INFILTRATION MANAGEMENT FEE.

1. Based upon the findings in this chapter, particularly in paragraphs 3 and 4 of section 4-6.0102, there is hereby established an infiltration management fee to defray the expenses associated with inadequate and inappropriate storm water management, including, but not limited to infiltration of storm water into the

sanitary sewer and water treatment system.

2. The infiltration management fee shall be in addition to the fees described in section 4-6.0109 hereof.
3. There shall be charged each month \$25.00 to a responsible person who declines an inspection required by this chapter and who does not have a current certificate of compliance.

4-6.0118 ORDER FOR CONNECTION OR ABATEMENT. The utility Superintendent may order a property owner to install a sump pump and discharge line and to connect the discharge line to the public storm sewer system if, in the opinion of the utility Superintendent the public storm sewer system is within a reasonable proximity to a property. The abatement order may be joined with a notice of nuisance or a notice of municipal infraction.

4-6.0119 INCENTIVE PROGRAM

1. From time to time and at the discretion of the City Council, the City Council may appropriate funds from the storm sewer fund or the general fund or both of the City for the purpose of paying the reimbursable costs of connection to the municipal storm sewer system. Subject to the appropriation of funds and the approval of the utility Superintendent, a qualifying responsible person shall be eligible and the City shall pay not more than \$500 for reimbursable costs of connection to the responsible person or the responsible person's assignee.
2. Reimbursable costs of connection are all of the costs necessary and directly related to the construction of a sump line connection to the municipal storm sewer system. The responsible person shall demonstrate reimbursable costs of connection to the satisfaction of the utility Superintendent.
3. Notwithstanding any other provision of the municipal code, the fees ordinarily required for plumbing or electrical permits shall be waived for a responsible person who voluntarily complies with the terms of this chapter.

4-6.0120 VIOLATIONS AND PENALTIES

1. A violation of this chapter may be charged as a municipal infraction. The governing body may by separate resolution establish a schedule of civil penalties to be assessed for particular violations.
2. A violation of this chapter may, in addition to or in place of other remedies provided herein, be charged as a simple misdemeanor.
3. A violation of this chapter is a public nuisance. Upon notice and after opportunity for hearing, the City Council may cause a violation to be abated and the reasonable expenses thereof to be taxed to the real property, all in accordance with section 364.12 of the Code of Iowa.

4-6.0121 APPEAL. An aggrieved person may, within 20 days, appeal a decision of the utility Superintendent to the City Council. The City Council may affirm, modify, or reverse the decision of the utility Superintendent.

TITLE V – RECREATION
CHAPTER 1 - PARK REGULATIONS

ARTICLE 1
GENERAL PROVISIONS

5-1.0101 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. 392.1)

5-1.0102 PARKING. All vehicles shall be parked in designated parking areas.

5-1.0103 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

5-1.0104 FIRES. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

5-1.0105 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

5-1.0106 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the Council.

5-1.0107 PARKS HOURS. The council may establish by resolution the hours during which public parks are open and closed. If the council fixes hours during which parks are open and closed, such hours shall be posted at such parks. No person shall enter or remain within any park during the hours a park is closed. Any person found present in a park during a time when the park is closed shall be guilty of trespassing.

5-1.0108 USE OF VEHICLES RESTRICTED. No motorized vehicles may be operated in City Parks other than in the areas designated for parking use. Exception shall be made for those specialized motorized vehicles intended for use by handicapped persons, and actually operated by handicapped persons.

5-1.0109 PENALTIES

1. A violation of this chapter may be charged as a municipal infraction. The council may by separate resolution establish a schedule of civil penalties to be assessed for particular violations.

2. A violation of this chapter may, in addition to or in place of other remedies provided herein, be charged as a simple misdemeanor.

TITLE V - RECREATION**CHAPTER 2 - PARK BOARD****ARTICLE 1****GENERAL PROVISIONS**

5-2.0101 PURPOSE. The purpose of this chapter is to provide for the continuation of the Gilbert Park Board as established in accordance with the provisions of Chapter 392 of the 1979 Code of Iowa and to specify that Board's powers and duties. (Code of Iowa, Sec. 392.7)

5-2.0102 PARK BOARD. There shall be a park board for the City consisting of a minimum of five (5) members with a maximum of seven (7) members, who shall be qualified electors of the City except that two members may be qualified electors of the Gilbert School District who are not qualified electors of any other City.

5-2.0103 APPOINTMENT AND TERM. The Mayor shall appoint the members of the Board, subject to the approval of the Council for overlapping terms of three (3) years each. Present members of the Commission are confirmed in their appointment and term.

5-2.0104 ORGANIZATION. The Board shall elect one of its members as chairman and may appoint one of its members or some other person as secretary.

5-2.0105 COMPENSATION. There shall be no compensation attached to the office of the Park Board Commissioner, and all services performed by said Commissioners shall be rendered without compensation therefore.

5-2.0106 MEETINGS. The Park Board shall hold open, public meetings with notice of such meetings posted at least twenty-four (24) hours prior thereto, and minutes and records of the proceedings of the Board shall be maintained in accordance with Iowa law.

5-2.0107 REVIEW. No planning, improvement or change in the City park program shall be acted upon by any other agency of the City without the Park Board's recommendation. Such recommendation shall come to the other City agencies in written form from the Park Board. However, such recommendations shall not bind any other City agency to the Park Board decisions. The City Council shall have the power to make final decisions regarding park functions, and shall be able to do so by a simple majority of the members present during any Council meeting.

5-2.0108 PROGRAMS. The Board shall develop and operate, subject to the approval of the Council, recreation programs and activities for the benefit of the City.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 1 - WATER SERVICE

ARTICLE 1
WATER SERVICE AND RATES

6-1.0101 APPLICATION FOR SERVICE. Applications for water service shall be filed with the Clerk upon a form to be supplied by the City. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the water system shall be accompanied by a fee of three hundred dollars (\$300.00), payable to the City, for the connection charge.

6-1.0102 WATER RATES. There shall be and there are hereby established rates and charges for the use of and for the service supplied by the municipal waterworks system, based upon the meter readings of the amount of water consumed. The rates and charges are as follows:

1. Effective July 1, 2013, the following shall be charged: (a) a monthly charge of \$11.25, regardless of usage, plus (b) a charge of \$0.00448 per gallon of water used.
2. Effective July 1, 2014, the following shall be charged: (a) a monthly charge of \$11.59, regardless of usage, plus (b) a charge of \$0.00461 per gallon of water used.
3. Effective July 1, 2015, the following shall be charged: (a) a monthly charge of \$11.94, regardless of usage, plus (b) a charge of \$0.00475 per gallon of water used.
4. Surcharge for multi-dwelling/multi-business service. There shall be added to the cost of water supplied to premises containing multiple dwelling or business units supplied through one meter a surcharge as set out in this paragraph. A dwelling unit is defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For businesses, a unit shall be defined by a single autonomous area including permanent provisions for sanitation. The amount assessed for each unit shall be equal to the base monthly charge set forth in paragraphs 1-3 of this section. The Building Official will make a determination as to how many units are in each building in the event that it is unclear.

6-1.0103 BILLING AND PAYMENT. Billing and payment for the service of the water system shall be as set forth in Article 2 of this Chapter.

6-1.0104 SERVICE DISCONTINUED FOR NONPAYMENT. Discontinuation of service shall be controlled by the provisions of Article 2 of this Chapter.

6-1.0105 LIABILITY FOR PAYMENT AND DEPOSITS. The owner of the premises served and, if applicable, the occupant thereof and the user of the water service shall be jointly and severally liable for the water service provided said premises. A deposit of one hundred dollars (\$100.00) shall be required. Upon the termination of the use of the water service for a building, any balance of such deposit shall be returned to the owner, or tenant, as applicable, without interest.

6-1.0106 BILLS RENDERED. It is hereby made the duty of the Clerk to render bills for water service and all other charges in connection therewith and to collect all moneys due therefrom.

6-1.0107 WATERWORKS FUND ACCOUNT. All revenues and moneys derived from the operation of the water system shall be paid to and held by the City separate 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 said Council shall administer said fund in every respect in a manner provided by the Code of Iowa and all other laws pertaining thereto.

6-1.0108 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

6-1.0109 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential 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 rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be

given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

6-1.0110 DELINQUENCY AND LIEN NOTICES. When service charges for one or more of the utilities become delinquent, the Clerk shall give notice of such delinquency to a landlord who has filed a request to be notified when the tenant is notified of the delinquency. In addition, before placing a lien on the owner's property, the Clerk shall give ten (10) days' written notice by first class mail to the property owner of record who has filed a request to be notified of such lien.

(Code of Iowa, Sec. 384.84)

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 1 - WATER SERVICE

ARTICLE 2
SERVICE RULES AND REGULATIONS

6-1.0201 SERVICE APPLICATION. A property owner or his agent, hereinafter called customer, must make written application for water service at the Clerk's office and said application, including service received thereunder, is non-assignable by the customer.

6-1.0202 METER/METER BOX AVAILABILITY FEE. A fee of two hundred-five dollars (\$205.00) shall be charged each applicant for a new water service connection.

6-1.0203 TAPPING MAINS. All taps and connections to the mains of the City shall be made by and/or under the direction and supervision of waterworks personnel and constructed in accordance with provisions of this article.

6-1.0204 INSTALLATION OF SERVICE LINE. The City shall install and maintain at the customer's expense that portion of the service from the main to the lot or easement line, including the necessary tap, fittings and shut-off valve, and the customer shall install and maintain at the customer's expense that portion of the service from said lot or easement line to the customer's premises, including a stop and waste cock at the end of the house side of the customer's service. The minimum earth cover of the customer's service shall be five (5) feet. The City shall determine the size and kind of service to be installed.

6-1.0205 SERVICE DISCONTINUED. Application may be canceled and/or water service discontinued by the City for any violation of any rule, regulation or condition of service and especially for any of the following reasons:

1. Misrepresentation. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.
2. Failure to Report Use. Failure to report to the City addition to the property or fixtures to the supplies or additional use to be made of water.
3. Sale of Water. Resale or giving away of water.
4. Misuse. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.
5. Tampering. Tampering with meter, meter seal, service or valves, or permitting such tampering by others.

6. Cross Connection. Connection, cross-connection or permitting same, of any separate water supply to premises which receive water from the City.
7. Delinquency. Nonpayment of bills.

6-1.0206 REQUESTED DISCONTINUANCE OF SERVICE. Any customer desiring to discontinue the water service to said customer's premises for any reason must give notice of discontinuance in writing at the office of the Clerk; otherwise, the customer shall remain liable for the minimum billing plus all water used. A charge of ten dollars (\$10.00) shall be made for reconnection of water service voluntarily discontinued.

6-1.0207 BILLING PROCEDURES. Bills and notices relating to the conduct of the business of the City will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the City; and the City shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice.

6-1.0208 PAYMENT FOR SERVICE. Payment for water service shall be as follows:

- 1 Due and Payable. Bills for water service are due and payable at the office of the Clerk on the date of their issue. The past due date shall be the fifteenth (15th) day of the month in which the bills are issued. Bills will be dated and mailed on the first day or as close as possible to the first day of the month.
2. Delinquency. All bills not paid on or before the past due date shall be termed delinquent and a twenty-five dollar (\$25.00) penalty fee may be added to the bill, and the Clerk may send a written notice of delinquency. If a delinquent bill is not paid by the twentieth (25th) day of the month, the water supply to the customer may be discontinued without further notice.
3. Meters Read. Meters will be read in the final week of the month before the month of the rendition of the bill

6-1.0209 RECONNECT CHARGE. Where the water supply to a customer has been discontinued for nonpayment of delinquent bills, a charge of seventy-five dollars (\$75.00) will be made for reconnection of water service, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer have been paid.

6-1.0210 DEPOSITS. The City reserves the right to request a sum of one hundred dollars (\$100.00) to be placed on deposit with the City for the purpose of establishing or maintaining any customer's credit. The deposit may be held until the customer discontinues water service.

6-1.0211 METERS. All meters shall be installed, maintained and renewed by and

at the expense of the City, and the City reserves the right to determine the size and type of meter used.

6-1.0212 METER TESTS. The City does not have equipment for meter tests; therefore any customer challenging the accuracy of the installed meter may have the meter exchanged for a new meter, provided the City is not able to convince the customer that meters do not speed up but only slow down with age and use.

6-1.0213 ESTIMATED READINGS. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon an average of the prior six (6) months consumption, and the conditions of normal water usage expected during the period in which the meter failed to register.

6-1.0214 CONSTRUCTION USE. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being twenty-five dollars (\$25.00); and the amount to be determined by the City depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant or water service may be discontinued without notice.

6-1.0215 SERVICE INTERRUPTIONS. The City shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

6-1.0216 CITY LIABILITY LIMITED. The City shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruptions of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages or have any portion of a payment refunded for any interruptions of service which in the opinion of the City are necessary.

6-1.0217 BOILERS AND PRESSURE VESSELS. Customers having boilers and/or pressure vessels receiving a supply of water from the City must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the City is discontinued or interrupted for any reason, with or without notice.

6-1.0218 RIGHT OF ENTRY. The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by duly authorized employees of the City.

6-1.0219 SPECIAL TERMS OF USE. Special terms and conditions may be made where water is used by the City for public purposes such as fire extinguishment, public parks, etc.

6-1.0220 PERMIT REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the waterworks or appurtenances thereof without first obtaining a written permit from the City Clerk.

6-1.0221 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a bonded plumber. In addition, the Council shall have the power to suspend the approval of any plumber for violation of any of the provisions of this article. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Clerk shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which he will be granted a hearing. At this Council meeting the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.

6-1.0222 CLASSES OF PERMITS AND FEES. There shall be two (2) classes of permit applications: one for residential service and the second for commercial and industrial service. In either case, the owner or agent shall make application on a special form furnished by the City Clerk. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the inspector.

6-1.0223 CONSTRUCTION STANDARDS. Service lines and appurtenances shall be constructed or any of the following materials and in accordance with the state plumbing code.

1. Steel - AWWA standard specifications 7A.3(1) and 7A.4(2), ASTM A 120-62T.
2. Flexible Polyethylene Plastic - commercial standards CS 255-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce minimum rating 125 psi, minimum size 3/4 inch I.D.
3. Polyvinyl-Chloride (PVC) - commercial standards 256-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce, High Impact (type 2) for service lines.
4. Acrylonitrile-Buctaciene-Styrene - commercial standards 254-63, National Sanitation Foundation approved and stamped.
5. Copper - ASTM specifications B-88 for type K seamless annealed.

6-1.0224 CUSTOMER'S LIABILITY. If any loss or damage to the property of the City or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of the customer's household or any agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the City and any liability otherwise resulting shall be that of the customer.

6-1.0225 USE OF WATER RESTRICTED. Water furnished by the City may be used for domestic consumption by the customer, members of the customer's household and employees only. The customer shall not sell or give the water to any other person.

6-1.0226 EASEMENTS. Each customer shall grant or convey or shall cause to be granted or conveyed to the City a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

6-1.0227 LINE EXTENSIONS. The City will construct extensions to its water lines to points within its service area but the City shall not be required to make such installations unless the customer pays to the City the entire cost of the installation. All line extensions shall be evidenced by a contract signed by the City and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies. If refund of the advance is to be made, the following method shall apply: twenty percent (20%) of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five (5) years, provided that the aggregate payments do not exceed the total amount deposited. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the City and such extension shall be the property of the City and no other person shall have right, title or interest therein.

6-1.0228 SERVICE REFUSED. The City may refuse service to persons not presently customers when in the opinion of the City the capacity of the facilities will not permit such service.

6-1.0229 RULES CHANGES. These rules may be changed or amended.

6-1.0230 COMPLAINTS. Complaints may be made to the operator of the system and may be appealed to the City Council within ten (10) days.

6-1.0231 MANDATORY CONNECTION. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 2- TREES

ARTICLE 1
GENERAL PROVISIONS

6-2.0101 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees.

6-2.0102 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Parking": shall mean that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
2. "Superintendent": shall mean the Superintendent of streets or such other person as may be designated by the Council.

6-2.0103 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking area.

6-2.0104 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

(Code of Iowa, 1981, Sec. 364.12 f2c)

6-2.0105 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, 1981, Sec. 364.12 [2d & e])

6-2.0106 TRIMMING TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

6-2.0107 REMOVAL OF TREES. The Superintendent shall remove, on the order of the Council, any tree on the streets of the City which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the

street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.
(Code of Iowa, 1981, Sec. 364.12[2c] & 372.13[4])

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 2- TREES

ARTICLE 2
DUTCH ELM DISEASE CONTROL

6-2.0201 TREES SUBJECT TO REMOVAL. The Council having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch Elm Disease hereby declares the following shall be removed:

1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh.).
2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

(Code of Iowa, 1981, Sec. 364.12 [3b])

6-2.0202 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material as defined in Section 1 of this article to remain on the premises owned, controlled or occupied by him within the City.

(Code of Iowa, 1981, Sec. 364.12 [3b1])

6-2.0203 INSPECTION. The Superintendent shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in Section 1 of this Article exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

6-2.0204 REMOVAL FROM CITY PROPERTY. If the Superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City and that the danger of other elm trees within the City is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

6-2.0205 REMOVAL FROM PRIVATE PROPERTY. If the Superintendent upon inspection or examination, in person or by some qualified person acting for him,

shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the City is imminent, he shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition within thirty (30) days of said notification. If such owner, occupant or person in charge of said property fails to comply within thirty (30) days of receipt thereof, the Council may cause the nuisance to be removed and the cost assessed against the property as provided in Article 2, Chapter 1, of Title III.

(Code of Iowa, 1981, Sec. 364.12 [3b & hi])

6-2.0206 REMOVAL BY SUPERINTENDENT FOR ANALYSIS. If the Superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, he is authorized to remove or cut specimens from said trees, and obtain a diagnosis of such specimens.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 3 - ABANDONED AND JUNK VEHICLES AND MACHINERY

ARTICLE 1
ABANDONED VEHICLES

6-3.0101 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) 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 twenty-four (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 twenty-four (24) hours.
 - d. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten day period by commencing the notification process.
 - e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - f. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
(Code of Iowa, Sec. 321.89[b])
2. "Demolisher" means any City or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. "Police authority" means the Iowa highway safety patrol or any law enforcement agency of a County or City.
(Code of Iowa, Sec. 321.89[1a])

6-3.0102 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 an abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. 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. 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])

6-3.0103 NOTICE BY MAIL. The police authority or private entity which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim, and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. 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 the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (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 personal property. A court in any

case in law or equity shall not recognize any right, title, claim, or interest of the owner, and lienholders or claimants after the expiration of the ten (10) day reclaiming period. (Code of Iowa, Sec. 321.89[3a])

6-3.0104 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of 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 6-3.0103. 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 6-3.0103.

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

6-3.0105 EXTENSION OF TIME. The owner, lienholders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten (10) day reclaiming period, obtain an additional five (5) days within which the motor vehicle or personal property may be reclaimed.

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

6-3.0106 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay twenty-five dollars (\$25.00) if claimed within five (5) days of impounding, plus ten dollars (\$10.00) for each additional day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

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

6-3.0107 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, Section 321.89[4])

6-3.0108 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 (2) 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])

6-3.0109 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

6-3.0110 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])

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 4- PLANNING AND ZONING COMMISSION

ARTICLE 1
GENERAL PROVISIONS

6-4.0101 PLANNING AND ZONING COMMISSION. There shall be a City planning and zoning commission, hereinafter referred to as the commission, consisting of five (5) members who shall be residents of the City, appointed by the Council. 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 & 392.1)

6-4.0102 TERM OF OFFICE. The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

6-4.0103 VACANCIES. If any vacancy shall exist on the commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

6-4.0104 COMPENSATION. All members of the commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

6-4.0105 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties:

1. **Selection of Officers.** The commission shall choose annually at its first regular meeting one of its members to act as chairperson and another as vice-chairperson, who shall perform all the duties of the chairman during the absence or disability of the chairperson. (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. 392.5)

3. **Comprehensive Plan.** It shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations. (Code of Iowa, Sec. 414.3)
4. **4. Comprehensive Plan: Preparation.** For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development. (Code of Iowa, Sec. 414.3 & 392.1)
5. **Comprehensive Plan: Public Hearing.** Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) or more than twenty (20) days before the date of hearing. However, in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the commission. After adoption of said plan by the commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as herein authorized shall constitute the official City plan.
(Code of Iowa, Sec. 414.1, 414.6 & 392.1)
6. **Comprehensive Plan: Amendments.** When the comprehensive plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

(Code of Iowa, Sec. 414.4, 414.5 & 392.1)

7. **Review and Comment on Plats.** All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the commission and its recommendations obtained before approval by the Council. (Code of Iowa, Sec. 392.1)
8. **Zoning.** The commission shall have and exercise all the powers and duties and privileges in preparing and amending the City zoning code as provided by Chapter 414 of the Code of Iowa. (Code of Iowa, Sec. 414.6)
9. **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 whatsoever which are received by the City for City planning and zoning purposes. (Code of Iowa, Sec. 392.1)
10. **Limitation on Entering Contracts.** The commission shall have no power to contract debts beyond the amount of its income for the present year.
(Code of Iowa, Sec. 392.1)

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5- ZONING CODE

ARTICLE 1
GENERAL PROVISIONS

6-5.0101 PURPOSE. The purpose of this Chapter is to promote the health, safety and general welfare of the City and to regulate and restrict the height, number of stories and size of buildings and other structures, and percentage of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes.

6-5.0102 TITLE. This Chapter is adopted under the provisions of Chapter 414 of the Code of Iowa, 2005, and shall be known and may be cited and referred to as the "Zoning Ordinance" of the City of Gilbert, Iowa.

6-5.0103 DEFINITIONS. For use in this Chapter, the following terms are defined as follows:

1. **Abutting:** Having property or district lines in common.
2. **Access:** A way of approaching or entering a property from a public street.
3. **Accessory Building or Use:** A separate subordinate building, the use of which is incidental to that of the principal building or to the principal use of the premises, and is located on the same lot as the main building. An accessory use is one that is incidental to the main use of the premises. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
4. **Agriculture:** Shall mean the growing of the usual farm products including but not limited to grain, vegetables, fruit trees, and grain, and their storage on the area, as well as the raising of the usual farm poultry, including chickens and turkeys and farm animals such as horses, cattle, sheep, and swine. The term "farming" means the use of an area for one or more of the above uses, including apiaries, bees, fur animals, trees and forest products, and dairy farms, with the necessary accessory uses for treating or storing the product.
5. **Alley:** Land devoted to secondary access to lots.
6. **Alterations:** Any change in any building, including a change in the supporting

members of a building, such as bearing walls, partitions, columns, beams or girders, that will (1) upon completion affect a change in the use thereof, or (2) that has the effect of enlarging or reducing the floor area thereof.

7. **Animal Hospital or Clinic:** See Veterinary Clinic.
8. **Automobile Repair (Major):** General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
9. **Automobile Repair (Minor):** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks, but not including any operation specified under "Automobile Repair-Major".
10. **Automobile Wrecking Yard:** An area outside of an enclosed building where motor vehicles are disassembled, dismantled, or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored.
11. **Basement:** Has less than one-half (1/2) its height below grade; a cellar has more than one-half (1/2) its height below grade. If a basement is subdivided and used for dwelling purposes, it is counted as a story; a cellar is not.
12. **Billboard:** A sign which has a flat surface sign space upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or else of such sign space for advertising or promotion not relating to the use of the property upon which the sign exists.
13. **Bed and Breakfast Operations:** A building, or portion thereof, where short-term lodging and meals are provided. An owner or manager may live on the premises. A maximum of five guest sleeping rooms may be devoted to lodging, and meals may be provided to other than overnight guests, but the operation shall not hold itself out to be a public restaurant.
14. **Board:** The Gilbert Board of Adjustment.
15. **Build:** To erect, convert, enlarge, reconstruct or provide for structural alteration of a building or structure.
16. **Buildable Area:** The area of a lot remaining after the minimum yard and open space requirements have been met, on which permitted buildings or other structures can be erected. Same as maximum lot coverage.
17. **Building:** 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 vehicles or trailers originally designed for transportation purposes.

18. **Building Height of:** The vertical distance from the grade to (a) the deck line of a mansard roof or (b) the highest point of a flat roof or (c) the mean height between eaves and ridge for gable, hip, and gambrel roofs.
19. **Centerline:** A line halfway between the street lines.
20. **Clerk:** The City Clerk of the City of Gilbert, Iowa.
21. **Clinic:** An establishment occupied by one or more members of a medical or healing profession and used by persons requiring medical treatment.
22. **Commission:** The Planning and Zoning Commission of the City of Gilbert, Iowa.
23. **Common Wall:** An unbroken wall shared by two or more separate buildings.
24. **Conditional Use:** A reasonable use that is conditionally permitted in a District which will not impair the public health, safety, or welfare but which does not completely conform to the character of the zone in which it is located. Certain conditions on the location, aesthetics, size, and other performance standards may be imposed on such a use. A conditional use is personal to the owner and does not with the land. Also known as a special use.
25. **Condominium:** A residential or commercial building consisting of multiple units, each under individual ownership of the space contained within each unit, and co-ownership of the remaining real property by the individual owners as tenants in common, but subject to certain joint agreements and regulations.
26. **Council:** The City Council of the City of Gilbert, Iowa.
27. **District:** The area defined as a zoning district within which certain zoning provisions apply and regulations are uniform under the Zoning Ordinance.
28. **Dormitory:** A building, other than a hotel, apartment hotel, motel, or bed and breakfast where for compensation and by pre-arrangement, for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons.
29. **Dwelling:** Any building or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
30. **Dwelling, Single Family:** A detached building designed for or occupied exclusively by and for residence purposes by one family and having no party wall in common with an adjacent house or houses.
31. **Dwelling, Multiple Family:** A building or portion thereof designed for or occupied exclusively by and for residential purposes by two (2) or more families.

32. **Family:** One or more persons related by blood, marriage, adoption, or legal guardianship occupying a single dwelling unit. A family may include two, but not more than two, persons not related by blood, marriage or adoption.
33. **Family Home:** A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a group child foster care facility under Chapter 237 of the Iowa Code 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 Iowa Code.
34. **Farm:** An area which is used for agriculture.
35. **Flood Area:** Any land or portion of land, adjacent to a stream, river, or other natural drainage channels or basins, that is subject to overflow, inundation, or flood hazard from the unusual and rapid accumulation or runoff of surface water from any sources.
36. **Floor Area:** The sum of the gross horizontal areas of the floors of a building, including interior balconies and mezzanines, but excluding exterior balconies, porches, garages, or cellars.
37. **Frontage:** The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead-end street.
38. **Grade:** The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to the street the grade is the sidewalk elevation at the center of the building. If there is more than one street an average sidewalk elevation is to be used. If there is no sidewalk, the City engineer shall establish the sidewalk grade.
39. **Health Care Facility:** Any residential care facility, intermediate care facility, or skilled nursing facility.
- 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 (3) or more individuals, not related to the administrator or owner, 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 to which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof, 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 licensed practical nurse.

40. **Height, Building:** The vertical distance from the grade to (a) the deck line of a mansard roof or (b) the highest point of a flat roof or (c) the mean height between eaves and ridge for gable, hip and gambrel roofs.
41. **Home Occupation:** An occupation or activity carried on by the immediate members of the family residing in the dwelling, meeting the following conditions:
- a. Only one non-illuminated sign no larger than one square foot in area is used on the premises.
 - b. Nothing is done to make the building appear in any way as anything but a dwelling.
 - c. If some product is made as part of the activity, it and only it may be sold. Nothing else can be sold.
 - d. No one is employed from outside the resident family.
 - e. The use of mechanical equipment shall be only that which is appropriate in a single-family dwelling.

The following uses shall not be deemed by this ordinance home occupation:

- a. Auto repair and body shops.
 - b. Auto and motorcycle maintenance shops.
 - c. Junk yards.
 - d. For-profit kennels.
42. **Hotel:** A building occupied as a temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms and entrance is made through a common lobby or office.
43. **Junk Yard:** An open area on any lot or parcel of land, or any portion thereof, which is used for storage, abandonment or keeping of junk, including scrap metals or scrap materials or for the abandonment of or dismantling of machinery, motor vehicles or other vehicles or parts thereof. The parking or storage of motor vehicles or trailers of any kind or type without current license plates, outside of a completely enclosed building, shall constitute a junk yard, except where otherwise permitted by this Chapter.

44. **Kennel, Commercial:** Establishment in which dogs or other common household domestic animal are bred, housed, groomed, or boarded.
45. **Dwelling unit:** The room or rooms occupied by a family. The dwelling unit must include a kitchen.
46. **Lot:** For the purposes of this Chapter, a lot is an officially platted 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 provided. Such lot shall have frontage on an improved 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;
 - d. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Chapter.
- A lot may also be referred to as “plot” or “parcel”.
47. **Lot Frontage:** The portion of a lot abutting the adjacent street. For corner lots, all sides adjacent to streets shall be considered frontage.
48. **Lot Line:** The legally defined property lines bounding a lot .
- a. Lot Line, Front: That line separating the lot from adjacent streets.
 - b. Lot Line, Rear: The lot line farthest from or opposite the front lot line. In the case of a corner lot, the rear lot line shall be considered the lot line opposite the adjacent street that is designated as the front street (the street upon which the property’s address is assigned).
 - c. Lot Line, Side: A lot line other than the front or rear lot lines.
49. **Lot Measurements:**
- a. Depth: Depth of a lot shall be the distance between the midpoints 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: The 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 line, provided, however, that width between side lot lines at the foremost points (where they intersect with the street line or 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 a cul-de-sac, where 80 percent requirements shall not apply.

50. **Lot of Record:** A lot which is part of a subdivision recorded in the office of the County recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
51. **Lot Types:**
- a. Corner Lot: A lot located at the intersection of two or more streets.
 - b. Interior Lot: A lot other than a corner lot with only one frontage on a street other than an alley.
 - c. Through Lot: A lot other than a corner lot with frontage on two parallel or non-intersecting streets.
 - d. 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.
52. **Manufactured Home:** A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A manufactured home shall be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage. A “mobile home” as defined in Section 435.1.1 of the Code of Iowa as not a manufactured home, unless it has been converted to real property as defined Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.
53. **Mobile Home:** Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A “mobile home” is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park the home is to be assessed.
54. **Motel (also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court):** A building or group of buildings designed to provide sleeping accommodations to

- transient guests for compensation, and provides near each guest room a parking space for guest vehicles. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.
55. **Non-Conforming Use (also Nonconformities):** Lots, structures, uses of land and structures or characteristics of uses, that are prohibited under the terms of this Chapter but were lawful at the date of the Zoning Ordinance's enactment.
56. **Parking Lot:** An open, unenclosed surfaced area used exclusively for the temporary storage of motor vehicles and within which fees may be charged, but no vehicles are to be equipped, repaired, rented or sold.
57. **Parking Space:** An area on a lot sufficient in size to store one automobile (but not less than nine (9) feet wide and twenty (20) feet long) connected to a public street or alley by a driveway not less than ten (10) feet wide and so arranged as to permit ingress and egress of the automobile at all times without moving any other automobile parked adjacent to the parking space. The parking space and connecting driveways shall be surfaced with a permanent, dust-free paving.
58. **Permitted Use:** A use by right that is specifically authorized in a particular zoning district.
59. **Principal Use:** The main use of land or structures as distinguished from an accessory use.
60. **Planned Development:** A project located on a single tract, controlled by one owner, corporation or agency, including usable open space for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance or normal zoning and subdivision standards, so that maximum long range benefits can be gained and unique features of the site preserved or enhanced.
61. **Premises:** Land together with any buildings or structures occupying it.
62. **Private Garage:** An accessory building housing not more than four (4) vehicles owned and used by occupants of the main/ building. Where more than four (4) vehicles are housed or where the vehicles are used by persons other than occupants the building is a storage garage. Neither a private garage nor a storage garage may house more than one commercial vehicle.
63. **Projections (into yards):** Parts of buildings such as architectural features that extend beyond the building's exterior wall.
64. **Recreational Facility:** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Examples include basketball courts, ballfields, tennis courts, shuffleboard, trails,

- etc. Private recreational facilities are those that are located on private property for the exclusive use of the property owners. Public recreational facilities are those that are located on public property and available for use by the public.
65. **Separate Tract:** A parcel of land or a group of contiguous parcels of land under one ownership as of July 26, 1973.
66. **Setback:** The minimum required horizontal distance measured at right angles to the boundary of the lot or parcel between the farthest protruding point of the wall of the building closest to the boundary. Also equal to minimum yard depth.
67. **Sign:** Any object or device, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, or direct, or attract attention to any object, person, institution, organization, business product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, color, motion, illumination, or project images. A sign includes any billboard but does not include the following: flags of nations, states, and cities, or merchandise, picture or models of products or services incorporated with an inside window display; or works of art, which in no way identify a product or service.
68. **Story:** shall mean the part of a building from one floor to the next floor above or to the ceiling above if there is no floor above. A half-story is space under a sloping roof, all of which space must be at least three (3) feet high but not more than sixty (60) percent of which floor area may be finished off for use.
71. **Street:** The entire width between the boundary lines of a public right-of-way which provides for public means of access to abutting property or for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms “road”, “highway”, “lane”, “place”, “avenue”, and other similar designations.
72. **Street Line:** The dividing line between a lot and a street.
73. **Structure:** Anything constructed or erected that is affixed to the ground or which is attached to something affixed to the ground, including signs and billboards, but not including fences or walls used as fences.
74. **Structural Alteration:** Any change in the supporting members of a building, such as bearing walls or partitions, column, beams or girders, or any complete rebuilding or extending of the roof or the exterior walls.
75. **Tent:** A portable or temporary cover of shelter with or without side panels, which is supported by poles and is made of canvass, plastic, or similar materials, that is not permanently affixed to the site and is not considered a structure.
76. **Use:** The purpose of activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

77. **Variance:** A modification of the regulations of this Chapter granted by resolution of the Board of Adjustment in accordance with the provision and terms of this Chapter, which grants a property owner relief from certain provisions of the Chapter when, because of the particular physical surroundings, shape or topographical condition of the property (which condition is not of the owner's making), compliance would result in particular hardship on the owner, as distinguished from a mere inconvenience or desire to add value to the property.
78. **Veterinary Clinic:** An establishment where animals are admitted principally for examination, treatment or care by a doctor of veterinary medicine.
79. **Yard:** The unoccupied or unobstructed open space on the same lot with a main building.
80. **Yard, Front:** An open space extending the full width of a lot between a building and the front lot/property line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.
81. **Yard, Rear:** An open space extending the full width of a lot between a building and the rear lot/property line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. On corner lots, the rear yard shall be considered opposite the adjacent street that is designated as the front street (the street upon which the property's address is assigned).
82. **Yard, Side:** An open space extending from the front yard to the rear yard between a building and side lot/property line, unoccupied and unobstructed from the ground upward, except as hereinafter provided if the lot is square or almost square, i.e., has dimensions in a ratio of from 3.2 to 3.3, then the front yard may face either street.

Words used in the present tense include the future. The singular number includes the plural and the singular. "May" is permissive and "Shall" is mandatory.

6-5.0104 INTERPRETATION OF STANDARDS. In their interpretation and application the provisions of this Chapter shall be held to be minimum requirements. Where this Chapter imposes a greater restriction than is imposed by or required by other provisions of law or by other rules or regulations or ordinance, the provision of this Chapter shall control.

6-5.0105 PRIVATE COVENANTS, EASEMENTS & CONTRACTS. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between

parties, except that if this Chapter imposes a greater restriction, this Chapter shall control.

6-5.0106 CERTIFICATE OF OCCUPANCY REQUIRED. No change in the use of any existing building shall be made until a Certificate of Occupancy has been issued which states that the new use/occupancy complies with all provisions of this chapter. No building or premises shall be occupied in a new use until such certificate is issued. A record of all certificates of occupancy that have been issued shall be kept on file in the office of the commission and copies shall be furnished upon request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

6-5.0107 ENFORCEMENT AND APPEALS. The Commission shall enforce this Chapter; appeals from its administrative decisions may be taken to the Board of Adjustment.

6-5.0108 AMENDMENTS. The Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning and Zoning Commission for its recommendations and report. If the Commission makes no report within sixty (60) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. After the recommendations and report of the Commission have been filed, the Council shall, before enacting any proposed amendment, supplement, modification or repeal, hold a public hearing in relation thereto, giving at least fifteen (15) days notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the City of Gilbert.

6-5.0109 EXTRAORDINARY VOTE REQUIRED. If the Commission recommends against, or if a protest against such proposed amendment, supplement, change or modification or repeal, shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one lot not to exceed two hundred (200) feet therefrom of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of all members of the Council.

6-5.0110 FEE SCHEDULE. Before any action shall be taken to amend the Zoning Ordinance, as requested by a party other than the City proposing or recommending a change in the district regulations or district boundaries, a fee of one hundred (\$100.00) dollars shall be paid by the applicant. Said fee shall cover the cost of the procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Council.

6-5.0111 PENALTY. The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist, or the lessee or tenant or any entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a violation of this Code of Ordinances. Each and every day that such violation continues may constitute a separate offense.

6-5.0112 ADDITIONAL REMEDIES. In case any building, or structure, is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Chapter, the appropriate authorities of the City, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5- ZONING CODE

ARTICLE 2
GENERAL REGULATIONS

6-5.0201 BUILDING PERMIT REQUIRED. No construction, including the structural alteration or moving of any building or residence, may be undertaken in the City without the issuance of a building permit, and any other permit or approval required by this code. Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the name of the person making the application, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this chapter. Applicants shall pay all applicable permit and utility fees.

Prospective building permit applicants who anticipate that street excavation shall be required for hookup to any public utilities or for any other purpose that may relate to the building permit being applied for, or applicants who anticipate that such building may in any way harm, damage or alter the surface or sub-surface of the street, shall be required to post with the City a five thousand (\$5,000) dollar surety bond. If, after such excavation, harm, damage or alteration has been made in the street surface, such excavation, harm, damage or alteration is not repaired to the original surface of the street and to the satisfaction of the City and building officials, the City may use all or part of the bond to repair such excavation, harm, damage or alteration to its satisfaction. Prospective builders shall be allowed a period of one hundred eighty (180) days from the beginning of the excavation, harm, damage or alteration to repair such damage before the City shall make such repairs under the provisions of this section and assess the cost of repairs to the property. Applicant shall pay all applicable excavation fees.

6-5.0202 COMPLIANCE WITH STANDARDS REQUIRED. Uses of premises and all buildings in the City shall be in accordance with the minimum standards hereinafter established.

6-5.0203 BUILDING LOTS. Every building shall be on a lot. Except as provided in subsections 6-5.0206(F) & 6-5.0206(H) and Sections 6-5.0208, 6-5.0209 and 6-5.0210, there cannot be more than one building on one lot.

6-5.0204 EXCEPTIONS TO LOT AREA REQUIREMENTS. The following exceptions to specific area requirements are allowed:

1. **Existing Tracts.** Separate tracts with less area or width than above required may be used for one single-family dwelling or for a permitted non-dwelling use.

2. **Re-subdivided Tracts.** On separate tracts that are hereafter re-subdivided for one lot may be reduced to ninety-five (95) percent of the required lot area for one living unit.
3. **Existing Buildings.** Existing buildings that are in violation of lot area requirements may be remodeled or repaired but may not be reconstructed or structurally altered unless made to conform to these requirements.
4. **Cul-de-sac or Turnaround.** Lot frontage may be reduced on all lots that front onto a turnaround, cul-de-sac, or curved street, but minimum lot width shall be required at the minimum required front set-back line as required by this chapter, and the minimum lot area shall also be required.
5. **Nonconforming Lots.** On lots existing as nonconformities under this chapter as of July 26, 1973, (i.e., those lots which do not conform to required lot area, configuration or yard space) the Council may, with the recommendation of the commission, issue building permits for such lots.

6-5.0205 REDUCTION IN LOT OR YARD SIZE PROHIBITED. Yards, parking space, or lot area required for one building cannot be used for another building, nor can the size of the lot be reduced below the requirements of this chapter.

6-5.0206 YARD PROVISIONS. The following general rules for yards must also be observed.

1. **GENERAL REQUIREMENTS:** The following general yard requirements shall apply:
 - a. **Double Frontage.** On lots fronting on two non-intersecting streets a front yard must be provided on both streets.
 - b. **Corner Lots - R-District.** On corner lots in the R-Districts there must be a front yard on both streets. On corner lots that are separate tracts the buildable width cannot be reduced to less than twenty-eight (28) feet except that there shall be a yard along the side street of such a tract of land at least five (5) feet.
 - c. **Corner Lots - C and M-Districts.** On corner lots in the C and M-Districts that rear upon an R-District a ten (10) foot yard must be provided along the side street side.
 - d. **Divided Districts.** Where a frontage is divided among districts with different front yard requirements the deepest front yard required shall apply to the entire frontage.
 - e. **Side Yards.** Where a lot is in the C, M or A-District and is next to an R-District the side or rear yard required in that R-District must be provided along the boundary line.

- f. **Multiple Buildings.** In the C, M, and A-Districts there may be more than one commercial, industrial or agricultural building on a lot provided that the required yards be maintained around the group of buildings.
 - g. **Dwellings in C and M-Districts.** Dwelling uses, except hotels, located in C and M-Districts, must provide the yards required in the R3-District.
 - h. **Multi-Family and Institutional Buildings.** There may be two or more related multi-family, hotel, motel or institutional buildings on a lot; provided that the required yards be maintained around the group of buildings, and buildings that are parallel or that are within forty-five (45) degrees of being parallel, be separated by a horizontal distance that is at least equal to the height of the highest building.
 - i. **Existing Buildings.** Those parts of existing buildings that violate yard regulations may be repaired and remodeled but not reconstructed or structurally altered.
2. **PERMISSIBLE EXCEPTIONS:** The following exceptions may be made in yard regulations:
- a. **Side Yard.** On separate tracts the side yard may be reduced by ten (10) percent of the total width but not to less than three (3) feet.
 - b. **Rear Yard.** On separate tracts the rear yard may be reduced to twenty (20) percent of the tract depth.
 - c. **Front Yard.** Where, on July 26, 1973, forty (40) percent or more of a frontage was occupied by two or more buildings, then the front yards are established in the following manner:
 - i. Where the building furthest from the street provides a front yard not more than ten (10) feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
 - ii. Where this (A) is not the case, and a lot is within one hundred (100) feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 - iii. Where neither A nor B is the case, and the lot is within one hundred (100) feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
 - d. **Projecting Sills, etc..** Sills, cornices and ornamental features may project only one (1) foot into a required yard.
 - e. **Fire Escapes, Staircases and Balconies.** Open fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary

projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3') feet when so placed so as not to obstruct light and ventilation, may be permitted by the Council.

- f. **Porches.** Open, unenclosed porches (not glassed in) may extend ten (10) feet into a front yard.
- g. **Terraces.** Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections be distanced at least two (2) feet from the adjacent side lot line.
- h. **Dwellings in Commercial or Industrial Buildings.** No side yards are required where dwellings are erected above commercial and industrial structures.
- i. **Side Yard When Not Required.** If side yards are provided where not required (i.e., in C and M-Districts) they must be at least five (5) feet wide.

6-5.0207 NONCONFORMING USES. Nonconforming uses shall be subject to the following:

- 1. **Conformance Required.** No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district regulations established by this chapter for the district in which the building or land is located. Within the various districts established by this chapter there exist structures and uses of land and structures which were lawful prior to the adoption of this chapter but which would be prohibited, regulated or restricted under the provisions of this chapter. It is the intention of this section to permit these nonconforming uses to continue until they are removed, but not to encourage their survival, enlargement, expansion or extension.
- 2. **Nonconforming Uses of Land.** The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the provisions of this chapter may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied when such use became nonconforming under the provisions of this chapter.
 - b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use when it became nonconforming under the provisions of this chapter.
 - c. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to

the district regulations for the district in which such land is located.

3. **Nonconforming Uses of Structures.** The lawful use of a structure or of a structure and land in combination, which becomes nonconforming under the provisions of this chapter may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located;
 - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time such use became nonconforming. No such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use;
 - d. In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of six (6) months, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
 - e. Any structure devoted to a use made nonconforming by this chapter that is destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundation, shall not be reconstructed and used as before such event. If the structure is less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided it is done within six (6) months of such event, and is built of like or similar materials.
4. **Nonconforming Structures.** Where a structure becomes nonconforming by reason of restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity;
 - b. Should such structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
5. **Required Repairs For Nonconforming Building.** Nothing in this chapter shall be deemed to prevent the restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, provided that no structural enlargement, extension, alteration or change shall be made which will increase the degree of nonconformity of such building.

6-5.0208 ACCESSORY BUILDINGS. Accessory buildings shall be located in accordance with the following rules:

1. **Rear Yard.** Accessory buildings may be located in a rear yard but may not occupy more than thirty (30) percent of a rear yard.
2. **Adjacent to Main Building.** Any accessory building closer than ten (10) feet to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
3. **Removed From Main Building.** An accessory building more than ten (10) feet from a main building may be erected within two (2) feet of a side or rear lot line, but must be located at least sixty (60) feet from a street line.
4. **Garage.** Where a garage is entered from an alley it must be kept ten (10) feet from the alley line.
5. **Corner Lots.** On corner lots the minimum buildable width of twenty-eight (28) feet (see Section 6-5.0206(B)) for main buildings is reduced to twenty-two (22) feet for accessory buildings.
6. **A District.** Uses in the A-Districts are exempt from the provisions of this section.

6-5.0209 FENCES. Fences shall be located in accordance with the following rules:

1. **Intersections.** No fence more than thirty (30) percent solid or more than three (3) feet high may be located within thirty (30) feet of a street intersection.
2. **Four (4) Foot Fence.** Except as provided in Subsection 1 hereof, fences less than four (4) feet high may be located on any part of a lot.
3. **Six (6) Foot Fence.** Except as provided in Subsection 1 hereof, fences less

than six (6) feet high may be erected on those parts of a lot that are as far back or further back from a street than the main building.

6-5.0210 SIGNS. The following regulations regarding signs shall be observed:

1. **Public Buildings and Institutions.** Churches, public and semi-public buildings, hospitals and institutions in R-Districts may have bulletin boards not more than twenty (20) square feet in area in the front yard.
2. **R and R1A Districts.** Only those signs permitted in subsection 1 above, temporary signs not more than twelve (12) square feet in area pertaining to lease or sale of a premises and name plates when non-illuminated and not greater in area than one (1) square foot are allowed in an R-District.
3. **Entry Sign.** In any R-District, there may be entry pillars, at street entry, to identify the area, which will be of masonry construction, not more than thirty (30) inches square. The name plate shall consist of an area not to exceed twenty (20) inches square per pillar.
4. **Multiple Dwellings.** In any R3-District, on multiple dwellings only, there may be one dimly lighted script name plate sign, per premises, attached to the building, with letters that will not exceed twenty-four (24) inches in height or there may be on bulletin board sign in the front yard that shall consist of an area not to exceed twenty (20) square feet.
5. **C1 and M-Districts.** In the C1 and M1-Districts, there may be three (3) square feet of sign for each levied foot of street frontage.
6. **C2-Districts.** There are no sign regulations in the C2 District.
7. **Approval Required.** Location of all signs to meet approval of the City building official.
8. **A-Districts.** In the A-Districts there may be bulletin boards and signs pertaining to the lease, hire or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.

6-5.0211 OFF STREET PARKING.

1. **Use-linked Regulations.** The following off-street parking spaces shall be provided related to the specific uses identified:

- a) **Dwellings.** For dwellings one (1) space on the lot for each living unit in the building. For dwellings not consisting of living units one (1) space on the lot for each one thousand (1,000) square feet of floor area.

- b) **Churches.** For churches erected on new sites one (1) space on the lot for each ten (10) seats in the main assembly area.
- c) **Public Assembly.** For places of public assembly, including auditoriums and theatres, one (1) space for each four (4) seats provided.
- d) **Schools.** For schools two (2) spaces for each classroom.
- e) **Hospitals.** For hospitals one (1) space for each hospital bed.
- f) **Clubs, Lodges, etc.** For institutions, clubs, lodges and other public and semi-public buildings, one (1) space for each one thousand (1,000) square feet of floor area.
- g) **Veterinary Clinics.** In R-3 and R-4 Districts, one (1) space per 300 square feet of floor area.

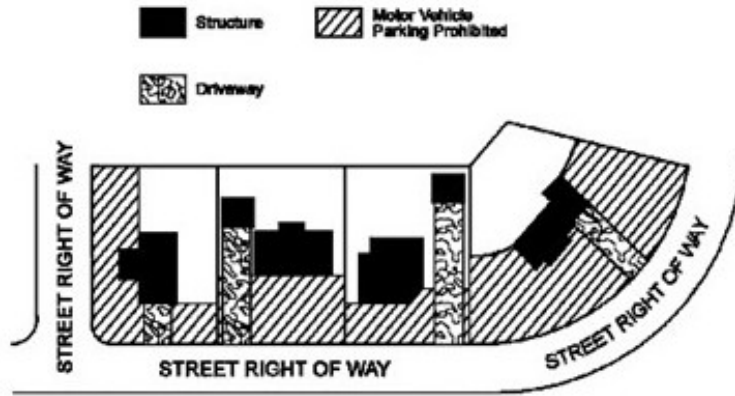
2. **District Regulations.** The following off-street parking spaces shall be provided related to districts:

- a) **R4 and CI-Districts.** For all uses except those specified when located in the R4 or the CI-Districts, one (1) space for each six hundred (600) square feet of floor area.
- b) **C2-District.** Uses in the C2-District shall provide one (1) parking space on the lot or within one thousand (1,000) feet thereof for each one thousand (1,000) feet of floor space that is in excess of five times the lot area. Except as provided in this subsection, no parking spaces need be provided in the C2-District.
- c) **M1-District.** For commercial uses in the M1-District, one (1) space for each six hundred (600) feet of floor area.

3. Location of Spaces.

- a) **C-, M-, and R-Districts.** Parking spaces may be provided in side and rear yards in the R- Districts and any yard in C and M-Districts except that in the C and M districts no parking spaces may be provided in a front yard unless the building is set back at least thirty (30) feet from the street.
- b) **C- and M-Districts.** In the C- and M-Districts parking space may be provided on a separate lot if within three hundred (300) feet of a building and two or more owners may join together in the provision of this parking space.
- c) **R-, C-, M- and A-Districts.** In the R-Districts and in C, M and A

Districts within fifty (50) feet of an R-District, no parking space may be located in a front yard.



4. **A-District Exemption.** Uses in the A-District are exempt from the provisions of this section; provided however, that such uses are located more than fifty (50) feet from an R-District.

5. **Front Yards.** In addition to other regulations in this Chapter and the Municipal Code, the following regulations apply to front yards:

1. No person shall park or place upon a front yard in an R-District any motor vehicle (whether registered or unregistered), trailer (whether registered or unregistered), all-terrain vehicle, golf cart, camper, boat, snowmobile, or any part thereof for more than one hour in any twenty-four consecutive hours.
2. The prohibitions of this subsection shall not apply to that part of a driveway or parking area established by a building or zoning permit, variance, or special use permit or to a driveway existing prior to the issuance of building or zoning permits, provided such driveway is surfaced and does not exceed ten feet in width for a residence having no or one garage, twenty feet in width for a residence having two garages, and thirty feet in width for a residence having three or more garages. "Surfaced," as used herein, means constructed of an impermeable material, such as gravel, concrete, or asphalt.
3. Nonconforming uses.
 - (a) A legal, nonconforming use under this subsection 5 shall be discontinued by December 31, 2011. The board of adjustment

may grant a special use permit for up to two six-month extensions to permit the continuance of the nonconforming use.

- (b) A use which is nonconforming under this subsection 5 shall not be enlarged or extended, except by a special use permit.
 - (c) A use which is nonconforming under this subsection 5 shall not be continued after the transfer of the property.
 - (d) A use which is nonconforming under this subsection 5 shall not be continued if the use is abandoned for more than thirty consecutive days, provided the abandonment is within the owner's control.
4. **Special use permits.** The board of adjustment may grant a special use permit for parking in an area of a front yard if the board of adjustment finds that the location and dimensions of the parking space are reasonable and appropriate, such as an area screened from neighbors, an area adjacent to an existing driveway, or an area that will not interfere with fire fighting or create other health and safety issues or a combination of such factors. The board of adjustment shall consider the effects of a special use permit upon the neighboring properties. The board of adjustment may impose with the granting of a special use permit such reasonable conditions as the board may deem appropriate, including, but not limited to, requiring the paving of some or all of the driveway, driveway apron, and parking areas, erection of appropriate screening, landscaping, appropriate drainage measures, or limitation on timing or of size or type of personal property that may be parked or placed upon the area. The special use permit may be for a definite or indefinite term.

6-5.0212 HEIGHT / SETBACK EXCEPTIONS. The following exceptions to specific height limitations are allowed:

1. **Public Facilities.** If a public building, church, temple, hospital, institution or school is set back an additional foot over the yards otherwise required it may be increased in height two (2) feet over the established height limits up to a limit of seventy (70) feet.
2. **Chimneys; Towers; Elevators.** Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators or necessary mechanical appurtenances, are exempt from height regulations.
3. **Storage Buildings.** Storage buildings are exempt from the story limitations (but

not the "number of feet" limitation).

6-5.0213 SPECIAL PROVISION RELATING TO JUNK YARDS. No Junk Yard shall be established anywhere within the municipal limits of the City of Gilbert.

6-5.0214 MINIMUM DENSITY FOR RESIDENTIAL DEVELOPMENTS. All residential development permitted in the City shall be subject to a minimum density of three (3) dwelling units per acre of net developable area. Net developable area is defined as that land within a development tract that is available for the construction of dwellings after all required public improvements have been accounted for. The term "public improvements" shall not include any common areas within a development that are established pursuant to private covenants or easements.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5 - ZONING CODE

ARTICLE 3
DISTRICTS ESTABLISHED

6-5.0301 TYPES OF DISTRICTS. The City is divided into five (5) types of districts:

1. R-Districts - Residential
2. C-Districts - Commercial
3. M-Districts - Industrial
4. A-Districts - Agricultural
5. P/I-District - Public/Institutional

6-5.0302 SPECIFIC DISTRICTS. Four (4) of these types of districts are further divided into the following specific districts:

1. R-Districts - Residential:
 - a. RI/R1A- Single Family District
 - b. R2 - Two Family District
 - c. R3 - Multi-Family District
 - d. R4 - Multi-Family District
 - e. PDR - Planned Residential Development District
2. C-Districts - Commercial:
 - a. C1 - Commercial District
 - b. C2 - Arterial Commercial District
 - c. C-3 - Mixed Used Commercial District
3. M-Districts - Industrial:
 - a. M1 - Light Industrial District
 - b. PDI - Planned Industrial Development District
4. A-Districts - Agricultural:
 - a. A-1 - Prime Agricultural District

6-5.0303 ZONING DISTRICT MAP. The official zoning map of the City, adopted concurrently with this Code of Ordinances, is on file at City Hall, and is made a part of this chapter. The location and boundaries of the zoning districts established by this chapter are set forth on the zoning map in accordance with the Comprehensive Plan.

6-5.0304 INTERPRETING MAP. Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map, the following rules apply:

1. **Streets and alleys.** The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
2. **Lot Lines.** Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the district map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary lines of the district, unless the boundaries are otherwise indicated on the map.
3. **Non-subdivided Property.** In non-subdivided property, the district boundary lines on the map shall be determined by the use of the scale appearing on the map.

6-5.0305 VACATED STREETS OR ALLEYS. Wherever Council vacates a street or alley adjacent districts shall extend to the centerline of the vacation.

6-5.0306 ANNEXATION. Land annexed to the City is automatically in the A1-District until changed by ordinance.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5- ZONING CODE

ARTICLE 4
DISTRICT REGULATIONS

6-5.0401 R1/R1A - SINGLE FAMILY DISTRICTS. The following regulations shall apply within any R1 or R1A - Single Family Residence District.

1. **Permitted Uses.** Premises in this district shall be used for the following purposes only:
 - a. Single-family dwellings
 - b. Public parks, public libraries, public elementary and high schools and public community buildings.
 - c. Private schools with a curriculum similar to public elementary and high schools.
 - d. Churches.
 - e. Golf Courses - but not miniature driving tees.
2. **Conditionally Permitted Uses.** Uses permitted with an approved Conditional Use Permit:
 - a. Nursery, pre-kindergarten, play, special and other schools.
 - b. Bed and Breakfast Operations, provided:
 - i. The use is maintained within an owner occupied, single-family dwelling;
 - ii. The structure has a minimum total floor area of four thousand five hundred (4,500) square feet, with not more than one sleeping room for each seven hundred fifty (750) square feet of floor area, with a maximum of five (5) sleeping rooms;
 - iii. Signage shall be limited to one wall mounted sign not to exceed six (6) square feet in area, not internally illuminated, and with direct lighting only with sharp cutoff luminance;
 - iv. Parking shall be provided at a rate of one space per guest room. The parking shall be provided on site or on a street frontage of the property, and should not intensify parking problems in the neighborhood.

3. **Accessory Uses.** The following accessory uses are permitted in the R1-Single Family District:
 - a. Private garages.
 - b. Home occupations.
 - c. Vegetable and flower gardens.
 - d. Raising and keeping of small animals, but not on a commercial basis or on a scale objectionable to neighboring property owners.
 - e. Tennis courts, swimming pools, garden houses, pergolas, ornamental gates, barbecue ovens, fireplaces and similar uses customarily accessory to residential uses.
 - f. Temporary buildings for construction purposes during the course of construction.
 - g. Accessory buildings may not be used for dwelling purposes.
4. **Lot Size.** Lots in any R1 or R1A Districts shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Chapter 5, Article 2 hereof):
 - R1:a. Width shall not be less than eighty (80) feet.
 - b. Each lot area shall contain not less than 9600 square feet.
 - R1 a: Width. A lot shall have a minimum width of 70 feet.
 - b. Area. A lot shall have a minimum area 8,000 square feet, provided however that the average of all lots in each platted subdivision shall not be less than 9,600 square feet.
5. **Yards.** Yards shall comply with the following requirements, unless they fall under an applicable yard provision of the General Regulations (Chapter 5, Article 2 hereof):
 - a. Front Yard - 25 feet.
 - b. Side Yards - 6 feet on each side.
 - c. Rear Yard - 25 feet. (R1) 20 feet (R1A)
 - d. Lot Coverage - 30% maximum. (R1) 35% (R1A)
6. **Height.** Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof), buildings in any R1 or R1A District shall not exceed two and one-half (2.5) stories or thirty-five (35) feet in height.

6-5.0402 R2-TWO-FAMILY DISTRICT. The following regulations shall apply within any R2-Two-family Residential District:

1. **Permitted Uses.** Premises in this district shall be used for the following purposes only:
 - a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Public parks, public libraries, public elementary and high school and public community buildings.
 - d. Private schools with a curriculum similar to public elementary and high schools.
 - e. Churches.
 - f. Golf Courses - but not miniature courses or driving tees.
2. **Conditionally Permitted Uses.** Uses permitted with an approved Conditional Use Permit:
 - a. Nursery, pre-kindergarten, play, special and other schools.
 - b. Bed and Breakfast Operations, provided:
 - i. The use is maintained within an owner occupied, single-family dwelling;
 - ii. The structure has a minimum total floor area of four thousand five hundred (4,500) square feet, with not more than one sleeping room for each seven hundred fifty (750) square feet of floor area, with a maximum of five (5) sleeping rooms;
 - iii. Signage shall be limited to one wall mounted sign not to exceed six (6) square feet in area, not internally illuminated, and with direct lighting only with sharp cutoff luminance;
 - iv. Parking shall be provided at a rate of one space per guest room. The parking shall be provided on site or on a street frontage of the property, and should not intensify parking problems in the neighborhood.
3. **Accessory Uses.** The following accessory uses are permitted in the R2-Two-Family District:
 - a. Private garages.
 - b. Home occupations.
 - c. Vegetable and flower gardens.

- d. Raising and keeping of small animals but not on a commercial basis or on a scale objectionable to neighboring property owners.
 - e. Tennis courts, swimming pools, garden houses, pergolas, ornamental gates, barbecue ovens, fireplaces and similar uses customarily accessory to residential uses.
 - f. Temporary buildings for construction purposes during the course of construction.
 - g. Accessory buildings may not be used for dwelling purposes.
4. **Lot Size.** Lots in any R2-Two-Family District shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Chapter 5, Article 2 hereof):
- a. Width shall not be less than eighty (80) feet.
 - b. Area. single-family dwelling shall not be less than 9,600 square feet.
 - c. Area. two-family dwelling shall not be less than 4,800 square feet per family.
5. **Yards.** Yards shall comply with the following requirements, unless they fall under an applicable yard provision of the General Regulations (Chapter 5, Article 2 hereof):
- a. Front yard - 25 feet.
 - b. Side yard - 6 feet on each side.
 - c. Rear yard - 25 feet.
 - d. Lot coverage - 40% maximum.
6. **Height.** Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof), buildings in any R2-District shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

6-5.0403 R3-MULTI-FAMILY DISTRICT. The following regulations shall apply within any R3-Multi-Family Residential District:

1. **Permitted Uses.** Premises in this district shall be used for the following purposes only:
 - a. Any purpose permitted in the R1 and R2 Districts.
 - b. Multiple dwellings.
 - c. Lodging houses.
 - d. Hospitals.

- e. Religious, educational and philanthropic institutions - but not animal care.
 - f. Clubs, lodges, dormitories, fraternities and sororities where the chief activity is not a business.
2. **Conditionally Permitted Uses.** Uses permitted with an approved Conditional Use Permit:
- a. Nursery, pre-kindergarten, play, special and other schools.
 - b. Clinics.
 - c. Veterinary Clinics.
3. **Accessory Uses.** The following accessory uses are permitted in any R3-Multi-Family District:
- a. Any accessory use permitted in the R1 and R2 Districts.
 - b. Storage garages and parking lots for use solely of occupants of the premises.
4. **Lot Size.** Lots in any R3-District shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Chapter 5, Article 2 hereof):
- a. Width shall not be less than sixty (60) feet.
 - b. Area. shall not be less than 7,200 square feet.
 - c. The area of any lot used for a two-family dwelling shall not be less than 3,600 square feet per family dwelling unit.
 - d. The area of any lot used for a multi-family dwelling shall not be less than 1,000 square feet per family dwelling unit.
5. **Yards.** Yards shall comply with the following requirements, unless they fall under an applicable yard provision of the General Regulations (Chapter 5, Article 2 hereof):
- a. Front yard - 20 feet.
 - b. Side yard - 10 feet on each side.
 - c. Rear yard - 20 feet.
 - d. Lot coverage - 50% maximum.
6. **Height.** Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof), buildings in any R3-District shall not exceed three (3) stories or forty-five (45) feet in height.

6-5.0404 R4-MULTI-FAMILY DISTRICT. The following regulations shall apply within any R4-Multi-family Residential District:

1. **Permitted Uses.** Premises in this district shall be used for the following purposes only:
 - a. Any purpose permitted in the R1, R2 and R3 Districts.
2. **Conditionally Permitted Uses.** Uses permitted with an approved Conditional Use Permit:
 - a. Commercial uses by special permit as provided for by Section 6-5.0501.
 - b. Nursery, pre-kindergarten, play, special and other schools.
 - c. Clinics.
 - d. Veterinary Clinics.
 - e. All uses allowed in the CI-Commercial District except the following:
 1. Sales, services, washing, repair of new or used vehicles.
 2. Service stations, or any other facility used for the dispensing of gasoline or fuel oil.
 3. Drive-in banks.
 4. Drive-in establishments serving food or beverages for consumption outside the structure.
 5. Any drive-in type facility that is similar to the above mentioned.
3. **Accessory Uses.** The following accessory uses are permitted in any R4-Multi-family District:
 - a. Any accessory use permitted in the R1 and R2-Districts.
 - b. Storage garages and parking lots for use solely of occupants of the premises.
4. **Lot Size.** Lots in any R4-District shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Chapter 5, Article 2 hereof):
 - a. Width shall not be less than sixty (60) feet.
 - b. The area of any lot used for a single dwelling unit shall not be less than 7,200 square feet.
 - c. The area of any lot used for a two-family dwelling shall not be less than 3,600 square feet per family dwelling unit.
 - d. The area of any lot used for a multi-family dwelling shall not be less than 1,000 square feet per family dwelling unit.

5. **Yards.** Yards shall comply with the following requirements, unless they fall under an applicable yard provision of the General Regulations (Chapter 5, Article 2 hereof):
 - a. Front yard - 10 feet.
 - b. Side yard - 7 1/2 feet on each side.
 - c. Rear yard - 20 feet.
 - d. Lot coverage - 50% maximum.
6. **Height.** Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof), buildings in any R4 District shall not exceed three (3) stories or forty-five (45) feet in height.

6-5.0404A PDR-PLANNED DEVELOPMENT RESIDENTIAL DISTRICT.

1. **Purpose.** The purpose of this district is to facilitate an alternative residential development approach for the City of Gilbert by allowing greater flexibility in, and diversity of, uses and regulations than would otherwise be permitted in a standard zoning district. To this end, and in consideration of the benefits to be derived by the City and its residents, this district may permit development pursuant to an approved Planned Development (PD) permit that would not be possible in other residential districts. It is the intent of this district that the overall result of development regulations promulgated pursuant hereto shall accomplish a level of development quality and public benefit at least as high as that of a standard residential zone, and will promote better land use and more creative development design.
2. **Minimum Size.** Developments within this district shall be permitted on any five (5) acre or larger tract of land that has been zoned or rezoned specifically for inclusion in the PDR District.
3. **Uses.** Uses contemplated by this district include residential, neighborhood-oriented commercial and public/semi-public land uses.
4. **Initial Application.** In order to apprise the City of a landowner's desire to proceed with a PD, a general description of the proposed development shall be presented to the City in advance of a request for rezoning into the PDR district. The initial application may be reviewed by the Planning and Zoning Commission. The general description should include a sketch plan providing such information as the following:
 - a. Site location and size;
 - b. The types of development proposed and their general layout on the site;
 - c. Factors indicating compliance with the Gilbert Comprehensive Plan;

- d. The physical conditions of the site including topography, necessary major earthwork areas, storm water management, including location of floodplains, and approximate location of major utilities both existing and to be installed;
 - e. Any significant environmental issues;
 - f. A schematic representation of building footprints with transportation features and parking areas, including prospective uses and total number of dwelling units proposed.
5. **Application for Rezoning.** No earlier than 30 days following submission of the Initial Application, the landowner may submit a petition for rezoning of the land to the PDR district. The rezoning petition shall be accompanied by the master plan described in section 9 below, and all required fees. The rezoning petition and master plan shall be referred to the Planning and Zoning Commission for study and report, and for public hearings required by Iowa law. The commission shall review the master plan for conformity to the Comprehensive Plan, and this ordinance. The commission may approve, conditionally approve, or recommend the denial of the petition. The action of the Planning and Zoning Commission shall be reported to the City Council, along with a written statement of the reasons for disapproval, if disapproved. The Council shall consider the report of the commission and may then approve, conditionally approve, or deny the petition and master plan, as it deems necessary to further the purposes of this ordinance.
6. **Final Development Approval.** The PDR District PD application shall be considered finally approved when all commission/Council approvals have been obtained, all required subdivision platting has been approved by the City, all required fees paid, and all other requirements satisfied which would entitle the applicant to the issuance of building permits under this ordinance. All elements of the approved final plan, including design standards, become the formal requirements of the PD permit, and become the PDR District zoning regulations applicable to the site. Minor modifications to the approved final plan may be granted by the City following express consideration by the commission and Council without a full formal reconsideration of the PD zoning. Any modifications to the approved plan deemed by the commission to be major shall require a formal rezoning pursuant to the approval process set forth herein.
7. **Development Phasing.** It is the intention of this ordinance that PD's be used to rationalize the integrated development of larger tracts of land. To this end, the phasing of development within PD's is permitted. Approved final plans may cover all or part of a total PD site. Any final plan covering only part of a PD site shall be considered a phase. Each phase of a PD shall be required to be independently and individually viable in terms of necessary public

improvements, transportation circulation impacts, provision of utilities, economic feasibility, and any other major considerations deemed necessary by the City Council. No development rights on a portion of a PD site shall be considered vested unless final plan approval has been obtained for such portion. Further, such vested rights to development approval shall expire and become null and void if actual substantial construction has not commenced as to such portion of a PD site within eighteen (18) months following issuance of final development approval for such portion, and formal action of the commission and Council has not been taken to extend the time for commencement of construction. In the event that rights under an approved PD have been lost pursuant to this section, the commission and Council may on their own initiate a rezoning of the undeveloped portion of the site to an appropriate zoning district. The City shall have no responsibility to keep either the developer or owner of the site apprised of the status of time limits.

8. **Specific Master Plan Requirements.** The following information, plans and maps shall be submitted as part of the application for a Planned Development (PD):
 - a. Name of Development;
 - b. Name of and contact information for development entity, and legal relationship of all entity owners;
 - c. Name and contact information for proposed design professionals;
 - d. Name and contact information for all property owners owning property on the PD site;
 - e. Legal description of the proposed PD, and map of the boundary of the proposed PD as well as interior boundaries of proposed development phases;
 - f. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as existing land uses, legal parcels, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern;
 - g. Existing site conditions including topography, water drainage and one hundred year flood plains, floodways, significant natural features, existing structures and improvements with type of use indicated;
 - h. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained;

- i. Existing and proposed general circulation systems, including streets, pedestrian ways, and major points of access with estimated traffic generation;
- j. Existing and proposed general sanitary and storm sewer systems, water mains, and water drainage facilities.
- k. Proposed development characteristics and standards, including but not limited to, uses, density, floor area ratios and height/bulk regulations including open space, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances;
- l. Estimated sewer and water usage computations in accordance with the criteria of the regulating agency;
- m. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and landscaping areas, fences or other screening height limitations or other provisions;
- n. A narrative or graphic explanation of the planning and design concepts and objectives the developer desires to achieve in the proposed development, including a description of the general character; the rationales behind the design concepts; and compatibility with the surrounding areas;
- o. Proposed phasing timetable.

The commission or Council may require any additional information which may be needed to evaluate the proposed PD on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed PD.

9. **Fees.** Before any action shall be taken as provided in this section, the party or parties proposing the action shall pay an application fee of one hundred (\$100.00) dollars. Said fee shall cover the cost of the application procedure and under no circumstances shall said sum or any part thereof be refunded for failure of said change to be adopted by the Council.

6-5.0405 CI-COMMERCIAL DISTRICT. The following regulations shall apply within any CI-Commercial District:

1. **Permitted Uses.** Premises within this district shall be used for the following purposes only:
 - a. Any purpose permitted in the R3 or R4 Districts, except for single-family and two-family residential dwellings.
 - b. Sale of goods, services and products at retail, including filling stations.

- c. Shops for repair and servicing of bicycles, electrical, radio and television appliances, keys and similar articles.
 - d. Dressmaking, millinery, tailoring, shoe repair, laundry, dry cleaning, and similar trade where not more than five (5) persons are employed on the premises at any one time.
 - e. Clinics.
 - f. Banks, offices and studios.
 - g. Personal service shops such as barber shops and beauty parlors.
 - h. Animal hospitals and clinics where there are no open kennels.
 - i. Commercial schools.
 - j. Undertaking establishments.
 - k. Parking lots.
 - l. Garages.
 - m. Theatres.
 - n. Print, furnace, heating, typewriter, sheet metal, plumbing and tire shops employing not more than five (5) persons on the premises at any one time.
 - o. Used car lots.
 - p. Motels and Hotels (w/min. 1200 sq ft lot area per unit. 20 ft between buildings and min. 200 sq ft floor area per living unit.)
2. **Conditionally Permitted Uses.** Uses permitted with an approved Conditional Use Permit:
 - a. Nursery, pre-kindergarten, play, special and other schools.
 - b. Outdoor theaters
 - c. Clubs and public buildings
3. **Accessory Uses.** The following accessory uses are permitted in any C1-Commercial District:
 - a. Any accessory use permitted in R1, R2, R3 or R4 Districts.
 - b. Parking lots.
 - c. A use not to exceed forty (40) percent of the floor area for incidental storage or light industrial activity.

4. **Lot Size.** Lots in any C1-District shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Chapter 5, Article 2 hereof):
 - a. Width - a minimum of twenty (20) feet.
 - b. Area - no minimum area established.
 - c. Area - multi-family dwelling 1,000 square feet per family.
5. **Yards.** No minimum yard requirements are established.
6. **Height.** Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof), buildings in any C1-District shall not exceed three (3) stories or forty-five (45) feet in height.

6-5.0406 C2-ARTERIAL COMMERCIAL DISTRICT. The following regulations shall apply within any C2-Arterial Commercial District:

1. **Permitted Uses.** Premises within this district shall be used for the following purposes only, and such purposes shall be achieved without obnoxious or offensive impact to neighboring properties due to emission of noise, odor, dust, gas or vibration:
 - a. Any purpose permitted in the R3, R4 or C1 Districts, except for single-family and two-family residential dwellings.
 - b. Greenhouses and nurseries
 - c. Assembly plants
 - d. Bakeries.
 - e. Bookbinderies.
 - f. Cleaning and dyeing works.
 - g. Cold storage or refrigerating plants.
 - h. Confectionary manufacturing.
 - i. Fiber products fabrication (previously prepared fiber).
 - j. Garment manufacturing.
 - k. Laundries.
 - l. Leather products manufacturing (previously prepared leather).
 - m. Lumber yard.
 - n. Machinery, farm sales, repairing and overhauling.
 - o. Paint mixing and treatment (not employing a boiling process).

- p. Paper products manufacturing (previously prepared material).
 - q. Parcel delivery service.
 - r. Plastic products manufacturing (previously prepared materials).
 - s. Printing establishment.
 - t. Sheet metal products (light).
 - u. Sign painting shop.
 - v. Open storage of building material, lumber, coal, machinery and pipe when the material is enclosed within a solid fence at least six (6) feet high, said fence to be within required building lines.
 - w. Television and radio broadcasting transmitters.
 - x. Warehouse or storage building.
 - y. Well drilling services.
 - z. Wholesale business.
2. **Conditionally Permitted Uses.** Uses permitted with an approved Conditional Use Permit:
- a. Nursery, pre-kindergarten, play, special and other schools.
 - b. Outdoor theaters.
 - c. Clubs and public buildings.
3. **Accessory Uses.** Any accessory use is permitted.
4. **Lot Size.** Lots in any C2-District shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Chapter 5, Article 2 hereof):
- a. Width - a minimum of thirty (30) feet.
 - b. Area, no minimum area established.
 - c. Area, Multi-family dwelling - 500 square feet per family.
5. **Yards.**
- a. Front yard - no minimum established.
 - b. Side yard - 5 feet on each side.
 - c. Rear yard - no minimum established.
6. **Height.** Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof) buildings in any C2-District shall not exceed eight (8) stories or one hundred (100) feet in height.

6-5.0407 C3-MIXED USE COMMERCIAL DISTRICT.

The purpose of the Mixed Use Commercial District is to provide for a range of uses in the gateway areas of the city that is less broad than the C-2 District, and which allows for a mix of residential and commercial uses. The following regulations shall apply within any C3- Mixed Use Commercial District:

1. Permitted Uses. Premises within this district shall be used for the following purposes only, and such purposes shall be achieved without obnoxious or offensive impact to neighboring properties due to emission of noise, odor, dust, gas or vibration:
 - A. Any purpose permitted in any of the R, or C-1 Districts, provided that residential uses comply with the minimum lot, yard and height regulations that would apply if they were located in a residential zone.
 - B. Retail sales and service activities, including the following:
 1. Animal grooming salons
 2. Antiques, art and supplies
 3. Appliances
 4. Automobiles and supplies (no services)
 5. Bicycles and Motorized Bicycles
 6. Blueprinting and photocopying services
 7. Books and printed material
 8. Branch banks
 9. Business and commercial trade schools
 10. Business and management consulting services
 11. Clothing and shoes, including tailoring and fabric sales
 12. Computer hardware and software sales and service
 13. Convenience stores
 14. Dance or music schools
 15. Dry cleaning and Laundromats
 16. Dry goods

17. Electronic equipment
18. Emergency medical care facilities
19. Employment agencies
20. Entertainment and recreation
21. Food sales (including restaurants and bakeries)
22. Furniture
23. Garden supplies, plants and flowers
24. Gifts
25. Groceries
26. Hair, tanning, and personal care services
27. Hardware
28. Home improvements
29. Household products
30. Jewelry
31. Locksmiths
32. Martial arts instruction
33. Music supplies
34. Newspaper distribution
35. Office equipment rental
36. Office machines
37. Package liquor
38. Pets, pet food and boarding
39. Pharmaceuticals
40. Photographic studios
41. Quick printing/copying
42. Scientific and professional instrument repair
43. Sign making
44. Sporting goods
45. Stationery
46. Taverns and bars

47. Television, bicycle, motorized bicycle, clock, watch, shoe, gun, appliance and office equipment repair
 48. Theaters
 49. Tobacco products
 50. Toys
 51. Upholsterers
 52. Veterinarian offices
 53. Video
- C. Permitted retail uses must primarily sell to the general public and shall not include vehicular service and repair.
2. Conditionally Permitted Uses. Uses permitted with an approved Conditional Use Permit:
- A. Nursery, pre-kindergarten, play, special and other schools.
 - B. Outdoor theaters
 - C. Clubs and public buildings
3. Accessory Uses. Any accessory use is permitted.
4. Lot Size. Lots in any C3-District shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Article 2 hereof):
- A. Width - a minimum of thirty (30) feet.
 - B. Area, no minimum area established.
 - C. Area, Multi-family dwelling - 500 square feet per family.
5. Yards.
- A. Front yard - no minimum established.
 - B. Side yard - 5 feet on each side.
 - C. Rear yard - no minimum established.
6. Height. Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof) buildings in any C3-District shall not exceed eight (8) stories or one hundred (100) feet in height.

6-5.0407 MI-LIGHT INDUSTRIAL DISTRICT. The following regulations shall apply within any MI-Light Industrial District:

1. **Permitted Uses.** Premises within this district shall be used for the following purposes only:
 - a. Any use permitted in the C1 or C2-Districts.
 - b. Cellophane products manufacturing.
 - c. Ceramic products (previously pulverized clay kilns fired only by electricity or gas).
 - d. Dairy products manufacturing.
 - e. Electrical parts, assembly and manufacturing.
2. **Conditionally Permitted Uses.** Uses permitted with an approved Conditional Use Permit:
 - a. Airports and landing fields.
 - b. Outdoor theaters.
 - c. Extraction of sand and gravel.
 - d. Food products manufacturing (except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils).
 - e. Foundry casting lightweight nonferrous metals (no brass, manganese, bronze, zinc).
 - f. Fruit or vegetable canneries.
 - g. Glass products manufacturing.
 - h. Grain elevators.
 - i. Iron works, ornamental (no foundry, drop hammer and no punch presses over 20-ton capacity).
 - j. Pharmaceuticals manufacturing.
 - k. Soft drink manufacturing or bottling.
 - l. Textile products manufacturing.
 - m. Tire re-treading, recapping or rebuilding.
 - n. Tool manufacturing (no drop hammer or punch presses of over 20 tons).
 - o. Toy manufacturing.
 - p. Truck terminals, truck and trailer services.
 - q. Wood products manufacturing (assembly work and finishing).

- r. Any other use similar to the above.
- 3. **Accessory Uses.** Any accessory use is permitted.
- 4. **Lot Size.** Lots in any M1-District shall comply with the following requirements, unless they fall under an applicable lot size provision of the General Regulations (Chapter 5, Article 2 hereof):
 - a. Width, no minimum width established.
 - b. Area, no minimum area established.
 - c. Area, single-family dwelling - 7,200 square feet.
 - d. Area, two-family dwelling, 3,600 square feet per family.
 - e. Area, multi-family dwelling, 500 square feet per family.
- 5. **Yards.** No minimum yard requirements are established.
- 6. **Height.** Except as may be provided by an applicable height provision of the General Regulations (Chapter 5, Article 2 hereof), buildings in any M1-District shall not exceed six (6) stories or ninety (90) feet in height.

6-5.0408 PDI-PLANNED INDUSTRIAL DEVELOPMENT DISTRICT

- 1. **Purpose.** The purpose of this district is to facilitate an alternative light industrial development approach for the City of Gilbert by allowing greater flexibility in, and diversity of, uses and regulations than would otherwise be permitted in a standard industrial zoning district. The purpose of the PDI district is to enhance the potential for the development of integrated, campus-type, research and development facilities on large assembled parcels of land. To this end, and in consideration of the benefits to be derived by the City and its residents, this district authorizes development pursuant to an approved Planned Development (PD) permit that would not be possible in other industrial districts. It is the intent of this district that the overall result of development regulations promulgated pursuant hereto shall accomplish a level of development quality and public benefit at least as high as that of a standard industrial zone, and will promote better land use and more creative development design.
- 2. **Minimum Size.** Developments within this district shall be permitted on any ten (10) acre or larger tract of land that has been zoned or rezoned specifically for inclusion in the PDI District.
- 3. **Uses.** Uses contemplated by this district include light industrial research and development, ancillary service-oriented commercial, ancillary residential development, and public/semi-public land uses.
- 4. **Initial Application.** In order to apprise the City of a landowner's desire to proceed with a PD, a general description of the proposed development shall be

presented to the City in advance of a request for rezoning into the PDI district. The initial application may be reviewed by the Planning and Zoning Commission. The general description should include a sketch plan providing such information as the following:

- a. Site location and size;
 - b. The types of development proposed and their general layout on the site;
 - c. Factors indicating compliance with the Gilbert Comprehensive Plan;
 - d. The physical conditions of the site including topography, necessary major earthwork areas, storm water management, including location of floodplains, and approximate location of major utilities both existing and to be installed;
 - e. Any significant environmental issues, and
 - f. A schematic representation of building footprints with transportation features and parking areas, including prospective uses and total number of any dwelling units proposed.
5. **Application for PD Rezoning.** No earlier than 45 days following submission of the Initial Application, the landowner may submit a petition for rezoning of the land to the PDI district. The rezoning petition shall be accompanied by the master plan described in section 9 below, and all required fees. The rezoning petition and master plan shall be referred to the planning and zoning commission for study and report, and for public hearings required by Iowa law. The commission shall review the master plan for conformity to the Comprehensive Plan, and this ordinance. The commission may approve, conditionally approve, or recommend the denial of the petition. The action of the planning and zoning commission shall be reported to the City Council, along with a written statement of the reasons for disapproval. The Council shall consider the report of the commission and may then approve, conditionally approve, or deny the petition and master plan, as it deems necessary to further the purposes of this ordinance.
6. **Final Development Approval.** The PDI district PD application shall be considered finally approved when all commission and Council approvals have been obtained, all required subdivision platting has been approved by the City, all required fees paid, and all other requirements satisfied which would entitle the applicant to the issuance of building permits under this ordinance. All elements of the approved final plan, including design standards, become the formal requirements of the PD permit, and become the PDR district zoning regulations applicable to the site. Minor modifications to the approved final plan may be granted by the City following specific consideration by the commission

and Council without a full formal reconsideration of the PD zoning. Any modifications to the approved plan deemed by the City to be major shall require a formal rezoning pursuant to the approval process set forth herein.

7. **Development Phasing.** It is the intention of this ordinance that PD's be used to rationalize the integrated development of larger tracts of land. To this end, the phasing of development within PD's is permitted. Approved final plans may cover all or part of a total PD site. Any final plan covering only part of a PD site shall be considered a phase. Each phase of a PD shall be required to be independently and individually viable in terms of necessary public improvements, transportation circulation impacts, provision of utilities, economic feasibility, and any other major considerations deemed necessary by the City Council. No development rights on a portion of a PD site shall be considered vested unless final plan approval has been obtained for such portion. Further, such vested rights to development approval shall expire and become null and void if actual substantial construction has not commenced as to such portion of a PD site within eighteen (18) months following issuance of final development approval for such portion, and formal action of the commission and Council has not been taken to extend the time for commencement of construction. In the event that rights under an approved PD have been lost pursuant to this section, the commission and Council may on their own initiate a rezoning of the undeveloped portion of the site to an appropriate zoning district. The City shall have no responsibility to keep either the developer or owner of the site apprised of the status of time limits.
8. **Specific Master Plan Requirements.** The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:
 - a. Name of Development;
 - b. Name of and contact information for development entity, and legal relationship of all entity owners;
 - c. Name and contact information for proposed design professionals;
 - d. Name and contact information for all property owners owning property on the PD site;
 - e. Legal description of the proposed PD, and map of the boundary of the proposed PD as well as interior boundaries of proposed development phases;
 - f. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as existing land uses,

- legal parcels, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern;
- g. Existing site conditions including topography, water drainage and one hundred year flood plains, floodways, significant natural features, existing structures and improvements with type of use indicated;
 - h. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained;
 - i. Existing and proposed general circulation systems, including streets, pedestrian ways, and major points of access with estimated traffic generation;
 - j. Existing and proposed general sanitary and storm sewer systems, water mains, and water drainage facilities.
 - k. Proposed development characteristics and standards, including but not limited to, uses, density, floor area ratios and height/bulk regulations including open space, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances;
 - l. Estimated sewer and water usage computations in accordance with the criteria of the regulating agency;
 - m. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and landscaping areas, fences or other screening height limitations or other provisions;
 - n. A narrative or graphic explanation of the planning and design concepts and objectives the developer desires to achieve in the proposed development, including a description of the general character; the rationales behind the design concepts; and compatibility with the surrounding areas;
 - o. Proposed phasing timetable.

The commission or Council may require any additional information which may be needed to evaluate the proposed PD on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed PD.

9. **Fees.** Before any action shall be taken as provided in this section, the party or parties proposing the action shall pay an application fee of one hundred (\$100.00) dollars. Said fee shall cover the cost of the application procedure and under no circumstances shall said sum or any part thereof be refunded for failure of said change to be adopted by the Council.

6-5.0409 AI-PRIME AGRICULTURAL DISTRICT. The following regulations shall apply within any AI-Prime Agricultural District:

1. **Permitted Uses.** Premises within this district shall be used for the following purposes only:
 - a. Agriculture and the usual agricultural buildings and structures, also livestock feedlots, poultry farms, grain storage and grain drying facilities; provided, however, that all feedlots and poultry farms meet all waste treatment requirements of the Iowa Water Pollution Control Commission and obtain the necessary permits, where applicable; and further provided, that no feedlot with more than five hundred (500) head of livestock on feed or commercial poultry farm shall be located closer than one fourth (1/4) mile (1320 feet) to any R-District boundary; and further provide, that no livestock feedlot or commercial poultry farm shall be located closer than five hundred (500) feet to any R-District boundary.
 - b. Single family dwellings.
 - c. Truck gardening and nurseries.
 - d. Specialized poultry, pigeon, rabbit and other animal farms, but not including the feeding or disposal of community or collected garbage.
 - e. Private stables and other structures for housing animals or fowl. Any such structure must be located at least one hundred (100) feet from all boundary lines of the property on which it is located.
 - f. Forest and forestry.
 - g. Public utility structures and the equipment necessary for the operation thereof; provided, however, that no such structure shall be permitted for the generation of power.
 - h. Transmitting stations and towers.
2. **Accessory Uses.** The following accessory uses are permitted in any AI-District:
 - a. Accessory uses permitted in R1 and R2-Districts.
3. **Lot Size.** Except as provided in Subsections 6-5.0410(1) and 6-5.0410(4), lots in any AI-District shall comply with the following:
 - a. Width shall not be less than three hundred thirty (330) feet.
 - b. Area shall not be less than 1,524,600 square feet (35 acres).

4. **Yards.** No minimum yard requirements are established, except that dwelling uses in any A-District must provide the yards required of a dwelling in the R1-District.
5. **Height.** No restriction, provided that where a lot in the A1-District is adjacent to a lot in an R-District, any building constructed on the A1 lot shall be set back from the common lot line five (5) feet or one foot for each seven feet of building height, whichever is greater.

6-5.0411 PUBLIC/INSTITUTIONAL DISTRICT.

1. **Purpose.** The purpose of the Public/Institutional (P/I) District is to provide development opportunities for noncommercial uses that serve both local and regional population bases. A primary goal of the Public/Institutional District is to encourage site design that emphasizes and enhances the public nature of the uses in the district. It is also an objective of the Public/Institutional District to promote construction of these uses in a manner that is harmonious and compatible with other development in the immediate vicinity and generally within the City.
2. **Permitted Uses.** The following uses are permitted uses within the Public/Institutional District, subject to the requirements of this section:
 - a. Public schools (both elementary and secondary).
 - b. Colleges and institutions of higher education.
 - c. Museums, archives and libraries (publicly owned).
 - d. Public recreational facilities.
 - e. Government or civic buildings and structures.
 - f. Public golf courses.
 - g. Accessory uses pertaining to any permitted use.
3. **Conditionally Permitted Uses.** The following uses may be permitted within the Public/Institutional District subject to the granting of a conditional use permit, subject to the requirements of Sections 6-5.501 and 6-5.502:
 - a. Private or religious schools (elementary and secondary).
 - b. Churches and places of organized religious worship.
 - c. Medical clinics.
 - d. Hospitals.
 - e. Nursing homes and convalescent facilities.
 - f. Historical markers or edifices.

- g. Cemeteries.
 - h. Senior citizen housing (independent living or serviced).
 - i. Public fairgrounds.
 - j. Private golf courses, country clubs and other private recreational use.
 - k. Lodge halls and private clubs.
 - l. Child day care facilities.
 - m. Heliports.
 - n. Uses providing for the public or private assembly of persons such as youth centers, social halls or group camps.
 - o. Multi-family residential uses that are permitted in the R3 and R4 residential districts.
 - p. Accessory uses pertaining to any conditionally permitted use.
 - q. Similar uses (uses not specifically enumerated or conditionally permitted that are similar in character, scale and performance to uses permitted by this section).
4. **Prohibited Uses.** All uses not specifically referred to herein as either permitted or conditionally permitted uses, or which have been approved by the City as similar uses, are prohibited in the P/I district.
5. **Lot Size and Site Coverage.** All lots in the P/I district shall comply with the following lot configuration regulations unless otherwise specified by the provisions of a conditional use permit:
- a. Width - minimum of 100 feet
 - b. Area - minimum of 1/2 acre
 - c. Lot coverage - to maintain the character of the district no site shall be developed with buildings occupying more than fifty (50%) percent of the area of the site, unless otherwise permitted by a conditional use permit.
6. **Yards and Setbacks.** Except as may be provided in an approved conditional use permit, yard setbacks at the front, rear and sides of buildings shall be a minimum of thirty-five (35) feet.
7. **Height.** Except as may be provided by the provisions of an approved conditional use permit, buildings in the P/I District shall not exceed a maximum of seventy (70) feet.
8. **Parking and Vehicular Access Requirements.**
- a. Parking Requirements

1. Churches. For churches erected on new sites one parking space on the lot for each ten (10) seats in the main Auditorium.
 2. Places of general public assembly shall provide one (1) space for each four (4) seats in the facility.
 3. School buildings shall provide three (3) spaces per classroom.
 4. Hospitals shall provide one (1) space for each hospital bed.
 5. Clubs, lodges, and other non-public or semi-public places of assembly shall provide one space for each one thousand (1000) square feet of floor area.
 - b. Vehicular Access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement. A parking plan for the proposed site shall be prepared and submitted to the City Engineer for approval. The plan shall include access and driveway locations for ingress and egress, parking lots, lighting, landscaping, drainage and a location sketch showing all uses and traffic circulation within five hundred (500) feet of the boundaries of the site. The plan shall also indicate the provision of "clear-view" areas on the site at the intersections of public streets abutting the site. Such clear-view areas shall extend for at least twenty (20) feet back along each frontage abutting an intersection and shall contain no sight-obscuring structures or plantings extending into an air space envelope above the clear-view area extending from thirty-six (36) inches above the ground to a height of twelve (12) feet above the ground. This clear-view area requirement shall not operate to reduce any required setback under any other provision of City regulations.
9. **Site Design Review.** Due to the highly public use nature of the P/I district, and the desire to integrate each use in the district as harmoniously as possible, each applicant for a building permit shall submit a site design plan to the Planning Commission for review and approval prior to the granting of a building permit.
- a. The site design plan may incorporate the parking plan required by Section 8B above. It shall show the proposed building footprint with heights of proposed buildings indicated, setback distances, landscaping plans and any proposed non-building structures such as ponds, parking lots, etc.
 - b. Storm Water Diversion. In consideration of the nature of the District, and because of the larger buildings that are expected to be constructed in the District, a plan for the collection, diversion, and detention of storm water to prevent flood, to minimize excess run-off in the sanitary sewer system, and to minimize the impact of development upon surrounding properties shall be required as a condition of site design review approval. The storm water

diversion plan need not be separate, and may be included in the site design plan.

- c. Dedication Requirements. Due to the public nature of the district and in consideration of the lot coverage and site design requirements, no dedications of land for open space or school construction shall be required. This exemption from dedication shall not, however, apply to any dedications required of the developer for public utilities, or other public requirements.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5- ZONING CODE

ARTICLE 5
CONDITIONAL USE PERMITS AND VARIANCES

6-5.0501 Conditional Use Permits. Wherever in this Chapter 5 certain land uses are listed as "Conditionally Permitted" such uses may be authorized only pursuant to the issuance by the City of a Conditional Use Permit, which shall clearly set forth the specific requirements imposed upon the use as a condition of its authorization. Such restrictions may include those related to the physical characteristics of proposed buildings, as well as limitations upon the operation of the proposed use. An application for a Conditional Use Permit shall be made to the Planning and Zoning Commission, which shall consider the application at a public hearing and make a recommendation thereupon to the City Council. The City Council shall consider the recommendation of the Planning and Zoning Commission and shall deny, approve, or approve with modifications, the subject application.

1. An application for a conditional use permit under the terms of this chapter shall be accompanied by a written description of the circumstances applicable to the proposed use and its potential for impact on surrounding property, and shall include a site plan acceptable to the City defining the areas to be developed, with special emphasis on those areas of potential impact on the public and surrounding landowners. The site plan shall indicate the location of proposed buildings, size of buildings, signage, setbacks, ingress/egress, parking, lighting, landscaping and drainage. The materials submitted shall include details of operation of the proposed use.
2. The commission shall have sixty (60) days following receipt of the application to submit its report to the City Council as to the potential effect of the proposed use upon neighborhood character, traffic, public utilities, public health, public safety and the general welfare. If no report is submitted within the sixty (60) day time period, the Council shall act on the application as if the commission had forwarded it with no recommendation. After receipt of the commission report the Council shall hold a public hearing before granting the Conditional Use Permit.

6-5.0502 Variances. Modifications and exceptions to the terms and requirements of this Chapter may be made in limited circumstances where unique conditions of property require them to be made in the interest of fairness and equity to the landowner. The requirements and procedures for the issuance of variances are set forth in section 6-5.0606 "Variance Applications" of this Chapter.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5- ZONING CODE

ARTICLE 6
ZONING BOARD OF ADJUSTMENT

6-5.0601 APPOINTMENT. The Zoning Board of Adjustment shall consist of five (5) members, all of whom shall be taxpayers and residents of the City. They shall be appointed by the Mayor and with the consent of the Council. One (1) member of the Board may be a member of the Planning and Zoning Commission.

6-5.0602 TERM OF OFFICE - OFFICERS - COMPENSATION. As initial terms, one member of the Board shall be appointed to serve for a period of one year; one for a period of two (2) years; one for a period of three (3) years; one for a period of four (4) years; and one for a period of five (5) years. Thereafter Board members shall be appointed to overlapping five (5) year terms. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board shall elect a chairperson, vice chairperson, and a secretary who shall keep minutes of its proceedings. All final actions of the Board granting variances shall be recorded in the office of the County Recorder. Members of the Board shall serve without compensation.

6-5.0603 BOARD POWERS. The Board has no other power or authority other than the following:

1. To hear appeals from administrative action taken pursuant to this Chapter;
2. To act upon requests for variances sought pursuant to this Chapter.

6-5.0604 MEETINGS OF THE BOARD. The members of the Board shall meet at least once each quarter in any calendar year, or at such time as they are required to hear an appeal from and administrative decision, or a request for variance. Special meetings may be called at any time by the chairman, or in his absence, vice-chairman. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be kept of its proceedings and such funds as may be necessary for this purpose shall be made available from the proper fund of the City.

6-5.0605 APPEALS FROM ADMINISTRATIVE ACTION. Appeals to the Board may be taken by any person, including an officer, department or bureau of the City, aggrieved or affected by any administrative land use decision made by an officer, department or bureau of the City.

1. **Filing Period.** Such appeal shall be filed with the Board within thirty (30) days of the action complained of. Immediately following the filing an appeal, the officer, department or bureau of the City shall forthwith transmit to the Board all

the papers constituting the record of the action which has been appealed.

2. **Stay of Action.** The filing of an appeal stays all proceedings in furtherance of the action appealed from unless the officer, department or bureau of the City complained of certifies to the Board that a stay would, in its opinion, cause imminent peril to life or property.
3. **Notice and Hearing.** The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City, thereof, and decide the same within thirty (30) days of the hearing. At the hearing any party may appear in person, by agent or by attorney.
4. **Vote Required.** The concurring vote of three (3) members of the Board shall be necessary to uphold an appeal and reverse the order, requirement, decision or determination of the officer, department or bureau of the City.
5. **Fee.** A fee, as established by resolution of the Council, shall be paid to the City at the time the notice of appeal is filed.
6. **Council Review.** The Council may, upon its own motion, review any variance granted by the Board before its effective date. The Council may remand a decision to grant a variance to the Zoning Board of Adjustment for further study. The effective date of the variance shall be delayed for thirty days from the date of the remand.

6-5.0606 VARIANCE APPLICATIONS. The Board shall hear requests made by landowners for variance from the terms and regulations of this chapter, where, owing to special conditions of the property, a literal enforcement of the provisions of this chapter would result in unnecessary hardship, and may grant relief from strict application of zoning regulations adopted pursuant to this Chapter.

1. **Application Requirements.** A landowner making application for a variance shall submit along with the application for a variance a written statement providing the particulars of the relief sought
2. **Notice and Hearing.** The Board shall make no recommendation except in a specific case and after such a public hearing conducted by the Board. A notice of time and place of such public hearing shall be published in a paper of general circulation in the City at least once, not more than thirty (30) nor less than fifteen (15) days previous to the hearing. Such notice shall contain the particular address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal, and of what the proposed variance consists.

3. **Standards for Decision.** The Board may grant a variance pursuant to this Article only upon the following findings of fact, which shall be made in writing as a written record of its action:
 - a. That special conditions and circumstances exist which are peculiar to the land, structures, or buildings involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That 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.
 - c. That the special conditions and circumstances advanced in support of a variance are not the result of the actions of the applicant.
 - d. That 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.
 - e. **Vote Required.** The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Commission or to decide in favor of the applicant upon any matter upon which it is required to pass under any such ordinance. Upon the hearing any party may appear in person or by agent or by attorney.
4. **Fee.** A fee of fifty (\$50.00) dollars shall be paid to the City at the time the notice of appeal is filed. Said fee shall cover the cost of the appeal procedure and under no circumstances shall said sum or any part thereof be refunded for failure of said change to be adopted by the Zoning Board of Adjustment or City Council.
5. **Construction Time Limit.** No variance granted by order of the Board that permits the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

6-5.0607 CITY STAFF ASSISTANCE. The Board may seek the assistance of City staff in the performance of its duties, which assistance shall not be unreasonably withheld.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 6 - SUBDIVISION CONTROL

ARTICLE 1
GENERAL PROVISIONS

6-6.0101 PURPOSE. The purpose of this Chapter is to generally promote the health, safety and general welfare of the City by providing for the orderly development of land pursuant to the City's comprehensive plan and zoning ordinances.

6-6.0102 TITLE. This Chapter is adopted under the provisions of Chapter 354 of the Code of Iowa, 2005, and shall be known and may be cited and referred to as the Subdivision Ordinance of the City of Gilbert, Iowa.

6-6.0103 APPLICATION AND JURISDICTION. All plats, replats or subdivision of land into two or more lots within the corporate limits of the City of Gilbert, Iowa, or within two (2) miles of the corporate limits of the City, except for two-party lot line adjustments where the total number of lots is not increased, shall be submitted to the City Council (hereinafter Council) and Planning and Zoning Commission of the City (hereinafter Commission), in accordance with the provisions of this chapter, and shall be subject to the requirements established therein. It is the intention of the City of Gilbert to exercise this jurisdiction to the fullest extent permissible under Iowa law. If the provisions of this chapter set higher standards than other applicable regulations or statutes, then these provisions shall apply. If such other regulations or statutes set higher standards, then they shall apply.

6-6.0104 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular, and the word "building" shall include the word "structure" and the word "shall" is mandatory not directory.

1. **Adequate Public Facilities:** shall mean those public facilities which are determined by the Council to be necessary in accordance with City standards for the development and operation of a proposed project.
2. **Alley:** shall mean a permanent public service way or right-of-way designed to provide a secondary means of access to abutting property.
3. **Applicant:** shall mean the owner or owners of real property that is proposed for subdivision, or any duly authorized agent thereof.
4. **Auditor:** shall mean the County Auditor of Story County, Iowa.

5. **Bikeway:** a public right-of-way intended for the exclusive use of bicycles and pedestrians.
6. **Bond:** shall mean any form of security acceptable to the City securing the performance of obligations of a subdivider. It may include a cash deposit, letter of credit, surety bond, collateral, or pledged property.
7. **Building:** shall mean a non-temporary structure with a roof and walls intended for the shelter or enclosure of persons, animals, or goods.
8. **Building Line:** shall mean a line established on 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 the zoning ordinance, and where they do not, the most restrictive requirement will control.
9. **City:** shall mean the City of Gilbert, Iowa.
10. **Commission:** shall mean the Planning and Zoning Commission of the City of Gilbert, Iowa.
11. **Cul-de-sac:** shall mean a short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
12. **Dedication:** shall mean a conveyance or grant to the City of title to land for the purposes of public use, without compensation.
13. **Division:** shall mean the apportionment or division of land into two or more parts for sale or development.
14. **Easement:** shall mean authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
15. **Final Plat:** shall mean the map or drawing on which the subdivision plan is presented in the form which, if approved by the Council and planning and zoning commission, will be filed and recorded with the County recorder.
16. **Highway:** shall mean a public right-of-way designated as a highway by a state or federal agency having jurisdiction.
17. **Improvement Agreement:** shall mean a contract in writing approved by the City and executed by an applicant pursuant to which the applicant agrees to perform and complete the requirements imposed pursuant to an approved preliminary or final plat.
18. **Improvement Guarantee:** shall mean the bond that is given to secure the installation of improvements required by these regulations or an Improvement Agreement.
19. **Lot:** shall mean a portion of a subdivision or other parcel of land intended for construction, development or transfer of ownership.

20. **Outlot:** shall mean a portion of land contained within a subdivision that is not available for improvement due to its size, shape, topography, or its position within a phasing plan.
21. **Minor Subdivision:** shall mean any subdivision that will result in the creation of three or fewer lots, and which does not require the extension or new construction of any public rights-of-way, utility mains or other public improvements.
22. **Preliminary Plat:** shall mean a study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and planning and zoning commission for consideration.
23. **Public Improvements:** shall mean those structures which are required by the City to be installed by a developer of land, which are intended for use and enjoyment by the public, and which ease the burden of the development on the public domain.
24. **Right-of-Way:** shall mean the area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.
25. **Separate Tract:** shall mean a parcel of land or a group of contiguous parcels of land under a common ownership.
26. **Sketch Plan:** shall mean a graphic representation produced prior to a plat that indicates the general characteristics of a proposed division of land in relation to its surrounding area.
27. **Street or Road:** shall mean 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 street may be designated as a street, highway, thoroughfare, parkway, avenue, road, lane, drive, place or other appropriate designation.
28. **Street, Thoroughfare or Arterial:** shall mean a street intended for cross-country or through traffic. This category includes freeway-expressway extensions, arterial extensions and arterial connector extensions as defined by the Iowa functional classification system.
29. **Street, Collector:** shall mean a street intended to carry vehicular traffic from residential streets to thoroughfare or traffic generators. This category includes trunk extensions, trunk collector extensions, municipal arterials and municipal collectors as defined by the Iowa function classification system.
30. **Street, Residential:** shall mean a street used primarily for access to abutting property. This category includes municipal service streets as defined by the Iowa functional classification service.

31. **Structure:** shall mean any object constructed on or under, or attached to, a parcel of land, and shall include, but not be limited to, buildings.
32. **Subdivider:** shall mean any person, firm, corporation, partnership or association who shall layout for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.
33. **Subdivision:** shall mean the division of separate tracts of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new road is involved, any division or a parcel of land.

6-6.0105 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee in the amount of one hundred (\$100.00) dollars. Said fee shall cover the cost of the application procedure and under no circumstances shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

6-6.0106 WAIVERS AND VARIANCES. Exceptions to the enforcement of these regulations shall only be made subject to the following conditions:

1. **Minor Subdivisions.** Where a subdivision of three or fewer lots is requested (a minor subdivision) and the land to be subdivided is already served by public facilities adequate under the standards of this ordinance for any proposed development made possible by the subdivision, the City may waive the requirement for submission and approval of a subdivision plat. Requests for waiver of these regulations shall be made following the preplatting conference required by section 6-6.0201 hereof to the Commission, which shall make its recommendation to the Council. Upon receipt of a written waiver following formal Council approval of the request for waiver, the property owner may create the lots by the recordation of a plat of survey.
2. **Hardship.** 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 Planning and Zoning Commission may recommend and the 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 ordinance. All such variances shall be made only upon express findings by the Commission and Council of hardship or unreasonable restriction.
3. **Large Scale Subdivisions.** The requirements and standards of these regulations may be modified by the Commission or Council where the proposed project is in the form of a large-scale planned development (phased or not) which has been designed as an internally integrated unit, and which provides in the

judgment of the City a result comparable or superior to that which would be obtained through the application of the standards contained herein.

6-6.0107 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall be enforced as follows:

1. **Plat Not Filed or Valid.** No plat or subdivision in the City or within two (2) 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 every other applicable law and regulation of the City, and has been approved by the Planning and Zoning Commission and Council as prescribed herein.
2. **Building Permits Prohibited.** No building permits shall be issued for a development unless the land shall have been platted in accordance with the provisions contained herein.
3. **Public Expenditure Prohibited.** No public improvements over which the City 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, unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the streets dedicated and accepted by the Council as a public street.
4. **Penalty.** Any person who shall hereafter dispose of or offer for sale or lease any lots in the City or addition thereto unless the plat thereof has been approved in accordance with this chapter and recorded, shall be guilty of a municipal infraction for each lot or part of lot sold or disposed of, leased or offered for sale without compliance with the provisions of this ordinance, and liable for a penalty at the maximum level permitted by Iowa law.

6-6.0108 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 planning and zoning commission for study and recommendation. The Commission shall report within sixty (60) 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.

**TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 6- SUBDIVISION CONTROL****ARTICLE 2
PLATTING PROCEDURES AND REQUIREMENTS**

6-6.0201 PREPLATTING CONFERENCE REQUIRED. Before the City may accept an application for approval of a preliminary or final subdivision plat, or a request for waiver of these regulations pursuant to section 6-6.0106 hereof, a preplanning conference must be held. The purpose of the preplanning conference is to inform the City of a possible subdivision, to facilitate City review of the effect and feasibility of a proposed subdivision in relation to the City's existing and proposed infrastructure systems; and to inform the applicant of City subdivision requirements. The applicant shall request a conference with City staff, and within fourteen days of such request, the City shall assemble a meeting with the applicant, which may include, at the City's discretion, the, the City Engineer, the City Attorney, other City consultants, and members of the Planning and Zoning Commission.

6-6.0202 PREPLATTING SKETCH DRAWING REQUIRED. At the time the applicant requests a preplanning conference, the applicant shall provide at least three copies of a sketch drawing containing the following information at a minimum:

1. The name of the proposed subdivision;
2. The name, address and other pertinent information about the property owner, the applicant, and the preparer of the sketch drawing;
3. A north arrow and the preparation or submission date;
4. The general location, areas and dimensions of any lots to be platted by the proposed subdivision;
5. The general location, width and dimensions of any highways, streets, alleys, and other ways existing or proposed to be reserved or dedicated for public use on or abutting the area of land proposed to be subdivided;
6. The general location of any existing or proposed public infrastructure including water mains, sanitary sewer mains, storm sewer mains, and facilities and other infrastructure; and
7. The location, width and character of all existing or proposed utility easements on or abutting the area of land proposed to be subdivided.

6-6.0203 PREPLATTING REVIEW AND COMMENT. The City may, at its discretion, or shall upon request of the applicant within 21 days of the request, provide

a memorandum containing a summary of the review and comments of the City pertaining to the preplanning conference and preplanning sketch plan so as to provide guidance to the applicant in regards to:

1. The location and layout of any proposed streets or other public ways;
2. The arrangement and size of any lots to be platted by the proposed subdivision;
3. The layout of any proposed public infrastructure;
4. The pattern of surface water drainage on the area of land proposed to be subdivided; and
5. The potential for any additional development of abutting lots, or areas of land.

6-6.0204 PRELIMINARY PLAT SUBMISSION. The applicant shall submit to the City Clerk ten copies of a preliminary plat drawing in the format required by this chapter together with an application and fee required by this chapter.

6-6.0205 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall conform to the following requirements:

1. **Format.** A preliminary plat shall be prepared by a registered land surveyor at a scale of at least one inch equals 50 feet and not greater than one inch equals 30 feet and the sheets shall be numbered in sequence if more than one sheet is used and shall be no greater than 24 inches by 36 inches and no less than 8 1/2 inches by 11 inches.
2. **Contents.** The preliminary plat shall contain the following:
 - A. The following general information:
 - i. The name of the proposed subdivision,
 - ii. The name, address, and other pertinent information about the property owner, the applicant, or other preparer of the drawing,
 - iii. A statement by a registered land surveyor that the preliminary plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of accuracy; alternatively, a preliminary plat may be prepared where a registered land surveyor certifies that the perimeter boundary of the subdivision was prepared under his or her supervision, and all other intermediate lot lines may be prepared by an engineer licensed in the State of Iowa; and
 - iv. A north arrow, the preparation or submission date, the number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets.

- B. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments, and the names of adjoining streets.
- C. The location and dimensions of the following:
 - (1) Any lots to be platted by the proposed subdivision, including lot areas;
 - (2) Any highways, streets, alleys, bikeways, sidewalks, and other public ways existing or proposed to be reserved or dedicated for public use on or abutting the area of land proposed to be subdivided, including centerline street stationing and geometries;
 - (3) Any existing or proposed public infrastructure including water mains, sanitary sewer mains, storm sewer mains, and any associated facility and other infrastructure, including appropriate easements;
 - (4) Any existing structures on any portion of the tract or area of land proposed to be subdivided and any setback distances from lot boundaries for any structures on any portion of the tract or area of land proposed to be subdivided;
 - (5) Any existing water courses, wetlands, flood plains, trees, woodland resources, prairie resources or other environmentally sensitive areas on or within 200 feet of any portion of the tract or area of land proposed to be subdivided;
 - (6) Any existing or proposed utilities including electric, gas, telephone or cable, including appropriate easements; and
 - (7) All property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.
- D. Survey data describing the lengths and bearings and curve data of any existing or proposed lot (except internal lot lines) block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, dedication or other area within the tract or area of land proposed to be subdivided, and the outer boundaries of the tract or area of land proposed to be subdivided.
- E. Topographical features including contours at vertical intervals of not more than two feet.
- F. A grading plan and a plan for soil erosion and sediment control.
- G. A plan for storm water management and run-off control.

H. The name of any proposed street.

I. An indication of existing and proposed zoning.

6-6.0206 PRELIMINARY PLAT REVIEW BY CITY ENGINEER. Upon receipt of the preliminary plat drawing, the Clerk shall immediately transmit the plat to the City Engineer. The City Engineer shall examine the plat and make determinations as to:

1. Its compliance with the laws and regulations of the City and of the State;
2. The adequacy of and community needs for proposed and future public improvements, including, but not limited to streets, street lights, sidewalks and bicycle paths, water mains, sanitary sewers, and storm sewers;
3. The adequacy of proposals for, and community needs for, storm water drainage;
4. The adequacy of easements for public utilities;
5. Its compliance with good engineering practices; and
6. Any other matters having particular importance to the plat submitted or the vicinity of the subdivision.

The City Engineer shall have not less than thirty days nor more than forty-five days from the date of application to render findings and a recommendation to the Commission.

6-6.0207 PRELIMINARY PLAT REVIEW BY UTILITIES. Upon receipt of the preliminary plat drawing, the Clerk shall immediately transmit the plat to electric, gas, and telecommunications utilities requesting their review of the plat. Such public utilities shall have not less than thirty days nor more than forty-five days from the date of application to render findings and a recommendation to the Commission.

6-6.0208 PRELIMINARY PLAT REVIEW BY PLANNING COMMISSION. The Commission shall, within thirty days of the receipt of the City Engineer's findings and recommendations, convene for the purpose of reviewing the preliminary plat, the report of the City Engineer, comments of other City staff or consultants, comments of public utilities, comments of the public, and such other information as it deems necessary or desirable to consider. Based upon such examination, the Commission shall ascertain whether the preliminary plat conforms to relevant and applicable design and improvement standards in this title and chapter, to other City ordinances and standards, to the City's comprehensive plan, and to the City's other duly adopted plans. The Commission shall, within thirty days of convening to review the preliminary plat, adopt and forward a recommendation to the City Council. If the recommendation disapproves or provides for modifications of the preliminary plat, the Commission shall include a statement of reasons. Such reasons may include the failure of the proposed subdivision to comply with the

requirements of the City's comprehensive plan, and any other applicable law or policy then in effect.

6-6.0209 PRELIMINARY PLAT REVIEW BY CITY COUNCIL. The Council shall, within forty-five days of action by the Commission on recommendation of a preliminary plat, convene to consider approval or disapproval of the preliminary plat. The Council shall examine the preliminary plat, any comments, recommendations or reports examined or made by the Commission, and such other information as it deems necessary and reasonable to consider. Based upon such examination, the Council shall determine whether the preliminary plat conforms to relevant and applicable design and improvement standards in this chapter, to other City ordinances and standards, to the City's comprehensive plan, and to the City's other duly adopted plans. The Council shall approve, approve subject to conditions, or disapprove the preliminary plat. The Council shall set forth its reasons for disapproving any preliminary plat or for conditioning its approval of any preliminary plat and shall provide a written copy of such reasons to the developer.

6-6.0210 EFFECT OF APPROVAL OF PRELIMINARY PLAT. When the Council approves a preliminary plat, the applicant is thereby authorized to proceed with the making or installation of any required improvements shown on the preliminary plat after the City Engineer reviews and provides written approval of construction plans, including any appropriate profiles or cross sections, for improvement of public ways, public infrastructure, and public utilities.

6-6.0211 APPROVAL OF PRELIMINARY PLAT LIMITED TO ONE YEAR. The Council's approval of a preliminary plat shall continue for and be valid for one year from the date on which the Council approves the preliminary plat, within which time the applicant shall submit an application for final plat approval. Unless the Council has granted an extension of time for a period not to exceed one additional year, the approval of the preliminary plat shall become null and void upon the expiration of one year.

6-6.0212 PUBLIC IMPROVEMENTS REQUIREMENTS. The Council may require that all public improvements described on the approved preliminary plat be installed and dedicated prior to approval of the final plat. If the Council does not require that all public improvements be installed and dedicated prior to approval of the final plat, the Council shall require the applicant to execute an agreement to complete public improvements and provide security in the form approved by the Council.

6-6.0213 AGREEMENT TO COMPLETE PUBLIC IMPROVEMENTS. If required, the applicant shall execute an agreement binding the applicant and the applicant's successors and assigns to complete the required public improvements. The agreement shall be in a form approved by the City Attorney. The agreement shall, at minimum, provide that the applicant: (1) will complete the specified improvements in accordance with approved plans and specifications subject to the review of the City Engineer; (2) will complete the improvements by a date certain not more than two years

following approval of the final plat, unless the time period is extended by the City Council; (3) will provide a maintenance bond upon completion of and acceptance by the City of the improvements with a duration of not less than two years or as otherwise required by the City; and (4) will provide to the City security for the completion of the public improvements.

6-6.0214 SECURITY FOR COMPLETION OF PUBLIC IMPROVEMENTS.

If required, the security for public improvements shall be in an amount equal to ten percent of the cost required for the completion of the public improvements as estimated by the City Engineer. The security shall be in the form of a bond, a letter of credit, or a certified or cashier's check. If the security is in the form of a certified or cashier's check, the City shall deposit and hold the funds until the applicant is entitled to a release of security. The City shall be entitled to the interest on the funds. Upon certification by the City Engineer of the completion of any part of a public improvement and of the cost of that improvement, the City Council, at its discretion, may release security in that amount by accepting a substitute bond, an amendment to the letter of credit, or City warrant for cash deposits held. The City shall maintain the full ten percent of the total cost of improvements until all improvements have been completed.

6-6.0215 PRELIMINARY PLAT NOT REQUIRED FOR MINOR SUBDIVISIONS. No preliminary plat shall be required if a proposed subdivision:

1. Will create no more than three lots, each of which will front on an existing public way, not including alleys, and
2. Will require no significant public improvements, except sidewalks or bicycle paths.

In such cases, after the preplatting conference, the subdivider may submit an application for approval of final plat, unless the platting requirement has been otherwise waived pursuant to section **6-6.0404 (3)** hereof.

6-6.0216 STORM WATER DIVERSION AND DETENTION. For the purpose of collecting, diverting, and detaining storm water to prevent flood, to minimize excess run-off into the sanitary sewer systems, to minimize the adverse impact of development upon surrounding properties, as a condition of approval of the final plat, the Council may, as the Council deems appropriate and necessary, require:

1. That the subdivider erect or form such structures or grade the lands subdivided, or
2. That the subdivider provide permanent easements in favor of the City for such purposes, or
3. Both.

6-6.0217 RESERVATIONS, REMNANTS, AND OUTLOTS. No strip or tract of land shall be reserved by the subdivider unless it is of sufficient size and shape to be of practical use or service as determined by the Council. When a parcel is divided by a subdivision plat, the entire parcel shall be included in the plat leaving no remnant parcels. An owner may designate undeveloped lands as one or more outlots. No building permit shall issue for any parcel designated as an outlot.

6-6.0218 FINAL PLAT SUBMISSION. The applicant shall submit to the City Clerk:

1. At least ten copies of a final plat drawing in the format required by this chapter.
2. At least one reproducible blackline copy of the final plat drawing not larger than 11 inches by 17 inches.
3. Any completed application form established by the City.
4. Any fee required by this chapter.
5. A consent to platting fully executed by the owner.
6. If required, a dedication of lands to the public, which may be combined with the consent.
7. A consent to platting fully executed by the owner of any lien upon the lands to be subdivided.
8. If required, the release of lien upon any land dedicated to the public.
9. A certificate fully executed by the Treasurer of Story County, Iowa, stating that the lands subdivided are free of certified taxes and special assessments.
10. A certificate fully executed by an attorney licensed to practice law in the State of Iowa stating by whom the lands to be subdivided are owned in fee simple and disclosing the existence and nature of any liens.
11. If required, a written easement fully executed by the owner describing the easement areas and limitations, if any.
12. If required, the subordination of lien to easement fully executed by the owner of any lien.
13. If required, an agreement fully executed by the owner to complete public improvements.
14. If required, security fully executed by the surety for completion of public improvements.
15. A resolution of the City Council approving the subdivision, accepting the dedication of any public rights of way and easements, and, if appropriate,

accepting public improvements that have been completed and approved by the City.

6-6.0219 FINAL PLAT REQUIREMENTS.

1. Format. Unless another scale is approved by the City Engineer, a final plat shall be prepared by a registered land surveyor at a scale of at least one inch equals 50 feet and not greater than one inch equals 30 feet and the sheets shall be numbered in sequence if more than one sheet is used and shall be no greater than 24 inches by 36 inches and no less than 8 1/2 inches by 11 inches.

2. Contents. The final plat shall contain the following:

A. Any information required to appear upon final subdivision plats by State law as set forth in Chapters 354 and 355 of the Code of Iowa, as amended or superseded, or other applicable State law, including particularly:

- (1) The name of the proposed subdivision;
- (2) A statement by a registered land surveyor that the final plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of accuracy;
- (3) A north arrow, scale, the number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;
- (4) All monuments existing or to be of record,
- (5) Reference to at least two section corners within the United States Public Land Survey System in which the plat lies or to at least two established monuments within any existing recorded plat when the proposed subdivision is a resubdivision in whole or in part;
- (6) All distance, bearing, curve, and other survey data;
- (7) Survey data describing the bounds of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, reservation, dedication or other area within the tract or area of land proposed to be subdivided, the outer boundaries of the tract or area of land proposed to be subdivided; and
- (8) All property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

B. The following general information:

- (1) The name, address, and other pertinent information about the property owner;
- (2) The preparation or submission date,
- (3) The area of any lot to be platted by the proposed subdivision, to be shown on the plat either on each such lot or in a lot area table;
- (4) The names of any existing or proposed public ways;
- (5) Street stationing data for each street;
- (6) The location of flood plains; and
- (7) Any other relevant information requested by the City Engineer and approved by the City Council.

6-6.0220 FINAL PLAT REVIEW BY CITY ENGINEER. Upon receipt of the final plat drawing, the Clerk shall immediately transmit the plat to the City Engineer. The City Engineer shall examine the plat and make determinations as to:

1. Its compliance with the laws and regulations of the City and of the State;
2. The adequacy of and community needs for proposed and future public improvements, including, but not limited to streets, street lights, sidewalks and bicycle paths, water mains, sanitary sewers, and storm sewers;
3. The adequacy of proposals for and community needs for storm water drainage;
4. The adequacy of easements for public utilities;
5. Its compliance with good engineering practices; and
6. Any other matters having particular importance to the plat submitted or the vicinity of the subdivision. The City Engineer shall have not less than thirty days nor more than forty-five days from the date of application to render findings and a recommendation to the Commission.

6-6.0221 FINAL PLAT REVIEW BY UTILITIES. Upon receipt of the final plat drawing, the Clerk shall immediately transmit the plat to electric, gas, and telecommunications utilities requesting their review of the plat. Such public utilities shall have not less than thirty days nor more than forty-five days from the date of application to render findings and a recommendation to the Commission. Upon request of the City, the applicant shall demonstrate that the applicant has provided easements to the relevant public utilities that are satisfactory to such utilities in both location and area.

6-6.0222 FINAL PLAT REVIEW BY PLANNING COMMISSION. The Commission shall, within thirty days of the receipt of the City Engineer's findings and recommendations, convene for the purpose of reviewing:

1. The final plat,
2. The report of the City Engineer,
3. Comments of other City staff or consultants,
4. Comments of public utilities,
5. Comments of the public, and
6. Such other information as it deems necessary or desirable to consider.

Based upon such examination, the Commission shall ascertain whether the final plat conforms to relevant and applicable design and improvement standards in this title and chapter, to other City ordinances and standards, to the City's comprehensive plan, and to the City's other duly adopted plans. The Commission shall, within thirty days of convening to review the final plat, adopt and forward a recommendation to the City Council. If the recommendation disapproves or provides for modifications of the final plat, the Commission shall include a statement of reasons.

6-6.0223 FINAL PLAT REVIEW BY CITY COUNCIL. The Council shall, within forty-five days of action by the Commission on recommendation of a final plat, convene to consider approval or disapproval of the final plat. The Council shall examine the final plat, any comments, recommendations or reports examined or made by the Commission, and such other information as it deems necessary and reasonable to consider. Based upon such examination, the Council shall determine whether the final plat conforms to relevant and applicable design and improvement standards in this chapter, to other City ordinances and standards, to the City's comprehensive plan, and to the City's other duly adopted plans. The Council shall approve, approve subject to conditions, or disapprove the final plat. The Council shall set forth its reasons for disapproving any final plat or for conditioning its approval of any final plat and shall provide a written copy of such reasons to the developer.

6-6.0224 APPROVAL OF FINAL PLAT. Upon passage of a resolution approving the final plat, the applicant shall ensure that the final plat and all other required documents are presented to the County Recorder for filing and recording. The applicant shall, as soon as practicable, but not later than 60 days after approval of the final plat, provide to the City Clerk a complete copy of the final plat and all other required documents with the markings of the County Recorder shown thereon and demonstrating the filing and recording of the plat.

6-6.0225 DISAPPROVAL OF FINAL PLAT BECAUSE OF BURDEN ON PUBLIC INFRASTRUCTURE. In addition to any other lawful grounds for disapproval, the Council may disapprove any subdivision when the Council determines that the reasonably foreseeable effects of the subdivision will have an adverse impact upon existing public infrastructure or will create a need for new public improvements to maintain acceptable levels of public services to existing and future residents of the City

or both. For purposes of making this determination, the Council shall consider the short- and long-term fiscal impact of municipally funded public improvements, availability of funds for making public improvements, any objectives identified in the City's comprehensive plan, any other strategic planning objectives adopted by the Council, the existing quality of public services, the requirements of any State or Federal agency that regulates any part of the public infrastructure, and any other relevant information reasonably available.

6-6.0226 APPROVAL ON CONDITION FOR IMPROVEMENT OF BURDENED PUBLIC INFRASTRUCTURE. If the Council disapproves of a subdivision because of burden on public infrastructure as described in this chapter, the Council may approve a subdivision subject to the condition that the applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions, and amortization schedule for such contribution may be incorporated within an agreement for completion of public improvements and provided by this chapter.

6-6.0227 HIRING AND COSTS OF CONSULTANTS. The City Council may, in its discretion, hire an engineer, attorney, or other consultant to act in the capacity of temporary City Engineer or temporary City Attorney or in another consulting capacity for the purposes of reviewing a proposed subdivision when:

1. The City Engineer or City Attorney has a relationship with the applicant that creates an appearance of a conflict of interest, or
2. The proposed subdivision has an impact upon or necessitates a need for review of or a need for action on existing or future public infrastructure. The Council may, at its discretion, charge all or part the cost of such costs to the applicant as a condition for approval of the final plat.

6-6.0228 JURISDICTION OVER LANDS WITHIN TWO MILES OF CORPORATE LIMITS. Pursuant to authority granted in Section 354.9, Code of Iowa, the City shall review all subdivisions outside the corporate limits of the City and within two miles distance of the corporate limits.

6-6.0229 REVIEW BY COUNTY. If a proposed subdivision occurs within the two-mile radius of the City and County subdivision regulations will also apply, the applicant shall demonstrate compliance with all such County regulations prior to approval of a preliminary or a final plat by the City Council.

6-6.0230 CONCURRENT REVIEW WITH OTHER JURISDICTIONS. An officer or member of a body having responsibility to take action upon any application for approval of a plat as provided by this chapter may communicate and confer with any other County or municipal body having concurrent jurisdiction over a proposed subdivision and may exchange information about the proposed subdivision. If the

standards of any County or municipal body having concurrent jurisdiction of a proposed subdivision are greater or more strict than the standards imposed by the municipal code of the City, the greater or more strict standards imposed by the other County or municipal body shall apply.

6-6.0231 FAILURE TO PROVIDE INFORMATION GROUNDS FOR DISAPPROVAL OR REJECTION OF FILING. If an officer or body required by this chapter to examine and to approve or disapprove the application for preliminary or final plat determines that the applicant has failed to provide information required by this chapter or has provided improper information, the officer or body may reject the application or disapprove the application as incomplete.

6-6.0232 TIME PERIODS. Time periods required by this chapter do not commence unless or until all required submissions have been made.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 6- SUBDIVISION CONTROL

ARTICLE 3
DESIGN STANDARDS

6-6.0301 INCORPORATION OF STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS). The provisions of the Iowa Statewide Urban Design and Specifications (SUDAS) are hereby adopted and incorporated herein by reference to provide a minimum standard for design and specification of public improvements for the City of Gilbert. In the case of conflict between SUDAS regulations and standards and the provisions of this ordinance, the SUDAS standards shall apply unless modified pursuant to a resolution of the Council following recommendation by the City Engineer.

6-6.0302 STREETS AND ALLEYS. Design standards applicable to streets and alleys are:

1. **General Requirements.** Street and alley design shall comply with the following general requirements:
 - a. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - b. Street jogs of less than 125 feet shall be avoided.
 - c. Cul-de-sacs shall not exceed 600 feet in length.
 - d. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
 - e. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
 - f. No dead end streets or alleys will be permitted, except at subdivision boundaries, and the Council may require permanent or temporary measures for turnarounds and signage.
 - g. Thoroughfares and collector streets in a subdivision shall extend through to the boundaries thereof.
 - h. Alleys shall not be permitted in residential areas, but shall be provided in commercial and industrial areas, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service areas, loading, and parking space consistent with and adequate for the use proposed.

- i. Intersection of road center lines shall be between 80 degrees and 100 degrees.
 - j. Intersection of more than two streets at a point shall not be permitted.
 - k. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design standards for such parkways or streets.
 - l. Proposed streets that are extensions of or in alignment with existing streets shall bear the same name of the existing street.
 - m. On thoroughfare and collector streets a tangent of at 100 feet long shall be introduced between reverse curves.
 - n. Half streets shall be prohibited except where essential to the reasonable development of the subdivision and adjoining tract, and where the Planning Commission finds it reasonable to require dedication of the other half when the adjoining tract is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
2. **Rights-of-way.** Minimum rights-of-way shall be provided as follows:
- a. Thoroughfare or arterial streets - 80 feet.
 - b. Collector streets - 70 feet.
 - c. Primary residential streets - 60 feet.
 - d. Secondary residential streets, which shall not extend more than 1,320 feet between nor be more than 1,320 distant from a primary residential, collector, or arterial street and which may be located in the R1A-Single Family District - 56 feet.
 - e. Cul-de-sacs - 60 feet along the radius.
 - f. Residential cul-de-sacs, which shall not extend more than 1,320 feet from nor be more than 1,320 distant from, a primary residential, collector, or arterial street and which may be located in the R1A-Single Family District - 56 feet along the radius.
 - g. Alleys - 20 feet.
3. **Surface Width.** Minimum width of surfacing to be installed shall be as follows:
- a. Thoroughfare or arterial streets - 45 feet.
 - b. Collector streets - 41 feet.
 - c. Primary residential streets - 31 feet.

- d. Secondary residential streets located in the R1A-Single Family District - 27 feet.
 - e. Cul-de-sacs - 50 feet along the radius.
 - f. Residential cul-de-sacs in the R1A-Single Family District - 27 feet along the radius.
 - g. Alleys - 20 feet.
4. **Street Grades.** No street grade shall be less than four-tenths of one percent and shall not exceed the following limits. When gradients of less than one percent are encountered, the plat shall show curb inlets designed to carry water away.
- a. Thoroughfare streets - 6 percent.
 - b. Collector streets - 8 percent.
 - c. Residential streets - 10 percent.

6-6.0303 BLOCKS. Blocks without a subdivision shall comply with the following:

1. **Length.** The length of blocks shall be not less than five hundred (500) feet and not more than one thousand four hundred (1400) feet in length.
2. **Width.** Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two hundred twenty (220) feet, except where a single tier of double frontage lots parallel to a limited access highway, a thoroughfare, drainage course, railroad or other barrier the width shall not be less than one hundred fifty (150) feet.

6-6.0304 LOTS. Lots shall conform with the following requirements:

1. **Street Access.** All lots shall abut on a street or place. Corner lots which abut on a thoroughfare or collector street shall have minimum radii of fifteen (15) feet at the intersection.
2. **Angle of Side Lines.** 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 a better lot layout.
3. **Double Frontage.** Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event, a planting screen shall be provided along the rear of the lot.
4. **Width and Area.** Lot width and area shall conform to the requirements of the applicable municipal or County zoning district in which such lots are located. Where interior lots are ninety (90) feet in width or less, corner lots shall be at least ten (10) feet wider than interior lots.

6-6.0305 SIDEWALKS. Sidewalk standards are as follows:

1. **Construction.** Sidewalks shall be located and constructed in accordance with the proper sidewalk ordinance of the City of Gilbert, Iowa.
2. **Crosswalks.** Crosswalks may be required in blocks over seven hundred (700) feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be located in a right-of-way not less than thirty (30) feet in width and shall be constructed and marked by the developer.

6-6.0306 EASEMENTS. Easements shall be provided in accordance with the following:

1. **At Lot Lines.** Easements not less than six (6) feet in width shall be provided along each side of the rear lot lines of all lots, and along such other lot lines as may be required by public and private utility companies.
2. **Wider Easements.** Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or Council.
3. **Utility Easements.** Utility easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four (4) feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.

6-6.0307 PROVISION OF PARKS. In subdividing property, consideration shall be given to suitable sites for the requirement of parks and recreational as provided below:

1. **Park and recreation areas.** In subdivisions of five (5) acres or more, ten (10) percent of the gross acreage of the subdivision shall be reserved and improved by the subdivider for recreational and park facilities for the use of residents of the subdivision.
2. **Maintenance.** Such recreation and park lands and facilities shall be maintained by the developer or the developer's successor in interest, and provision for such maintenance shall be set forth in the Conditions, Covenants and Restrictions applicable to the subdivision.
3. **Alternative Provision Of Recreation And Park Facilities.** If the developer does not desire to develop and maintain park and recreation facilities within the subdivision, the Council may, in its sole and absolute discretion, waive such requirement in consideration of the payment of an in-lieu contribution toward

the establishment and improvement of publicly owned and operated park and recreation facilities.

4. **Use of Funds.** Sums of money so received by the City of Gilbert shall be placed in the Human Development Program to be known as the PUBLIC LAND PURCHASE AND IMPROVEMENT FUND, and may be allocated by the Council solely for the purchase of land for public parks and playgrounds or improvement thereof.

6-6.0308 PRESERVATION OF NATURAL DRAINAGE COURSES. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream or drainage course for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course.

6-6.0309 PRESERVATION OF PRIME AGRICULTURAL LAND. Any tract of land, within the corporate limits of the City, or within two (2) miles of the corporate limits, which is zoned A-1 for agricultural use, or is considered by the comprehensive plan to be prime agricultural land, shall not be subdivided or rezoned without consideration by the City of the impact upon agriculture and future land use patterns of the subdivision of such land.

6-6.0310 PRESERVATION OF UNIQUE LAND SITES. Parcels of land considered by the City to have unique historical, aesthetic, environmental or recreational qualities shall not be subdivided, rezoned or built upon in the interests of community welfare and environmental concern. Such parcels may be considered as part or all of the ten (10) percent gross acreage park and recreational area requirements outlined in Section 6-6.0307 of this article.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 6- SUBDIVISION CONTROL

ARTICLE 4
IMPROVEMENTS REQUIRED

6-6.0401 SANITARY SEWERS. The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following:

1. **Public Collection System.** Within the City limits, the subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with the sanitary sewer system of the City. A connection fee of three hundred (\$300.00) shall be charged to the subdivider where connections are made to existing City sewer lines. The proposed sewer system shall be approved by the Council and shall be designed and constructed in accordance with existing City specifications.
2. **Extraterritorial Developments.** Within the two-mile radius of the City, but outside the corporate limits thereof, the subdivider shall provide the subdivision with a complete sanitary sewage system, which shall be connected to the City system as required by the provisions of any public infrastructure extension policy of the City in effect at the time the subdivision is to be approved.

6-6.0402 WATER. The subdivider shall provide the subdivision with water in accordance with one of the following:

1. **Public Supply.** Within the corporate limits of the City, the subdivider shall install all water mains and hydrants necessary to serve the proposed subdivision. A connection fee of three hundred (\$300.00) shall be charged to the subdivider where connections are made to existing City water lines. The subdivider shall further provide the subdivision with complete water service including hydrants, valves and other appurtenances which shall extend into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and which shall be connected to the City's water system.
2. **Extraterritorial Developments.** Within the two-mile radius of the City, but outside the corporate limits thereof, the subdivider shall provide the proposed subdivision with complete water service including hydrants, valves and other appurtenances which shall extend into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and which shall be connected to the City's water system. The subdivider shall install all necessary water mains and hydrants, which shall be connected to existing City water lines to such extent as may be required by the provisions of any

public infrastructure extension policy of the City in effect at the time the subdivision is to be approved.

6-6.0403 STORM SEWER SYSTEM. Unless gravity drainage to a natural waterway is available and approved by the City Engineer, developers shall, subject to the approval of the City Engineer, provide for the collection of storm water run-off and groundwater into a storm sewer system as follows:

1. **Storm Sewers.** A storm sewer shall:
 - a. Be constructed in such a manner and of such materials to provide the subdivision with removal of all surface waters.
 - b. Extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
2. **Secondary Storm Sewers.** A secondary storm sewer shall:
 - a. Be constructed of PVC pipe AWWA C900-75 with wall thickness of DR Series 25, or equivalent, with joints capable of pressure loadings for periods when all sump pumps to which it is connected are operating simultaneously.
 - b. Be equipped with a flap valve at the discharge end and a locked lid manhole at the upper terminus.
 - c. Have an internal diameter of not less than six inches.
 - d. Accommodate water flow velocity:
 - (1) By gravity of not less than two feet per second when one-half of the building's discharge at a rate of twenty gallons per minute (average ten gallons per minute per building); and
 - (2) Not greater than ten feet per second with a friction loss not greater than five feet per one hundred feet of pipe when all building's discharge at a rate of twenty gallons per minute.
 - e. Accommodate discharge lines as provided in Section 2-3-1.43.

6-6.0404 SIDEWALKS. Along thoroughfare and collector streets in residential areas and along streets and thoroughfares in commercial areas, the subdivider shall provide a sidewalk complying with the local sidewalk ordinance of the City.

6-6.0405 MARKERS. An iron rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches in length shall be placed at all changes in direction of lot boundaries and at all lot corners except those where monuments are required.

6-6.0406 MONUMENTS. Accurate location of all monuments which shall be Portland cement concrete four (4) inches by six (6) inches by twenty-four (24) inches or approved equal, with iron pipe cast in center. Permanent stone or concrete monuments

shall be set at each corner or angle on the outside boundary. Pipes three-quarters (3/4) inch in diameter or steel rods one-half (1/2) inch in diameter, by eighteen (18) inches in length, placed at the corners of each lot and block, at each intersection of street centerlines, at angle points and at the ends and at suitable intervals along curves, shall be required of the subdivider. All U.S., State, County, City or other official benchmarks, monuments or triangulation station in or adjacent to the property shall be preserved in precise position.

6-6.0407 GRADING. All streets and alleys within the platted area which are being dedicated for public use shall be brought to base or over a six (6) inch rolled stone base and constructed in the grade approved by the Council. No street, thoroughfare, alley or pedestrian way shall be accepted by the City until final approval by the Council has been granted to the subdivider.

6-6.0408 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.

6-6.0409 SURFACING. All streets being dedicated for public use shall be surfaced to the width required by subsection 6-6.0201(3). Surfacing shall consist of not less than six (6) inches of Portland cement concrete or a two (2) inch asphaltic concrete wearing surface over a four (4) inch asphalt treated in accordance with the design and specifications and at grades approved by the Council. Surfacing of areas in which muck, peat or other poor soil conditions are encountered shall be in accordance with specifications as set by the City engineer for that particular area.

6-6.0410 SPECIFICATIONS. The type of construction, the materials and the methods of and standards of subdivision improvements shall be those established by Section 6-6.0301 hereof. Plans and specifications for the improvements required shall be submitted in writing to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

6-6.0411 INSPECTION. The Council shall cause the installation of all improvements to be inspected to insure 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.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 7 - BUILDING CODE

ARTICLE 1
GENERAL PROVISIONS

6-7.0101 SHORT TITLE. This chapter shall be known as the "Building Code", and may be cited as such, and will be referred to herein as "this chapter."

6-7.0102 PURPOSE. The purpose of this chapter is to protect public health, property, welfare and safety by establishing reasonable minimum requirements for the construction, repair, moving, demolition and use of buildings, structures and related equipment, fixtures and systems.

6-7.0103 ADOPTION OF STATE BUILDING CODE. Pursuant to published notice and public hearing, as required by law, the Iowa State Building Code, promulgated pursuant to Chapter 103A of the Code of Iowa, including the one and two-family dwelling code, is hereby adopted by reference.
(Code of Iowa, Sec. 103A.10[2b] and Sec. 380.10)

6-7.0104 COPIES FILED. Official copies of the aforementioned Iowa State Building Code, the standard codes adopted therein, and a certified copy of this chapter are on file in the office of the City Clerk. Certified copies of this chapter are also on file in the office of the State Building Code Commissioner and in the office of the Secretary of State.
(Code of Iowa, Sec. 103A.12 and Sec. 380.8)

6-7.0105 BUILDING OFFICIAL. The Council shall appoint the building official who is hereby authorized and directed to enforce all the provisions of this chapter. The building official shall have the following powers and duties:

1. Assistants. In accordance with established procedure and with the approval of the Council, the building official may appoint such number of officers, inspectors and assistants, and other employees as shall be authorized from time to time.
2. Annual Report. The building official shall submit a report to the Council not less than once a year, covering the administration and enforcement of this chapter during the preceding period. Said report shall incorporate a summary of recommendations as to desirable amendments to this chapter.
3. Records. The building official shall keep a permanent, accurate account of all fees and other monies collected and received under this chapter, the names of

the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

4. **Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever the building official, or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in this chapter, the building official, or his authorized representative, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter. If the building is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official, or his authorized representative shall have recourse to every remedy provided by law to secure entry.
5. **Stop Orders.** Whenever any work is being done contrary to the provisions of this chapter, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.
6. **Occupancy Violations.** Whenever any structure is being used contrary to the provisions of this chapter, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this chapter; provided, however, that in the event of an unsafe building the procedures for the abatement of a nuisance shall apply.
7. **Authority to Condemn Equipment.** Whenever the building official learns or ascertains that any equipment, as defined in this chapter, has become hazardous to life, health, or property, he shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.
8. **Liability.** The building official or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to

persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employees, because of such act or omission performed by him in the enforcement of any provisions of this chapter, shall be defended by the City until final termination of the proceedings.

9. Cooperation of Other Officials. The building official may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the City.

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

6-7.0106 BOARD OF APPEALS. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this chapter, there shall be and is hereby created a Board of Appeals, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an ex-officio member and shall act as secretary of the Board. The Board of Appeals shall be appointed by the Mayor and shall hold office at the pleasure of the Mayor. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a copy to the appellant and a copy to the State Building Code Commissioner.

(Code of Iowa, 1981, Sec. 103A.13; IAC 630-5.3[51])

6-7.0107 PERMITS REQUIRED. Permits shall be required as follows:

1. **Building.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the City, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the building official.
2. **Mechanical.** No person shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefore has been obtained from the building official except as otherwise provided in this chapter.
3. **HVAC.** A permit shall be obtained for all heating, ventilating, cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure.
4. **Exemptions.** A permit shall not be required for the following:
 - a. Any portable heating appliance.
 - b. Any portable ventilating equipment.
 - c. Any portable cooling unit.

- d. Any steam, hot, or chilled water piping within any heating or cooling equipment regulated by this chapter.
 - e. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this chapter.
 - f. Any portable evaporative cooler.
 - g. Any refrigerating equipment which is a part of the equipment for which a permit has been issued pursuant to the requirements of this chapter.
 - h. Any unit refrigerating system.
5. **Plumbing.** No person, firm or corporation shall install, alter, reconstruct or repair any plumbing or drainage system or part thereof as defined in the plumbing code adopted by this chapter unless a permit therefore has been obtained from the building official.
6. **Electrical.** No person, firm or corporation shall install, alter, reconstruct or repair any electrical conductor or equipment subject to the provisions of the electrical code adopted by this chapter unless a permit therefore has been obtained from the building official.

(Code of Iowa, 1981, Sec. 103A.19[6])

6-7.0108 EMERGENCY WORK. In emergency situations, work may be initiated without first submitting a permit application and receiving a permit therefore. However, a permit application must be submitted within a reasonable time after the passage of the critical period. With this one exception all emergency work must be done in accordance with this chapter.

6-7.0109 PERMIT APPLICATIONS. Application for permit shall be made as follows:

- 1 **Building Permit.** To obtain a building permit the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
 - a. Identify and describe the work to be covered by the permit for which application is made;
 - b. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
 - c. Indicate the use or occupancy for which the proposed work is intended;

- d. Be accompanied by plans and specifications as required in 6-7.0110 of this chapter;
 - e. State the valuation of the proposed work;
 - f. Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;
 - g. Give such other information as reasonably may be required by the building official.
2. **Mechanical Permit.** To obtain a mechanical permit, the applicant shall file an application on forms furnished for that purpose. The application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.
 3. **Plumbing Permit.** To obtain a plumbing permit, the applicant shall file an application on forms furnished for that purpose. The application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.
 4. **Electrical Permit.** To obtain an electrical permit, the applicant shall first file an application therefore in writing on a form provided for that purpose. The application shall include the name and business address of the person, firm, corporation or other association that is to do the work, a description of the property where the work is to be done, the name of the owner of the property, the name of the occupant, and a general description of the materials to be used, and shall specify the particular part or parts of the work that must be inspected as required by this chapter.

6-7.0110 PLANS AND SPECIFICATIONS. With each application for a building permit, and when required by the building official for enforcement of any provisions of this chapter, two (2) sets of plans and specifications shall be submitted. The building official may require such plans and specifications to be prepared and designed by an engineer or architect licensed by the State of Iowa to practice as such. Plans and specifications when required shall be of sufficient detail and clarity to show that the proposed work will conform to the provisions of this chapter and of all applicable laws, ordinances, rules, regulations and orders. The building official may waive the filing of plans and specifications with an application for the following:

1. One-story buildings of conventional wood stud construction with an area not exceeding six hundred (600) square feet.
2. Private garages, carports, sheds, and agricultural buildings of conventional wood stud construction.
3. Small and unimportant work

6-7.0111 PLAN REVIEW. Required plans and specifications shall be checked by the building official. Such plans may be reviewed by other City departments or personnel to check compliance with the laws and ordinances under their jurisdiction.

6-7.0112 PLAN APPROVAL. If the plans and specifications as filed appear to conform to the requirements of this chapter and other laws and ordinances the building official shall endorse in writing or stamp on all sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the building official, and all work shall be done in accordance with the approved plans.

(Code of Iowa, 1981, Sec. 103A.19[1])

6-7.0113 PARTIAL PLANS. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this chapter. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

6-7.0114 RETENTION OF PLANS. One set of approved plans, specifications, and computations shall be retained by the building official for a period of not less than ninety (90) days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

6-7.0115 ISSUANCE OF PERMITS. When the building official is satisfied that the work described in an application for permit and the plans and specifications filed therewith, if required, conform to the requirements of this chapter and other pertinent laws and ordinances including any applicable soil erosion control plans, and that the fees as specified have been paid in full, he shall issue a permit therefore to the applicant. (Code of Iowa, 1981, Sec. 103A.19[4])

6-7.0116 VALIDITY. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful. The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on there under when in violation of this chapter or of any other chapter of the City.

6-7.0117 EXPIRATION OF PERMIT. Every permit issued by the building official under the provisions of this chapter shall expire by limitation and become null

and void, if the building or work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can recommenced a new permit shall be first obtained so to do, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. All work under a permit shall be completed within one calendar year from the date the permit was issued or such permit shall be null and void. **6-7.0118 SUSPENSION OR REVOCATION.** The building official may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter.

6-7.0119 BUILDING PERMIT FEES. A fee for each building permit shall be paid to the building official or Clerk as set forth herein. The determination of value or valuation under any of the provisions of this chapter shall be made by the building official. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment. The building official will use as a guide to determine the valuation the latest "Building Valuation Data" and the "Regional Modifiers," as published by the International Conference of Building Officials, unless the applicant can show that the actual cost will be less.

(Code of Iowa, Sec. 103A.19(5))

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$10.00
\$501.00 to \$2,000.	\$10.00 for the first \$500.00 plus \$1.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.
\$2,001.00 to \$25,000.00	\$32.50 for the first \$2,000 plus \$6.00 for each additional \$1,000 or fraction thereof, up to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$170.50 for the first \$25,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000	\$283.00 for the first \$50,000 plus \$3.00 for each

additional \$1,000 or fraction thereof, to and including \$100,000.00.

\$100,001.00 and up

\$433.00 for the first \$100,000 plus \$1.50 for each additional \$1,000 or fraction thereof.

6-7.0120 MECHANICAL PERMIT FEES. A fee for each mechanical permit shall be paid to the building official as follows:

1. For each permit, as a basic fee - \$15.00
2. For each installation, relocation or replacement of a furnace - 100,000 BTU/H or less - \$9.00; more than 100,000 BTU/H - \$11.00
3. For each air-handling unit - \$6.50
4. For each installation, relocation or replacement of an appliance vent - \$4.50
5. For each gas piping system or outlet - \$3.00

6-7.0121 PLUMBING PERMIT FEES. A fee for each plumbing permit shall be paid to the building official as follows:

1. For each permit, as a basic fee - \$15.00
2. For each abandonment of sewer and water - \$6.00
3. For each new or renewal building sewer or water service - \$5.00
4. For each rainwater system, per drain (inside building) - \$2.00
5. For each private disposal system - \$10.00
6. For each water heater and/or vent - \$2.00
7. For each storm sewer opening or gas piping system - \$3.00
8. For each installation, alteration or repair of water 41/0 piping, drainage or vent piping - \$2.00
9. For each plumbing fixtures, trap or appurtenance - \$2.00
10. For each lawn sprinkler system, one meter, including backflow protection devices - \$2.00
11. For each vacuum breaker or backflow protective device on tanks, vats, etc. - \$2.00
12. For each industrial waste pretreatment, including traps and vent - \$2.00
13. For each abandonment sewer and water - \$6.00
14. For combined water and sewer, one ditch - \$7.00
15. For a private water system and for a building storm sewer - \$4.00

6-7.0122 ELECTRICAL PERMIT FEES. A fee for each electrical permit shall be paid to the building official as follows:

1. For each permit, as a basic fee - \$15.00
2. For each meter - \$4.25
3. For each conduit - \$1.75
4. For openings includes outlets, switches and receptacles - \$0.75
5. For each fixed appliance - \$4.25
6. For each fixture - \$0.30
7. For each motor (exclusive of circuits) - \$1.50

6-7.0123 PLAN-CHECKING FEES. When a plan is required to be submitted, and plans are incomplete, or changed so as to require additional plan checking, an additional plan-checking fee of \$20.00 shall be charged.

6-7.0124 EXPIRATION OF PLAN CHECK. Applications for which no permit is issued within one hundred twenty (120) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred twenty (120) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-checking fee.

6-7.0125 RE-INSPECTION FEE. In the event re-inspection is necessary, there shall be paid to the building official a re-inspection fee of \$20.00 for each re-inspection.

6-7.0126 PENALTY FEE. Where work for which a permit is required by this chapter is started or commenced without obtaining a permit, the fees specified for such permit shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

(Code of Iowa, Sec. 103A.19[5])

6-7.0127 INSPECTION REQUIRED. All construction or work for which a permit is required shall be subject to inspection by the building official, and certain types of construction shall have continuous inspection by special inspectors, as specified in Section 6-7.0134

(Code of Iowa, Sec. 103A.19[1])

6-7.0128 LOT SURVEY. A survey of the lot may be required by the building official to verify compliance of the structure with approved plans.

6-7.0129 CONCEALED WORK. That portion of any work or equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.

6-7.0130 INSPECTION RECORD CARD. Work requiring a permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the front premises and in such position as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until the certificate of occupancy or satisfactory completion has been issued.

6-7.0131 APPROVALS REQUIRED. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Section 6-7.0132. There shall be a final inspection and approval on all buildings and work when ready for occupancy and/or completed.

6-7.0132 REQUIRED INSPECTIONS. The building official, upon notification from the permit holder or his agent, shall make the following applicable inspections and shall either approve that portion of the work as completed or shall notify the permit holder or his agent wherein the same fails to comply with this chapter. Reinforcing Steel or Structural Framework. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

1. Foundation Inspection. To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
2. Frame Inspection. To be made after the roof, all framing, fire-blocking, and bracing are in place and all pipes, chimneys, and vents are complete.
3. Mechanical Inspection. To be made before concealment or use.
4. Plumbing Inspection. To be made before concealment or use.
5. Electrical Inspection. To be made before concealment or use.
6. Lath and/or Wallboard Inspection. To be made after all lathing and/or wallboard, interior and exterior, is in place; but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
7. Other Inspections. In addition to the called inspections specified above, the building official may make or require any other inspections of any construction or work to ascertain compliance with the provisions of this chapter and other

laws which are enforced by the building official.

8. Re-inspections. Re-inspections, and fees therefore, may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this chapter, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a re-inspection the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with Section 6-7.0125. In instances where re-inspection fees have been assessed no additional inspection of the work will be performed until the required fees have been paid.
9. Final Inspection. To be made after work is completed and/or the building ready for occupancy.

6-7.0133 MAINTENANCE. All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this chapter in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures. For the purpose of determining compliance with this section the building official may cause any structure to be re-inspected.

6-7.0134 SPECIAL INSPECTIONS. In addition to the inspections to be made as specified in Section 6-7.0132 the owner or his agent shall employ a special inspector who shall be present at all times during construction on the following types of work:

Concrete. On concrete work when the structural design is based on an F-C in excess of 2,000 pounds.

1. Masonry. Masonry work shall have special inspection when required in the Uniform Building Code.
2. Welding. On all structural welding.
3. Reinforced Gypsum Concrete. When cast-in-place Class B reinforced gypsum concrete is being mixed or deposited.
4. Special Cases. On special construction or work involving unusual hazards or requiring constant inspection.
5. Exception. The building official may waive the requirement for the employment

of a special inspector if he finds that the construction or work is such that no unusual hazard exists.

6-7.0135 SPECIAL INSPECTOR. The special inspector shall be a qualified person approved by the building official. The special inspector shall furnish continuous inspection on the construction and work requiring his employment. He shall report to the building official in writing, noting all ordinance violations and other information as required.

6-7.0136 APPROVED FABRICATORS. Special inspections required by Section 6-7.0134 and elsewhere in this ordinance shall not be required where the work is done on the premises of a fabricator approved by the building official to perform such work without special inspection. The certificate of approval shall be subject to revocation by the building official if it is found that any work done pursuant to the approval is in violation of this chapter.

6-7.0137 REQUEST FOR INSPECTION. The building official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in citing or by telephone at the option of the building official.

6-7.0138 ACCESS. It shall be the duty of the person requesting inspection to provide access to and means for proper inspection. The building official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

6-7.0139 POWER, FUEL AND WATER SUPPLY CONNECTIONS. Systems and/or equipment regulated by this chapter shall not be connected to the power, fuel or water supply until authorized by the building official, except that this section shall not be considered to prohibit the operation of any equipment installed to replace existing equipment serving an occupied portion of a building in the event a request for inspection of such equipment has been filed with the building official not more than forty-eight (48) hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building.

6-7.0140 CERTIFICATE OF OCCUPANCY. No building or structure where a Certificate of Occupancy is required by the Iowa State Building Code Administration Section shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein.

1. Change in Use. Changes in the character or use of a building shall not be made except as specified in the Uniform Building Code adopted by this chapter.
2. Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of this chapter, the building official shall issue a Certificate of Occupancy which shall contain the following:

3. The building permit number.
4. The address of the building.
5. The name and address of the owner.
6. A description of that portion of the building for which the certificate is issued.
7. A statement that the described portion of the building complies with the requirements of this chapter for group and division of occupancy and the use for which the proposed occupancy is classified.
8. The name of the building official.
9. Temporary Certificate. A temporary Certificate of Occupancy may be issued by the building official for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.
10. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

(Code of Iowa, Sec. 103A.19[4])

6-7.0141 VIOLATIONS. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

6-7.0142 VIOLATION. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a violation of this Code of Ordinances. Each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted shall be considered a separate offense.

6-7.0143 COLLECTION AND DISCHARGE OF SURFACE AND SUBSURFACE WATER. All buildings shall comply with this section.

Definitions. Unless otherwise indicated by the context:

1. "Basement" is defined at Section 6-5.0103.
2. "Building" is defined at Section 6-5.0103.
3. "Discharge line" means a sewer not less than one and one-half inches in diameter Schedule 40 PVC water pipe installed below the frost level which connects a building sump to the storm sewer system and which contains a check valve or a positive check to prevent water from the storm sewer system backing into the sump.
4. "Dwelling" is defined at Section 6-5.0103.
5. "Footing drains" means a drain made of perforated tile equivalent to PVC

ASTM F405-76 Plastic Drain Tile.

6. "Secondary storm sewer" means a sewer not less than six inches in diameter for the collection of surface and storm water for conveyance to a storm sewer.
7. "Storm sewer" is defined at Section 3-3.0102.
8. "Storm sewer system" means storm sewers and secondary storm sewers as provided in Section 6-6.0303.
9. "Subsoil drain" means a drain made of open-jointed or horizontally split or perforated clay or concrete tile or corrugated, perforated plastic drainage tubing not less than four inches in diameter.
10. "Sump" means a pit for the collection of storm water run-off and groundwater in and around a building.
11. Building Requirements. The owner of a residential or commercial building or a residential or commercial building under construction shall:
12. If the building has a basement, install subsoil drains inside or outside the building perimeter.
13. If the building has a basement and groundwater is present or if there is evidence of wet conditions, install subsoil drains under basement floors.
14. Discharge drainage from subsoil and footing drains into a sump located not closer than six feet from any floor drain, clean out or other connection to the sanitary sewer.
15. Unless gravity drainage to a natural waterway is available and approved by the City Engineer, discharge subsoil or footing drainage from the sump to the public storm sewer system required by Section 6-6.0303 through the use of a sump pump and a discharge line.

6-7.0144 MANDATORY CONNECTION TO PUBLIC STORM SEWER SYSTEM.

1. Findings. The discharge of surface and subsurface waters materially affects the health, safety and welfare of the population of the City.
2. Order. The Mayor or a City employee designated by the Mayor may order a property owner to install a sump pump and discharge line and to connect the discharge line to the public storm sewer system if the Mayor or the designee determines that:
 - a. Connection to the public storm sewer system is necessary for public health and safety;
 - b. The public storm sewer system has sufficient capacity for additional

connections; and

- c. The public storm sewer system is within a reasonable proximity to a building.
3. Notice. The Mayor or designee shall notify the owner of the building of the mandatory connection order. The notice shall state the time within which the owner must comply with the order, the work to be done and that the owner has a right to a hearing on the order.
4. Hearing. If the owner files with the City Clerk a written request within seven days after notice is given, the Council within thirty days of the filing of the request shall hold a hearing concerning the order for mandatory connection to the public storm sewer system. The Council, by resolution, shall affirm, modify or revoke the notice. The Clerk promptly shall notify the owner of the Council's action by providing a certified copy of the resolution to the owner.
5. Compliance. The owner shall comply with the provisions of the notice or resolution affirming or modifying the notice within the period of time set forth in such notice or resolution or, if no time is stated, within ninety days.
6. Abatement. If an owner fails to comply with a notice or resolution affirming or modifying the notice, pursuant to Section 364.12(3)(h) of the Code of Iowa, the Council by resolution may cause the sump pump and discharge line to be installed and by further resolution may certify the cost of such abatement to the County Treasurer for collection in the same manner as property taxes. This section does not limit the City's authority to take such other lawful action as may be necessary or appropriate under the circumstances.

6-7.0145 ABATEMENT OF PROHIBITED SEWER CONNECTIONS.

1. Findings. The discharge of surface and subsurface waters materially affects the health, safety and welfare of the population of the City. Surface water run-off and subsoil and footing drainage is detrimental to the public sanitary sewer system, and therefore, any system for diversion or discharge of groundwater, surface water run-off or subsoil or footing drains to the sanitary sewer system is a public nuisance.
2. Prohibition. An owner or person in possession of real property shall not create or maintain any system for diversion or discharge of groundwater, surface water run-off or subsoil or footing drains to the sanitary sewer system.
3. Abatement Procedure.
 - a. If the Mayor or a City employee designated by the Mayor determines that there is probable cause to believe that a violation of this section has occurred, the Mayor or designee shall either give written notice of the violation to or file a criminal complaint against the owner or the person in

possession of the real property or both. If notice is given, the notice shall specify the alleged violation, order the alleged violator to cure the violation within seven days after the notice is given or within such other reasonable period of time as the Mayor or the designee may deem reasonable, and advise the alleged violator of the right to a hearing before the City Council concerning the alleged violation by filing a written request therefore with the City Clerk within seven days after notice is given.

- b. If notice is given and the alleged violator requests a hearing, within thirty days of the filing of the request for hearing, the City Council shall hold a hearing and, by resolution, shall affirm, modify or revoke the notice. The Clerk promptly shall notify the alleged violator of the Council's action by providing a certified copy of the resolution to the alleged violator.
 - c. If notice is given or a notice is affirmed or modified, the alleged violator shall comply with the provisions of the notice or resolution affirming or modifying the notice within the period of time set forth in such notice or resolution or, if no time is stated, within seven days.
 - d. If an alleged violator fails to comply with a notice or resolution affirming or modifying the notice, pursuant to Section 364.12(3)(h) of the Code of Iowa, the Council by resolution may cause the violation to be abated and by further resolution may certify the cost of such abatement to the County Treasurer for collection in the same manner as property taxes. This section does not limit the City's authority to take such other lawful action as may be necessary or appropriate under the circumstances.
4. Continuing Violations. Each day during which a prohibited system for diversion or discharge of groundwater, surface water run-off or subsoil or footing drains to the sanitary sewer system exists shall constitute a new and separation violation.

6-7.0146 METHOD OF NOTICE. Any notice or demand required or permitted by this chapter shall be sufficient and deemed given when expressed in writing and either (a) personally delivered to the person entitled thereto or (b) deposited in 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 (c) served on the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 8 - MOBILE HOMES AND MOBILE HOME PARKS

ARTICLE 1
GENERAL PROVISIONS

6-8.0101 PURPOSE. The purpose of this chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals and welfare.

6-8.0102 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Accessory Use": shall mean a use incidental to the primary use of the mobile home park such as direct service facility building, park management building, maintenance building, community buildings, or other uses of a similar nature.
2. "Approved Mobile Home Park Development Plan": shall mean the mobile home park development plan approved by the Council.
3. "Appurtenances": shall mean an attached or detached enclosed addition to a mobile home, situated on the mobile home lot for the use of its occupants, such as an enclosed carport, garage, storage shed or items of a similar nature.
4. "Building Code": shall mean those applicable codes enforced by the City.
5. "Common Areas": shall mean any area or space designated for joint use of tenants occupying mobile home parks.
6. "Community Building": shall mean a building housing toilet and bathing facilities for men and women, a slop-water sink and such other facilities as may be required by this chapter or the Code of Iowa.
7. "Density": shall mean the number of mobile homes or mobile home stands per gross acre.
8. "Driveway": shall mean a minor private way used by vehicles and pedestrians on a mobile home lot.
9. "Easement": shall mean a vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.
10. "Existing Installations": shall mean those installations which were in existence before June 16, 1975.

11. "Manufactured home": shall mean 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 which is required by Federal law to display a seal from the United States Department of Housing and Urban Development. (Code of Iowa, Sec. 435.1)
13. "Mobile home": shall mean 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. (Amended by Ordinance No. 245) (Code of Iowa, Sec. 435.1)
14. "Mobile Home Lot": shall mean a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
15. "Mobile home park": shall mean any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes or a combination of any such homes, are on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park" is not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The mobile home park shall meet the requirements of any zoning regulations that are in effect. (Code of Iowa, Sec. 135D.1[2])
16. "Mobile Home Park Development Plan": shall mean a custom-made design for a specific site or area consisting of drawings, maps and engineering details to set forth the boundary topography and overall park design, including streets, parking facilities, mobile home lot locations, public and utility service facilities, drainage areas. -Mobile Home Stand" means that part of an individual mobile home lot which has been reserved for the placement of the mobile home and any appurtenances thereto.
17. "Motorized Home": shall mean a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
18. "New Installations": shall mean those which are proposed for construction after June 16, 1975.
19. "Patio": shall mean a surfaced outdoor living space designed to supplement to mobile home living area.

20. "Person": shall mean any individual, firm, trust, partnership, public or private association or corporation.
21. "Pickup Coach": shall mean a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling.
22. "Plat": shall mean a map, plan or chart of a City, town, section or subdivision, indicating the location and boundaries of individual properties.
23. "Private Street": shall mean a private way which affords principal means of access to abutting individual mobile home lots or accessory buildings.
24. "Property Line": shall mean a recorded boundary of a plat.
25. "Public Street": shall mean a public way which affords principal means of access to abutting individual mobile home lots, accessory buildings or properties.
26. "Public System (Water or Sewer)": shall mean a system which is owned and operated by a local governmental authority or by an established public utility' company which is adequately controlled by' governmental authority. Such systems are usually existing systems serving the municipality or a water or sewer district established and directly controlled under the laws of the State.
27. "Right-of-way": shall mean the area, either public or private, over which the right of passage exists.
28. "Roadway": shall mean that portion of the mobile home park street system that is surfaced for the actual travel or parking of vehicles, and including curbs.
29. "Sewer Connection": shall mean the connection of all pipes and fittings from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.
30. "Sewer Riser Pipe": shall mean that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
31. "Shall": indicates that which is required.
32. "Should": indicates that which is recommended, but not required.
33. "Single Ownership": shall mean an individual, part-ownership, corporation or other entity owning the whole mobile home park.
34. "Skirting": shall mean the materials and construction around the perimeter of a mobile home floor between the bottom of the mobile home floor and the grade level of the mobile home stand.
35. "Tenant Storage": shall mean an enclosed space designed to provide auxiliary

general storage space for an individual mobile home.

36. "Transient Use": shall mean the occupancy of a mobile home lot by a mobile home for a period of fourteen (14) days or less.
37. "Travel Trailer": shall mean a vehicular, portable structure on a chassis, designed to be used as a temporary dwelling.
38. "Water Connection": shall mean the connection consisting of all pipes and fittings from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
39. "Water Riser Pipe": shall mean that portion of the water supply system which extends vertically to the ground elevation and terminates at each mobile home lot.
40. "Yards": shall mean that area on the same lot with a mobile home between the lot line and the front, rear or side of the mobile home. For purposes of this chapter the "front" of a mobile home shall be considered as that part of the mobile home facing toward the approved street or right-of-way as required by this chapter.

6-8.0102 MINIMUM SIZE OF PARK. The area proposed for a mobile home park shall consist of at least five (5) acres of gross development area or provide for a minimum of thirty (30) mobile home lots. Such area may be developed in two, provided that said stages conform in all respects with the overall mobile home park development plan.

6-8.0103 OCCUPANCY OF PARK PROHIBITED. Occupancy shall not be permitted until all facilities and improvements are installed and operational for not less than twenty-five (25) mobile home lots.

6-8.0104 DENSITY OF USE. That maximum density allowed for the gross development area shall be six (6) mobile homes units per gross acre, or as provided in Section 6-8.11.

6-8.0105 CONSTRUCTION AND MAINTENANCE. Every mobile home park shall be constructed and maintained in accordance with the approved mobile home park development plan.

6-8.0106 LOCATION AND MAINTENANCE OF MOBILE HOMES IN PARK. All mobile homes shall be located and maintained in full conformity with the approved mobile home park development plan.

6-8.0107 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a 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 where the mobile homes or manufactured homes are maintained on

private property as part of a dealer's or a manufacturer's stock and not used as a place for human habitation.

6-8.0108 PROCEDURE FOR OBTAINING AN APPROVED MOBILE HOME PARK. The following procedure shall be complied with in order to secure approval of a mobile home park:

1. Plan Filed. The owner of any tract of ground located within the corporate limits of the City who may wish to establish, enlarge or extend a mobile home park. shall submit six (6) copies of a mobile home park development plan to the City Planning and Zoning Commission.
2. Report of Commission. The Commission shall render to the Council a report on the development plan to include but not limited to the following factors:
 3. The relation of the proposed mobile home park to the public interest.
 4. The effect of the proposed mobile home park to adjacent property values.
 5. The consistency and compliance of the proposed mobile home park with the provisions of this chapter.
 6. The suitability of the site for present development with special attention to topography, subsurface conditions and availability of necessary utility services.
 7. The relation of the population density resulting from the proposed mobile home park to the public interest.
 8. The exhibition of sound planning and engineering practices.
 9. The availability of access from existing highway or arterial streets and the nature of the altered traffic pattern resulting from the proposed mobile home park.
10. A recommendation as to the approval or disapproval of proposed plans and location.
11. Commission Action. The Commission may require the owner to appear before it and make such changes as may be required; these changes shall be made promptly and the Commission shall render its report to the Council after the receipt of revision. If the Commission requires no revisions, it shall render its report to the Council after its meeting with the owner of the proposed mobile home park.
12. Public Hearing; Council Action. The Council shall hold a public hearing on the proposed plans upon receipt of written recommendation from the Commission, the City Engineer and the Iowa Board of Health. The Council shall take action upon the proposed plans of proposed mobile home park and approve or

disapprove same.

6-8.0109 MOBILE HOME PARK DEVELOPMENT PLAN. A mobile home park development plan must comply with the following:

1. Mobile Home Prohibited. No mobile home shall be located on land or water unless and until the required mobile home development plan is officially approved by resolution of the Council and the required licensing provisions of the Code of Iowa are complied with.
2. Plan Requirements. The proposed mobile home park development plan shall show the following:
 - a. Topography with topographic lines at a minimum of five (5) foot intervals.
 - b. Park boundaries and dimensions. Scale of drawing to be one inch equals fifty (50) feet or at a larger scale.
 - c. Location and identification of all uses, including streets adjacent to and within the park; walks, patios, mobile home stands, play areas, parks and common spaces, parking areas, utilities including street lighting and fire hydrants, physical features such as retaining walls, fences, trees and natural features, other information that may be required by the planning, engineering, fire, health or building departments, easements and dedications. Show gross area, net area of uses and density.
 - d. The mobile home park development plan shall be prepared by a landscape architect, architect, engineer, land surveyor, or other experienced designer and have the seal of a duly authorized engineer or land surveyor in the State of Iowa certifying boundaries, boundary measurements, and such other matters as are required to be approved.
 - e. A vicinity map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, property lines and other significant features which will have a bearing upon the proposed mobile home park.
3. Street and Utility Covenant. If said mobile home park development plan contains no dedication to the City for streets or utilities or should it be contemplated that the facilities of the City shall not be used for maintenance of streets, sidewalks, water and sewer lines, garbage collection, or other related functions, then such owner shall be required to record with such mobile home park plan a covenant as follows:

THAT (NAME OF OWNER) BEING THE OWNER OR OWNERS OF REAL ESTATE CONTAINED IN THE ABOVE ATTACHED MOBILE HOME PARK DEVELOPMENT PLAN HEREBY CONSENT THAT IF THEY OR THEIR ASSIGNEES, HEIRS OR THOSE HOLDING OR OWNING SAID

LAND THROUGH SAID OWNERS, FAIL TO MAINTAIN THE STREETS, SIDEWALKS, WATER AND SEWER MAINS ACCORDING TO AND IN COMPLIANCE WITH THE MINIMUM STANDARDS FOR THE MAINTENANCE OF STREETS, SIDEWALKS, WATER AND SEWER MAINS AS ESTABLISHED BY THE CITY OF , THAT AFTER TEN (10) DAYS' NOTICE IN WRITING TO THE OWNER OF SAID LAND AS SHOWN UPON THE RECORDS IN THE COUNTY AUDITDR'S OFFICE OF STORY COUNTY, IOWA, AND AT THE ADDRESS HEREIN SHOWN, THEN SAID OWNER, ASSIGNEES, HEIRS, AND THOSE HOLDING OR OWNING THROUGH SAID OWNERS, HEREBY AUTHORIZED THE CITY OF , TO MAKE ALL NECESSARY REPAIRS AND PERFORM ALL NECESSARY MAINTENANCE AND FURTHER AUTHORIZED THE CITY OF TO FILE A MECHANIC'S LIEN OR SUCH OTHER LIEN OR INCUMBRANCE AGAINST SAID REAL ESTATE AND ENFORCE SAID LIEN PURSUANT TO LAWS THEN APPLICABLE.

4. Copies Filed. Six (6) complete sets of the drawings and specifications of the proposed mobile home park development plan shall be submitted to the City plan commission for distribution to the following departments for review:
 - a. Planning and Zoning Commission,
 - b. City Engineer,
 - c. City Inspector,
 - d. City Clerk
5. Drawings. The items required by the following list to be shown on each drawing are set forth as guides and are subject to modifications, where not applicable or where additional information is required by the City. So far as possible drawings must be of uniform size, numbered consecutively, arranged in the order listed below, and securely stapled on the left hand edge.
 - a. Cover Sheet.
 - i. Print in black or blue line on white paper.
 - ii. Title of project and project location.
 - iii. Index of drawings by name, numbered consecutively.
 - iv. Signature block setting forth the names of the following:
 - v. Planner: (Print Name) by Signature
 - vi. Engineer: (Print Name) by Signature
 - vii. Landscape Architect: (Print Name) by Signature

- viii. Architect: (Print Name) by Signature
 - ix. Owner: (Print Name) by Signature and title
 - x. Contractor: (Print Name) by Signature and title
 - xi. Date: Date last revised
- b. Topographic Map.
- i. Scale one inch equals fifty (50) feet. This map shall be laid over the plot plan if practical to do so without confusing the plot plan.
 - ii. Land boundaries, dimensions, angles, distance to street intersection; north point; land area within boundaries excluding portions to be dedicated.
 - iii. Streets, alleys or roads adjacent or within the project boundaries, together with walks, curbs, pavement, steps, play areas, ramps, parking areas and drying yards, and utilities such as gas, water, electric and sanitary and storm sewer lines: dimensions or sizes for each and distance from mobile home stand and accessory buildings or other locating points; materials to be used for such items as walks, patios, and pavements, and the extent of each off-site construction noted as "new" or "existing"; dimensions and areas of any land to be dedicated.
 - ix. Mobile home lots, and lot numbers, stands, locating dimension, and overall dimension; location of accessory buildings.
 - x. Elevations of mobile home stands and patios, together with elevations of accessory buildings; existing and new elevations of curbs and streets; invert elevations of sanitary and storm sewers and direction of flow; elevations of streets, curbs and other construction in public right-of-way in areas to be dedicated, as established or approved by civil authorities having jurisdiction.
 - vi. Utilities servicing the property, or distance to point of connection and utility lead-ins or service connections; yard lighting, hose bibs, lawn hydrants, and lawn sprinkler systems with pipe sizes, controls, drains and fire hydrants.
 - vii. Retaining and garden walls, guard rails, fences, garages and carports, dimensions, details and notes as necessary to provide definite information of all features not otherwise clearly provided for.
 - viii. Existing trees and other natural features and whether to be removed or preserved.

- c. Grading and Drainage Plans.
 - i. When essential information required hereafter cannot be clearly shown in its entirety on the plot plan, a grading and drainage plan shall be provided.
 - ii. Scale one (1) inch equal fifty (50) feet.
 - iii. North Point.
 - iv. All grades related to established City datum.
 - v. Proposed grading contours at not more than five (5) foot intervals indicated in solid line; existing contours indicated with dotted line.
 - vi. All existing and new grade elevations at mobile home stands and new grade elevation at walks, drives, parking areas, drying yards, play areas, walks and steps.
 - vii. Yard drainage, together with controlling grades and dimensions of all tile lines, culverts, catch basins, drain inlets, turf and masonry gutters, and all curb, drainage disposal and any existing facilities to be used.
 - viii. Drawings of typical mobile home lots and stands, patio and storage facilities.
 - ix. Scale one-fourth (1/4) inch equal one (1) foot or larger.
- d. Plan, sections, and details.
 - i. Location and sizes of:
 - a. Sewer and drain system - sanitary and storm Water distribution system
 - b. Gas distribution system
 - c. Electrical service lines
 - d. Yard lighting
 - e. Telephone services lines
 - f. Drawings of accessory structures.
 - g. All drawings of accessory structures shall be drawn as outlined in the City building code.
 - h. All accessory buildings shall be approved by the City building official and must obtain a building permit before construction begins.
- e. Public Water Supply.

- i. Evidence that the public system will serve the development.
 - ii. A topographic map of the development showing the size and location of the distribution system and appurtenances. This map may be the same map as the plot plan.
 - iii. Complete working drawings and specifications of the distribution system and appurtenances which describe accurately, clearly and completely the materials and methods of construction. Drawings acceptable to the City water department shall be sufficient.
- f. Public Sewage Disposal.
- i. Evidence that the public system will serve the development.
 - ii. A topographic map of the development showing the size and location of the collection system and appurtenances which describe accurately, clearly and completely the materials and methods of construction. Drawings acceptable to the City engineer shall be sufficient.

6-8.0110 AMENDING PROCEDURE. A development plan may be amended as follows:

1. Review and Approval. If it is found necessary to make material and substantial alterations or modifications of an approved mobile home park development plan, such alterations or modifications shall be subject to the approval of the Council, following review and recommendation by the plan commission.
2. Developer Requested Revision. A request for approval of alterations or modifications of a previously approved mobile home park development plan shall be accompanied by the same kind and number of exhibits as is required for a new request for approval insofar as such exhibits are applicable to the requested alterations or modifications. When the Council by official resolution approves the revised mobile home park development plan, said revised plan will supplement the original approved mobile home park development plan.
3. Revision Required by Council. If a reasonable length of time has elapsed without significant progress having been made in completion of the mobile home park or if there has in the interim been a significant environmental change within or surrounding the area covered by the plan, the Council may require that a revised plan be submitted by the developer.

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

6-8.0111 LOT AREA. Every lot upon which a mobile home unit is located shall have adequate access onto an approved public or private street or right-of-way as defined in this chapter and shall conform to the following minimum lot area and spacing requirements.

1. **Minimum.** The lot area shall be a minimum of five thousand (5,000) square feet.
2. **Reduced Area.** Such minimum lot area may be reduced by an amount equal to an area included in common open space which is defined as an area permanently reserved as open space - not including land in individual lots, parking areas or streets - contiguous and immediately available to the individual lot or lots having reduced minimum areas, and by means of location, size, shape and landscaping being obviously primarily for the utilization and enjoyment of the inhabitants of the said contiguous lots.
3. **Maximum Reduction.** An individual mobile home lot shall not be reduced to an area less than three thousand five hundred (3,500) square feet.
4. **Open Spaces Reduced Lots.** The following requirements shall be observed on all lots that are reduced to allow open spaces:
 - a) Each mobile home shall front fifty (50) percent of its side upon a contiguous open space.
 - b) All open spaces must be contiguous by a minimum twenty-five (25) foot interconnecting corridor space.
 - c) Open spaces do not include parking areas.
 - d) Mobile home minimum space dimensions (to include their appurtenances)
 - e) Front to Front - 20 feet Side to Side - 25 feet Rear to Rear - 10 feet Front to Side - 15 feet Front to Rear - 10 feet Side to Rear - 15 feet
 - f) Parking lot to Mobile Home - 10 feet
 - g) Corner to Corner - 10 feet
 - h) Maximum two (2) units - end to end
 - i) Maximum fifteen (15) units - side by side
5. **Open Spaces.** The following requirements shall be observed on all lots that are not reduced.
 - a). Mobile home minimum space dimensions (to include their appurtenances).
 - i. Front to Front - 25 feet
 - ii. Side to Side - 30 feet
 - iii. Rear to Rear - 15 feet
 - iv. Front to Side - 20 feet

- v. Front to Rear - 15 feet
- vi. Side to Rear - 20 feet
- vii. Parking lot to Mobile Home - 10 feet
- viii. Corner to Corner - 15 feet

b) Setbacks. Setbacks are required as follows:

- i. Every lot shall have a front setback not less than twenty-five (25) feet in depth measured from the edge of the surfaced street.
- ii. No mobile home shall be located closer than twenty-five (25) feet to any building within the park.

6-8.0112 PARK PERIMETER REQUIREMENTS. Park perimeter requirements are established as follows:

1. Yard Abutting Street. Each yard abutting on a perimeter public right-of-way shall be considered a perimeter of yard and shall be a minimum of fifty (50) feet measured from the edge of the surfaced street.
2. Other Yards. All other perimeter yards shall have a minimum depth of fifty (50) feet when adjacent to any residential district and thirty-five (35) feet when adjacent to any other district.
3. Adjustments. The yard requirement herein may be increased or decreased where the plan commission may recommend and the Council deems necessary.
4. Buffer Strip. Where the boundary of a mobile home park directly abuts another use district, the plan commission may recommend and the Council, may, where it is deemed necessary, require an area, a minimum of ten (10) feet in width, be reserved along the perimeter on the mobile home park and within said area require the erection of a decorative fence or wall six (6) feet in height of a material which will provide a significant visual and sound barrier, and/or screen plantings to be provided and maintained with a minimum height of eight (8) feet at maturity; or as otherwise required by the Council. This area may be included as part of the perimeter yard depth.

6-8.0113 SOIL AND GROUND COVER REQUIREMENTS. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of preventing objectionable dust.

6-8.0114 SITE DRAINAGE REQUIREMENTS. Adequate provisions shall be made to handle all surface and storm drainage water as determined by the City engineer.

6-8.0115 LOT MARKERS. Location of lot limits on the ground shall be approximately the same as shown on the approved plans. The degree of accuracy

obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground. This is in no way to be construed as permitting lots of a lesser size than the required minimum or in permitting lesser yard or separation dimensions than set forth elsewhere in this chapter.

6-8.0116 PARK AREAS FOR ACCESSORY USES. No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for the services and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale by an owner of a mobile home located on a mobile home stand and connected to the pertinent utilities. Any sales of mobile homes in place on the mobile home stand shall not in any way relieve any parties involved from complying with all the applicable regulations of this chapter.

6-8.0117 REQUIRED RECREATION AREAS. Recreation areas shall be provided as follows:

1. Number. In all mobile home parks there shall be one or more recreation areas which shall be safe and easily accessible to all park residents.
2. Size. The size of such recreation areas shall be based upon a minimum of two hundred and fifty (250) square feet for each lot platted for mobile home use. No outdoor recreation area shall contain less than five thousand (5,000) square feet
3. Computation. Required recreational area shall be computed in addition to any other common open space required elsewhere in this chapter.

6-8.0118 PARK STREET SYSTEMS. The park street system shall comply with the following requirements:

1. General Requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public or private streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.
2. Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. Access to mobile home parks shall be allowed only from a main arterial street.
3. Interior Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
4. All streets shall have a minimum road pavement width of twenty-four (24) feet.
5. Dead end streets shall be limited in length to six hundred (600) feet and shall be

provided at the closed end with a turnaround having an outside roadway radius of at least sixty (60) feet.

6. All streets of a mobile home park providing ingress and egress from abutting public street or road shall have the location and design of intersection with said public street or road approved by the City engineer and by other governmental agencies exercising control over such streets or roads.
7. No parking will be allowed on any interior streets.
8. All streets shall be paved with concrete or equivalent material.

6-8.0119 STREET LIGHTING IN PARK. All parks shall be furnished with lighting units so spaced and equipped with approved fixtures placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.

1. Minimum. All parks of the park street systems: 0.6 foot candle, with a minimum of 0.25 foot candle.
2. Hazardous Areas. Potentially hazardous locations, such as major street intersections and steps or stepped ramps; individually illuminated with a minimum of 0.4 foot candle.

6-8.0120 STREET CONSTRUCTION AND DESIGN STANDARDS. Streets shall be designed and constructed as follows:

1. Public Streets. All streets intended for general public use shall be dedicated as public right-of-way and subject to such improvements as is indicated by the subdivision regulations of the City.
2. Private Streets. All streets intended primarily for use of park occupants, guests and services shall be owned and maintained by the mobile home park owner. Private streets shall be constructed with either hot mix asphaltic concrete or Portland cement concrete to provide for drainage. Street surfaces shall be maintained free of cracks, holes, and other hazards. All streets shall be constructed to specifications approved by the City engineer.
3. Grades. Grades of all streets shall be of sufficient size to insure adequate surface drainage. All street grades shall have prior approval of the City engineer before commencing construction.
4. Intersections. Within fifty (50) feet of an intersection, streets shall be at approximately right angles. A distance of at least one hundred (100) feet shall be maintained between center line of off-set intersecting streets unless specifically approved by the City engineer. Intersections of more than two (2) streets at one point shall be avoided.

6-8.0121 REQUIRED PARKING AREAS. Parking areas shall be provided as

follows:

1. **Number.** Parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 2.25 off-street car spaces for each mobile home lot.
2. **Location.** Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of one hundred (100) feet from the mobile home that it is intended to serve. All parking areas shall be constructed with hard, smooth dust-free surfacing.
3. **Storage.** Sufficient off-street parking and storage area shall be provided to meet anticipated requirements of park occupants for storing of boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over 3/4 ton pickup size, and items of a similar nature. Said parking and storage area shall be in addition to parking required elsewhere in this section and parking and storage of vehicles and items listed in this paragraph shall not be permitted in parking areas required elsewhere in this section. If parking and storage of vehicles and items listed in this paragraph are not allowed in the mobile home park, then this requirement may be waived by the planning commission. Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand; such temporary storage of a mobile home shall not exceed forty-eight (48) hours.

6-8.0122 WALKS. Walks shall be provided as follows:

1. **General Requirements.** All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets, and all community facilities that are provided for park residents.
2. **Common Walk System.** A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four (4) feet and shall conform in design and standards to the sidewalk specification ordinance of the City.
3. **Individual walks.** All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connected to a paved street. Such individual walks shall have a minimum width of two (2) feet.

6-8.0123 MOBILE HOME STAND. Mobile home stands shall be designed and constructed as follows:

1. **Security.** The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, slicing, rotation and overturning.

2. Shifting. The mobile home stand shall be constructed in such a manner that it will not heave, shift, or settle unevenly under the weight of the mobile home due to inadequate drainage, vibration or other forces acting on the superstructure.
3. Anchors and Numbers. The mobile home stand shall be provided with anchors, arrowhead anchors, or other devices insuring the stability of the mobile home. Each mobile home stand shall be numbered in such a manner that the number is clearly visible to the public at all times.
4. Tie Downs. Tie down or anchors shall be placed at least at each corner of the mobile home stand to provide a readily accessible anchor for the mobile home and each shall be able to sustain a minimum tensile strength of 2800 pounds. If the mobile home is in excess of fifty (50) feet in length, six (6) tie-downs shall be required.

6-8.0124 SKIRTING. A permanent type material with a baked enamel finish and construction compatible with the design and color of the mobile home, shall be installed to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand and shall be so constructed to provide substantial resistance to heavy winds, thereby alleviating to the maximum extent possible, lifting action created on the underside of the mobile home by heavy winds.

1. Vents. Sufficient screened, ventilating area, shall be installed in the skirting to supply the combustion requirements of heating units and other ventilating requirements of the mobile home. Provision shall be made for easy removal of a section large enough to permit access for inspection of the enclosed area under the mobile home and for repairs on sewer and water riser connections.
2. Maintenance. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

6-8.0125 SIGNS. One permanent, low-illuminated identification sign may be permitted at any entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry or other permanent material, and shall indicate only the name of such mobile home park. Such sign shall not exceed twenty (20) square feet in surface area and the maximum height above the street grade shall be as follows: such sign located on the property line shall not exceed two (2) feet in height, however, such sign may be located in a required yard and for every three (3) feet such sign is set back from the property line, the sign may be one foot greater in height, up to a maximum of six (6) feet. The location of all signs to meet the approval of the building official.

6-8.0126 WATER SUPPLY. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park.

1. Public Supply. Where a public supply of water is available, and within the

corporate limits of the City, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the City.

2. Source of Supply. The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobile home.
3. Water Distribution System.
 - a. The water supply system of the mobile home park shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water.
 - b. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the health authority and the City.
 - c. The water system shall be designed, constructed, and maintained according to specification of the City.
4. Individual Water Riser Pipes and Connections.
 - a. Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position.
 - b. Water riser pipes shall extend at least to ground level. The pipe shall be at least three quarter (3/4) inch. The water outlet shall be capped when a mobile home does not occupy the lot.
 - c. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
 - d. A shut-off valve below the frost line shall be provided near the water riser pipe on each home lot.
 - e. Underground stop and water valves shall be installed as required by City regulations.

6-8.0127 SEWAGE DISPOSAL. An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed, and maintained in accordance with state and local laws and the following:

1. Sewer Lines. All sewer mains and laterals shall be constructed according to specifications of the City and connected to the City sewer system.

2. Individual Sewer Connections.

- a. Each mobile home stand shall be provided with at least a four-inch diameter sewer riser pipe.
- b. The sewer connection shall have a minimum inside diameter of three (3) inches and the slope thereof shall not be less than one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be air and water-tight.
- c. All materials used for sewers and sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
- d. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. The surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least to ground level.
- e. All sewer connection requirements shall comply with the specifications of the City, and the State Plumbing Code.

6-8.0128 ELECTRICAL AND TELEPHONE DISTRIBUTION SYSTEM. Park electrical systems shall comply with the following:

1. System Installed. Every park shall contain an electrical wiring system consisting of necessary wiring, fixtures and equipment which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
2. Underground Lines. Main electrical power distribution lines shall be constructed underground according to local electric utility specifications.
3. Mobile Home Connection. Each mobile home shall be electrically connected according to specifications set out in the National Electrical Code as recommended by the National Fire Protection Association as approved by the United States of American Standards Institute and the provisions of other safety codes approved by the United Standards Institute.

6-8.0129 SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES. The requirements of this section shall apply to service building, recreation buildings, and other community service facilities, such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas.

1. Structural Requirements For Building. All buildings other than mobile homes and their appurtenances shall be constructed in compliance with applicable state and local codes and regulations.
2. Fire Hazards. Cooking shelters, barbecue pits and fireplaces shall be so located,

constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

6-8.0130 REFUSE HANDLING. Refuse shall be handled as follows:

1. Owner Responsible. The storage, collection and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
2. Collection. All refuse containing garbage shall be collected at least twice weekly, during the summer months from May to October, and once weekly from October to May.

6-8.0131 INSECT AND RODENT CONTROL. Insects and rodents shall be controlled as follows:

1. Grounds and Structures. Grounds, buildings and structures shall be maintained free of insects and rodent harborage and infestation.
2. Debris. Parks shall remain free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
3. Storage Areas. Storage areas shall be so maintained as to prevent rodent harborage, lumber, pipes and other building material shall be stored at least one foot above ground.

6-8.0132 NATURAL GAS SYSTEM. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

6-8.0133 LP GAS SYSTEMS. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

6-8.0134 FUEL OIL. All fuel oil systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

6-8.0135 FIRE PROTECTION. Fire protection shall be provided as follows:

1. Rules. The mobile home park area shall be subject to the rules and regulations of the City fire department.
2. Extinguishers. Portable fire extinguishers of a type approved by the West Story Fire District shall be kept in service buildings and at all locations designated by such fire department.

6-8.0136 RESPONSIBILITIES OF THE PARK MANAGEMENT.

1. Compliance Required. The owner of the mobile home park shall operate the park in compliance with this chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. Occupant Responsibilities. The park management shall notify park occupants of all applicable responsibilities under the provisions of this chapter and inform them of their duties to comply therewith.
3. Placement of Mobile Homes. The park management shall be responsible for the proper placement of each mobile home on its mobile home stand which includes securing its stability and installation of all utility connections. The park management shall notify each occupant that required skirting shall be installed in accordance with the provisions of this chapter within thirty (30) days after initial occupancy unless prohibited by frozen ground, in which event such skirting shall be installed after the ground becomes unfrozen.
4. Notice For Inspection. The park owner or management shall notify the appropriate City inspection department within twenty-four (24) hours of any hook-up, installation or replacement of water, sewer, electrical, gas or fuel connections in order that an inspection can be made of such connections.

6-8.0137 RESPONSIBILITIES OF PARK OCCUPANTS. All park occupants shall comply with the following:

1. Maintenance. The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. Animals. All City ordinances with respect to keeping of animals and pets shall apply.

6-8.0138 VARIANCE. MOBILE HOME PARK REGULATIONS, VARIATIONS AND EXCEPTIONS. Whenever the property proposed to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirement contained in this chapter would result in substantial hardship or injustice, the owner or his representative may appeal to the board of adjustment to vary or modify such requirements so that the developer is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

6-8.0139 STORAGE OF TRAILER PERMITTED. This chapter does not prohibit the storage of one mobile home, travel trailer, pickup coach or motorized home for any one family providing that the stored location of said units are in compliance

with the regulations of the zoning ordinance of the City. At no time shall parked or stored mobile homes, travel trailers, pickup coaches or motorized homes be occupied or used for living, sleeping, or housekeeping purposes except as provided for in this chapter.

6-8.0140 DEVELOPMENT PLAN APPLICATION FEE. A fee of twenty-five (25) dollars shall accompany all proposed Mobile Home Park Development Plans to be considered by the City for approval. Such fee shall be nonrefundable and shall be deposited by the Clerk in the General Fund of the City.

6-8.0141 BUILDING PERMIT FEES. Building permit fees for mobile home parks shall be as follows:

1. Ten (10) dollars for each mobile home site planned.
2. Thirty-five (35) dollars for each auxiliary building planned.

6-8.0142 BOND. A surety bond equal in amount to the improvements necessary to develop the mobile home park shall be placed on file with the City and will insure the City that such improvements will be completed by the owner or developer of the mobile home park within two (2) years after the official acceptance of the mobile home park plan. The form and type of bond shall be approved by the City attorney. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the improvements required.

6-8.0143 ADDITIONAL CHARGES. Additional charges for sewer and water hook-up, meter installation and permit preparation shall be made in accordance with the ordinances of the City.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 9 - URBAN REVITALIZATION TAX EXEMPTION

ARTICLE 1
GENERAL PROVISIONS

6-9.0101 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Actual value added by the improvements" has the meaning ascribed to it in Section 404.3 of the Code of Iowa.
2. "Designated area" means the area within the boundaries of the City, the owners of which are eligible to apply for a partial tax exemption as provided in this chapter.
3. "Improvement" has the meaning ascribed to it in Section 404.3 of the Code of Iowa. Improvements shall include rehabilitation of buildings in existence at the time application is made for tax exemption and new construction upon real property of any assessment classification which is vacant or has existing structures at the time application is made for tax exemption.
4. "Qualified real estate" has the meaning ascribed to it in Section 404.3 of the Code of Iowa. Qualified real estate shall include all zoning classifications as provided in the Zoning Ordinance of the City.
5. "Qualified tenant" has the meaning ascribed to it in Section 404.6 of the Code of Iowa.

6-9.0102 DESIGNATED AREA. The designated area shall include the entire area within the limits of the incorporated City, which area is legally described as that legal description set forth in Section 1-2.0201 CORPORATE LIMITS hereof.

6-9.0103 ELIGIBILITY. All qualified real estate within the designated area is eligible to receive a partial exemption from taxation on the actual value added by the improvements.

6-9.0104 MINIMUM VALUE ADDED. An owner of property shall not qualify for any exemption unless the percentage increase in actual value added by the improvements of the qualified real estate is equal to or greater than:

1. Ten percent if the property is assessed as residential.
2. Fifteen percent if the property is not assessed as residential.

6-9.0105 DURATION. The exemption is for a period of five years.

6-9.0106 AMOUNT. The amount of the exemption shall be determined as follows:

1. The amount of the exemption is equal to a percent of the actual value added by the improvements, determined as follows:
2. For the first year, seventy-five percent (75%)
3. For the second year, sixty percent (60%)
4. For the third year, forty-five percent (45%)
5. For the fourth year, thirty percent (30%)
6. For the fifth year, fifteen percent (15%)
7. The amount of the exemption shall be determined according to this section which shall be used in lieu of the schedules set forth in Section 404.3, subsections 1, 2, 3 and 4 of the Code of Iowa.

6-9.0107 APPLICATION PERIOD. Application for tax exemption under this chapter may be made from the original effective date of this chapter through and including December 31, 2012. After December 31, 2012, no additional applications shall be accepted.

6-9.0108 APPLICATION PROCEDURE. A property owner seeking tax exemption under this chapter shall make application in writing with contents prescribed under this chapter and shall present two copies of such application for tax exemption to the City Clerk.

6-9.0109 CONTENTS OF APPLICATION. An application for tax exemption under this chapter shall be in such form as the City Clerk may prescribe, shall be signed and dated by the property owner, and shall contain the following information:

1. The name, mailing address and telephone number of the property owner.
2. The address of the property.
3. The legal description of the property.
4. A description of the improvement.
5. The date of completion or estimated completion of the improvement.
6. The cost of the improvement.
7. The last assessed value of the property.
8. The assessment classification of the property.
9. The zoning classification of the property and a statement of whether the present and intended uses of the property and improvements are and will be in compliance with City and state zoning and platting laws.

10. The name and address of any existing tenant(s).

6-9.0110 DUTIES OF CITY CLERK. The Clerk shall retain one copy of the application until thirty days after such application shall have been rejected as provided by law or until any exemption granted pursuant to such application shall have expired. The City Clerk shall promptly notify the Mayor and the City Council of the receipt of an application for tax exemption under this chapter.

6-9.0111 APPROVAL. No application for tax exemption, under this chapter shall be approved until:

1. Compensation of one month's rent and relocation expenses have been paid to a qualified tenant whose displacement is due to action on the part of a property owner to qualify for benefits under this chapter.
2. Approved by affirmative vote of not less than a majority of the City Council members.

6-9.0112 APPLICATION TO ASSESSOR. The City Clerk shall promptly forward any application approved by the City Council to the County Assessor, as provided in Section 404.4 of the Code of Iowa.

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 10 - ECONOMIC DEVELOPMENT

ARTICLE 1
COMMUNITY ECONOMIC DEVELOPMENT COMMISSION

6-10.0101 CREATION OF COMMISSION. A Community Economic Development Commission is hereby created, with the following guidelines:

1. The Commission shall be composed of at least five (5) members, appointed by the Mayor with the approval of the City Council for staggered terms of three (3) years. Every effort shall be made to include women and minorities.
2. The Commission members shall meet a minimum of four (4) times per year.
3. Minutes of the meeting shall be kept and copies sent to the City Clerk.
4. All meetings shall be held in public meeting rooms, and be open to the public, subject to the Iowa Open Meetings Law.
5. The Community Economic Development Commission shall select their own Chair, Vice Chair and Secretary.

6-10.0102 FUND CREATED. A fund to finance the Commission's activities is hereby created. Expenditures proposed to be made by the Commission from the fund shall be approved in advance by the City Council.

6-10.0103 PURPOSE. The purpose of the Community Development Commission shall be outlined as follows:

1. To promote economic growth in the City by encouraging business and industry to locate in Gilbert.
2. To promote residential growth by encouraging developers to build homes in the City.
3. To encourage new people to settle in the City and encourage current residents to remain in the City by improving the quality of life in Gilbert.

6-10.0401 DUTIES. The tasks of the Commission members shall include:

- 1 To study and make recommendations to the City Council regarding improvements in City utilities, services, streets and sidewalks and other City programs to improve the quality of business growth and residential life, so as to encourage business and home buyers to locate in the City.

2. To seek out ways to stimulate economic and housing growth through financial assistance tools such as tax exemptions, grants, tax increment financing and other financial assistance.
3. To study plans for advertising and awareness for the opportunities for economic growth and employment in the City and to develop printed materials for advertising purposes.
4. To develop a profile of land available for development and make recommendations to the City Council regarding the zoning of the land.
5. To study and take advantage of programs already established by the state and County for community development.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
Chapter 11 – FLOOD PLAIN REGULATIONS

ARTICLE 1
GENERAL PROVISIONS

6-11.1101 FINDINGS AND PURPOSE. The following are the findings of the City Council of the City of Gilbert:

1. The flood hazard areas of the City of Gilbert 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.
2. These flood losses, hazards, and related adverse effects are caused by (a)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 (b) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
3. 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 flood losses with provisions designed to:
 - a. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
 - b. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - c. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

6-11.0102 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

1. **BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
2. **BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
3. **DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. **EXISTING CONSTRUCTION** - Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community.
5. **EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - 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.
6. **EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. **FACTORY-BUILT HOME** - 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 includes mobile homes, manufactured homes and modular homes and also includes “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. **FACTORY-BUILT HOME PARK** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. **FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of

streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

11. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.

13. FLOODPLAIN MANAGEMENT - 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, flood proofing and floodplain management regulations.

14. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

15. FLOODWAY - 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 (1) foot.

16. FLOODWAY FRINGE - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. **LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 6-11.0112 (1) of this Chapter and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. **NEW CONSTRUCTION** - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first flood-plain management regulations adopted by the community.

20. **NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - 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 flood- plain management regulations adopted by the community.

21. ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. RECREATIONAL VEHICLE - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

24. 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.

25. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories,

sheds, cabins, factor-built homes, storage tanks, and other similar uses.

26. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

27. **SUBSTANTIAL IMPROVEMENT** - 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 fifty (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 comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an “historic structure”, provided the alteration will not preclude the structure’s designation as an “historic structure”.
- b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total in- crease in original floor space would exceed 25 percent.

28. **VARIANCE** - A grant of relief by a community from the terms of the floodplain management regulations.

29. **VIOLATION** - The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

6-11.0103 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all areas having special flood hazards within the jurisdiction of the City. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for the City, as amended, which is hereby adopted and made a part of this chapter.

6-11.0104 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES. The boundaries of the special flood hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Mayor shall make the necessary

interpretation.

6-11.0105 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.

6-11.0106 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. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

6-11.0107 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.

6-11.0108 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

6-11.0109 STANDARDS FOR ALL DEVELOPMENT. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

All development within the Floodplain (Overlay) District shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

6-11.0110 STANDARDS FOR RESIDENTIAL BUILDINGS.

1. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot

above the 100-year flood level.

2. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

3. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill.

4. 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.

5. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

6-11.0111 STANDARDS FOR NON-RESIDENTIAL BUILDINGS.

1. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level.

2. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water.

3. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.

6-11.0112 STANDARDS FOR 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.

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 must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6-11.0113 STANDARDS FOR FACTORY-BUILT HOMES.

1. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6-11.0114 STANDARDS FOR 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 (1) foot above the 100-year 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 (1) foot above the 100-year

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.

6-11.0115 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT.

Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

6-11.0116 STANDARDS FOR FLOOD CONTROL STRUCTURAL WORKS.

Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

6-11.0117 STANDARDS FOR WATERCOURSE ALTERATIONS OR RELOCATIONS.

Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

6-11.0118 STANDARDS FOR SUBDIVISIONS.

1. 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.

2. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Chapter.

3. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood.

4. Proposals for subdivisions greater than five (5) acres or fifty (50) lots

(whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

6-11.0119 STANDARDS FOR ACCESSORY STRUCTURES.

1. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
 - a. The structure shall not be used for human habitation.
 - b. The structure shall be designed to have low flood damage potential.
 - 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 which may result in damage to other structures.
 - e. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.
2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

6-11.0120 STANDARDS FOR RECREATIONAL VEHICLES.

1. Recreational vehicles are exempt from the requirements of Section 6-11.0113 of this Chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - b. 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.
2. 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 Section 6-11.0113 of this Chapter regarding anchoring and elevation of factory-built homes.

6-11.0121 STANDARDS FOR PIPELINE RIVER AND STREAM 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.

6-11.0122 FLOOD PLAIN ADMINISTRATOR.

1. The council shall appoint a person to implement and administer the provisions of this Chapter and will herein be referred to as the Administrator.
2. Duties of the Administrator shall include, but not necessarily be limited to the following:
 - a. Review all floodplain development permit applications to assure that the provisions of this Chapter will be satisfied.
 - b. 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.
 - c. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the Floodplain (Overlay) District.
 - d. Record and maintain a record of the elevation (in relation to National Geodetic Vertical datum) to which all new or substantially improved structures have been flood proofed.
 - e. 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.
 - f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Chapter.

6-11.0123 FLOOD PLAIN DEVELOPMENT PERMIT.

1. *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, excavation or drilling operations), including the placement of factory-built homes.

2. *Application for Permit* - Application shall be made on forms furnished by the Administrator and shall include the following:

- a. Description of the work to be covered by the permit for which application is to be made.
- b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- c. Indication of the use or occupancy for which the proposed work is intended.
- d. Elevation of the 100-year flood.
- e. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.
- f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
- g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Chapter.

3. *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 therefore. The Administrator shall not issue permits for variances except as directed by the City Board of Adjustment.

4. *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, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Chapter, prior to the use or occupancy of any structure.

6-11.0124 APPEALS.

The City 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.

6-11.0125 VARIANCE.

1. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

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 only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

2. Factors Upon Which the Decision of the Board of Adjustment Shall be Based. - In passing upon applications for Variances, the Board 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 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. Flood proofing measures.

6-11.0126 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:

- a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Chapter.
- b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (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.

6-11.0127 PENALTIES FOR VIOLATION.

1. A violation of this chapter may be charged as a municipal infraction. The governing body may by separate resolution establish a schedule of civil penalties to be assessed for particular violations.

2. A violation of this chapter may, in addition to or in place of other remedies provided herein, be charged as a simple misdemeanor.

3. A violation of this chapter is a public nuisance. Upon notice and after opportunity for hearing, the City Council may cause a violation to be abated and the reasonable expenses thereof to be taxed to the real property, all in accordance with section 364.12 of the Code of Iowa.

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 12 - DANGEROUS BUILDINGS

ARTICLE 1

6-12.0101 ENFORCEMENT OFFICER. The building official shall be responsible for the enforcement of this chapter.

6-12.0102 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any other ordinance, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

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

6-12.0103 UNSAFE BUILDING. "Unsafe building" shall mean any structure or mobile home meeting any or all of the following criteria:

1. Collapse of Member. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Wind Resistance. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.
3. Material Deterioration. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
4. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of:
 - a. dilapidation, deterioration, or decay;
 - b. faulty construction;
 - c. the removal, movement or instability of any portion of the ground necessary

for the purpose of supporting such building;

- d. the deterioration, decay or inadequacy of its foundation; or
 - e. any other cause, is likely to partially or completely collapse.
5. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 6. Exterior walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
 7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
 8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 9. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
 10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
 11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 12. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

6-12.0104 NOTICE TO OWNER. The enforcement officer shall examine or cause

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

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

1. Notice Served. Such notice shall be served by sending by Registered Certified Mail to owner of record, according to Section 364.12[h] of the Code of Iowa, if he shall be found within the City limits. If he is not found within the City limits such service may be made upon said owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date he receives such notice.
2. Hearing. Such notice shall also advise the owner that he may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

6-12.0105 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.

6-12.0106 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 GILBERT." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

6-12.0107 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse

to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

6-12.0108 COSTS. Costs incurred under Section 6-12.0107 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.

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

EDITOR'S NOTE

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his recommendation carefully.

TITLE VI — COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 13 - REGULATION OF CONTRACTORS

ARTICLE 1

6-13.0101 DEFINITIONS. Words and phrases used in this chapter shall be construed as in the single or plural number, and as masculine, feminine or neuter gender, according to the context. When used in this chapter:

1. The term "apprentice" means an individual who, while learning a trade and under the direct supervision and in the presence of a licensed master or journeyman in the same trade, assists in the installation, alteration, or repair of electrical, mechanical, or plumbing systems.
2. The term "building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
3. The term "building inspector" means the building official appointed pursuant to Section 6-13.0105 of this Code.
4. The term "contracting" means undertaking or arranging in a supervisory capacity any plumbing, electrical, mechanical, or building service regulated by this Title.
5. The term "dwelling" means a building or portion thereof designed or intended for the use by human beings as living quarters for occupancy either permanently or transiently.
6. The term "dwelling unit" is a room of combination or rooms in a dwelling for use by one family.
7. The term "journeyman" means an individual who is qualified by training and experience to install, alter, or repair electrical, mechanical, or plumbing systems.
8. The term "licensee" means a person who holds a valid license required by this Title.
9. The term "master" means a person who is qualified by training and experience regularly to engage in a trade whereby the person plans, supervises, and contracts for the installation, alteration, and repair of electrical, mechanical, or plumbing systems. The term "permittee" means a person who holds a valid permit required by this Title.
11. The term "person" means a human being or any sole proprietorship, association, partnership, limited liability company, corporation, or other legal entity.

12. The term "structure" means anything constructed or erected with a fixed location on land, or attached to something having a fixed location on land. Without limiting the generality of the foregoing, the term "structure" specifically includes manufactured, modular, and sectional homes to the extent not preempted by State or Federal law; swimming pools and hot tubs; and billboards.

6-13.0102 INTERPRETATION. The provisions of this chapter shall be construed as minimum requirements for the protection of the health, welfare, and safety of the community.

6-13.0103 FEES. The fees required by this Title shall be established from time to time by resolution of the Council. The schedule of such fees shall be kept on file with the Municipal Code as an appendix. A fee paid with an application required by this Chapter shall not be refunded if the application is denied or the permit or license is canceled, suspended, or revoked.

6-13.0104 FORMS. The contents of a form required by this Title shall be as prescribed by this Chapter with such additional information as prescribed by the Building Inspector. Any form required by this Title shall be in a form prescribed by the Building Inspector and approved by the City Council. Forms required by this Title shall be available from the Clerk or the Building Inspector.

6-13.0105 LICENSE APPLICATION - WHEN REQUIRED. A person desiring to perform as a master or journeyman any electrical or plumbing work regulated by this Title shall complete an application for the required license and shall file such application with and pay the required fee to the Clerk unless excepted hereinafter. A person or firm desiring to perform electrical, plumbing, mechanical, or building contracting regulated by this Title shall complete an application for the required license and shall file such application with and pay the required fee to the Clerk unless excepted hereinafter. The Clerk shall maintain a copy of the application on file and shall deliver promptly a copy of the application to the Building Inspector.

6-13.0106 LICENSE EXEMPTIONS. A person shall not be required to apply for or obtain a license if the person:

1. Is the bona fide occupant of the dwelling unit upon which such work is to be performed and can demonstrate sufficient skill.
2. Is an apprentice in the same trade in which the work is to be performed.

6-13.0107 EXAMINATION FOR LICENSE - EXCEPTION. An applicant for a master or journeyman license required by this Chapter shall take the standardized examination designated by the Building Inspector and approved by the City Council. It shall be the applicant's responsibility to register and pay for standardized examination and to ensure that documentation of scores be transmitted to the City. An applicant shall

be exempt from examination or reexamination if the individual holds a valid license of another jurisdiction with similar licensing qualifications.

6-13.0108 LICENSEE QUALIFICATIONS. The following minimum qualifications for a license as a plumber or electrician shall be observed:

1. Master. An applicant for a license as a master in a trade shall have a passing score of 75 percent or better on the standardized examination therefor and a minimum of two years of experience as a licensed journeyman in the same trade and at least one of the two years in a supervisory role.
2. Journeyman. An applicant for a license as a journeyman in a trade shall have a passing score of 75 percent or better on the standardized examination therefore and a minimum of 8,000 hours of apprenticeship to a licensed journeyman or master in the same trade.
3. Contractor. A person who is a contractor shall:
 - a. be or shall employ one or more masters in the same trade;
 - b. hold a valid registration with the Iowa Department of Labor; and
 - c. carry general contractor's commercial general liability insurance in an amount not less than \$500,000.00 combined single limit.

6-13.0109 LICENSE APPLICATION - CONTENTS. The application for a permit shall disclose the following:

- 1 For a master or journeyman in a trade:
 - a. The name, address, telephone number, and signature of the applicant; and
 - b. Evidence of the required qualifications.
2. For a contractor:
 - a. The name, address, telephone number, and signature of the applicant;
 - b. The name, address, and telephone number, as applicable, of the general manager, registered agent, and general partner;
 - c. Iowa Department of Labor registration number;
 - d. Proof of commercial general liability insurance; and
 - e. The names of masters, journeymen, and apprentices employed by the contractor.

6-13.0110 LICENSE APPLICATION - REVIEW. The Building Inspector shall review the application and, within 10 days of receipt, shall endorse the application as approved or disapproved and deliver the endorsement to the Clerk, who shall notify the applicant. If approved, the Clerk shall issue the license. If disapproved, the Building

Inspector shall provide a statement of the provisions of this Title relied upon for the disapproval.

6-13.0111 LICENSE DURATION. A license authorizes a person or firm to engage in the trade or work described in the application for the period beginning on the date of the license and ending on December 31 of the year of issue.

6-13.0112 LICENSE RENEWAL. A renewal applicant shall submit before the expiration of the license the renewal application with and pay the required fee to the Clerk. A renewal application postmarked or received after the expiration of the permit shall be submitted with an administrative processing fee equal to 10 percent of the required fee. If the application meets the requirements of this Title, the Clerk shall issue a new license. A contractor shall provide evidence that the Iowa Department of Labor registration is valid and proof of commercial general liability insurance. A master or journeyman shall provide evidence of completion of 8 hours of continuing education at a course in the same trade approved by the Building Inspector.

6-13.0113 USE AND TRANSFERABILITY. Licenses and permits shall be maintained and carried at all times when engaging in work regulated by this Title and shall be produced upon demand of the Building Inspector. Licenses and permits are not transferable.

6-13.0114 DUTY TO SUPPLEMENT. An applicant shall have a duty to supplement any application made and supplied to the City if a material fact disclosed therein has changed or been omitted. A material fact includes but is not limited to each of the items of information required by and enumerated in this chapter to be submitted as a part of the application.

6-13.0115 APPLICATIONS PUBLIC RECORD. Unless otherwise prohibited from disclosure by the Iowa Open Records Law (Chapter 29 of the Code of Iowa), an application required by this Chapter is a public record and may be examined at the office of the Clerk during the Clerk's regular business hours.

6-13.0116 FAILURE TO OBTAIN PERMIT OR LICENSE. It is unlawful to operate or perform work or to lease or occupy premises regulated by this Title without a permit or license required by this Title. Each day that such unlawful activity occurs shall be a new and separate offense.

6-13.0117 FALSE APPLICATION - IMPROPER USE OF PERMIT OR LICENSE. It is unlawful to falsify an application for a permit or a license required under this Title. It is unlawful to alter, modify, deface, cover, or destroy a permit or license required by this Title without the permission of the Building Inspector. A person who commits an offense described in this section is guilty of a simple misdemeanor. The license of a person who is found guilty of such offense shall be revoked.

6-13.0118 REINSTATEMENT. A new permit or license may be approved after a

revocation upon filing of the appropriate application and payment of fees required by this Title and after hearing before the Council and upon such conditions as the Council may determine will reasonably assure compliance with this Title and the safety of the public and City employees.

TITLE VI — COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 14 – ENFORCEMENT

ARTICLE 1

6-14.0101 AUTHORITY TO ENFORCE. The Building Inspector shall enforce the provisions of this Title and in any case where the purposes, requirements, or duties of this Title are shared or overlap with any fire protection agency or authorized personnel of such agency, the Building Inspector shall also have authority to enforce such fire safety regulations.

6-14.0102 RIGHT OF ENTRY. The application for a permit under this Title is the owner's implied consent that the City shall have reasonable right of entry into and upon the structures and premises for which the permit application is made. The City, by and through its Building Inspector, agents, employees, shall exercise the right of entry for the purpose of enforcing compliance with this Title.

6-14.0103 ENFORCEMENT AUTHORITY. In addition to any remedy authorized by this Title (including any remedy described in any uniform code adopted by this Title) and by Iowa Law, the Building Inspector shall have the authority to do all things reasonable and necessary and hereinafter described to ensure compliance with this Title. Unless otherwise specified by the Building Inspector and except as may be necessary to secure a work site or structure safely, the owner, permittee, licensee, and their agents and employees shall immediately comply with an order of the Building Inspector. An oral order shall have the same force and effect as a written order. The following remedies are cumulative and not exclusive:

1. The Building Inspector may inspect, examine, review, test, and retest the structure or structures or any portion thereof, and do all other things reasonable and necessary to ensure compliance with this Title.
2. The Building Inspector may order some or all work temporarily suspended at specific times or when specific procedures or steps in certain work have been completed so as to allow the Building Inspector to inspect the structure or any portion thereof.
3. The Building Inspector may order any part of the structure previously completed to be removed, exposed, dismantled, or uncovered to allow the Building Inspector to inspect the structure or any portion thereof.
4. If the Building Inspector determines that any part of a structure is not in compliance with the requirements of this Title or the application for permit, the

Building Inspector shall order that any part of the structure be removed, repaired, replaced, moved, or otherwise altered as necessary to bring the structure into compliance with the requirements of this Title.

5. If the Building Inspector determines that any electrical, mechanical, or plumbing system is not in compliance with the requirements of this Title and that such system poses a fire hazard, is likely to cause sickness or disease, or is otherwise likely to be detrimental to public health, safety, or welfare, the Building Inspector may order that the system be shut down or disconnected from power sources, water supplies, or drains or otherwise secured in a manner to minimize such harm.
6. The Building Inspector may order all work stopped. The Building Inspector shall deliver to the owner or the owner's agent or shall mail by certified mail addressed to the owner the written stop work order describing the reasons therefore. Within 24 hours of the oral order, the Building Inspector shall prepare the written order.
7. The Building Inspector may include with the record of applications of any licensee a description of errors, omissions, and noncompliance with this Title.

6-14.0104 APPEAL. Any person aggrieved by a decision of the Building Inspector may appeal the decision to the Council. Appeal may be initiated by a notice in writing and filed with the Clerk. A hearing on the appeal shall be heard by the Council at a regular or special meeting thereof as soon as practicable.

6-14.0105 HEARING. The Council shall provide the appellant and the Building Inspector an opportunity to be heard and may require testimony be given under oath. The Council shall make findings of fact and shall issue appropriate orders continuing the matter or affirming, modifying, or reversing the action of the Building Inspector. If the order modifies the action of the Building Inspector, the order shall be in the form of a resolution of the Council and which shall be served by ordinary mail.

6-14.0106 MUNICIPAL INFRACTION. An order of the Building Inspector under Section 6-14.0103 may be in the form of a notice of municipal infraction. A notice of municipal infraction shall specify a reasonable period of time in which to comply with the order of the Building Inspector. If the person so notified fails to comply with the order, the person shall be guilty of a municipal infraction and shall pay a civil penalty of \$500.00 for the first offense and \$750.00 for each subsequent offense. The City shall have available to it all other legal and equitable remedies provided by Section 364.22 of the Code of Iowa and otherwise available by law.

6-14.0107 INTERFERENCE WITH BUILDING INSPECTOR. It is unlawful to harass or assault (as defined by the Iowa Criminal Code) a person who is authorized to perform and who is performing or attempting to perform the functions and duties of the Building Inspector. It is unlawful to prevent or attempt to prevent an authorized person

from performing the duties of the Building Inspector. A person who commits an offense described in this section is guilty of a simple misdemeanor. The permit or license of a person who is found guilty of such offense shall be revoked.

TITLE VII - COMMUNITY WELL-BEING
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 1
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

7-1.0101 PURPOSE. The purpose of this article 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.

7-1.0102 DEFINITIONS. For use in this article the following terms are defined:

1. "Peddler": shall mean 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": shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient Merchant": shall mean any person, firm or corporation 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. 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 shall not exempt any person, firm or corporation from being considered a transient merchant.

7-1.0103 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this City without first obtaining a license as herein provided shall be in violation of this article.

7-1.0104 LICENSE EXEMPTIONS. The following are excluded from the application of this article.

1. Newspapers. News boys and girls.
2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers. Farmers who offer for sale products of their own raising.
4. Students. Students representing the Gilbert Community School District conducting projects sponsored by organizations recognized by the school.

5. Milk Delivery. Milk delivery men 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.

7-1.0105 RELIGIOUS AND CHARITABLE ORGANIZATIONS. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 6 through Section 14 of this article. All such organizations shall be 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 for his efforts and the amount thereof. If the Clerk shall find that the organization is a bona fide charity or religious organization he shall issue, free of charge, a license containing the above information to the applicant.

7-1.0106 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this article. 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 two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

7-1.0107 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 twenty dollars (\$20.00) per year.
2. Peddlers or Transient Merchants.

For one day	\$ 10.00
For one week	\$ 20.00
For up to six (6) months	\$ 40.00
For one year or major part thereof	\$ 50.00

7-1.0108 BOND REQUIRED. Before a license under this chapter shall be issued to transient merchants, each applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 81A of the Code of Iowa.

7-1.0109 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with Section 7-1.0106 of this article and the facts stated therein are found

to be correct and the license fee paid, a license shall be issued immediately.

7-1.0110 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this City keep in his possession the license provided for in Section 7-1.0109 of this article, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this article. Each transient merchant shall display publicly his license in his place of business.

7-1.0111 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this article are not transferable in any situation and are to be applicable only to the person filing the application.

7-1.0112 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m.

7-1.0113 REVOCATION OF LICENSE. After notice and hearing, the Council may revoke any license issued under this article for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.
2. Violation of Law. The licensee has violated this article or has otherwise conducted his business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted his business in such manner as to endanger the public welfare, safety, order or morals.

7-1.0114 NOTICE. The license holder shall be served with written notice containing particulars of the complaints against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

7-1.0115 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 his authorized representative, fail to appear without good cause the Clerk may proceed to a determination of the complaint.

7-1.0116 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusion of law, and shall revoke a license only when upon review of the entire record he finds clear and convincing evidence of substantial violation of this article or state law.

7-1.0117 APPEAL. If the Clerk revokes, or refuses to issue, a license he shall make a part of the record his reasons therefore. 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.

7-1.0118 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this article for a period of one year from the date of the revocation.

TITLE VII – COMMUNITY WELL-BEING
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 2
HOUSE MOVERS

7-1.0201 PURPOSE. The purpose of this article is to protect and preserve the public safety and well-being by licensing and regulating house and building movers. (Code of Iowa, 1981, Sec. 364.12 [2])

7-1.0202 HOUSE MOVER DEFINED. A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

7-1.0203 PERMIT REQUIRED. It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved.

7-1.0204 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 Clerk and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

7-1.0205 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the sum of five thousand (\$5,000) dollars issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

7-1.0206 INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the permit covering himself and his agents and employees for the following minimum amounts:

1. Bodily Injury - \$100,000.00 per person; \$500,000.00 per accident.

2. Property Damage - \$100,000.00 per accident.

7-1.0207 PERMIT FEE. A permit fee of twenty-five (\$25) dollars shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

7-1.0208 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee the Clerk shall issue a permit.

7-1.0209 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

7-1.0210 TIME LIMIT. No housemover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

7-1.0211 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 7-1.0210 of this article the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on his bond.

7-1.0212 PROTECT PAVEMENT. It shall be unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved shall be at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building the estimate of the engineer or Mayor as to such weight shall be final.

7-1.0213 ELECTRIC WIRES. The holder of any permit to move a building shall see that all telephone, telegraph and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. The holder of the permit for moving a building shall give 24 hours (24) hours notice to the owner of any telephone, telegraph or electric wires to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, and the holder of the permit shall pay the reasonable costs thereof.

TITLE VII - COMMUNITY WELL-BEING
CHAPTER 2 - CIGARETTE PERMITS

ARTICLE 1
GENERAL PROVISIONS

7-2.0101 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
(Code of Iowa, Sec. 453A.1)
2. "Place of Business" means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
3. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.
(Code of Iowa, Sec. 453A.1)
4. "Tobacco Products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; 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.

7-2.0102 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

7-2.0103 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such

special meeting shall be paid by the applicant.
(Code of Iowa, Sec. 453A.13)

7-2.0104 FEES. The fee for a retail cigarette permit shall be as follows:

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

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

7-2.0105 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.

7-2.0106 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 of the Code of Iowa.
(Code of Iowa, 453A.13)

7-2.0107 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine.
(Code of Iowa, Sec. 453A.2 and 453A.36[6])

7-2.08 PERMIT SUSPENSION AND REVOCATION. If a retailer or employee of a retailer violates the provisions of Section 7-2.0107, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

1. For a first violation, the violator shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the violator's permit shall be suspended for a period of thirty (30) days.
3. For a third violation within a period of five (5) years, the violator's permit shall be suspended for a period of sixty (60) days.
4. For a fourth violation within a period of five (5) years, the violator's permit shall be revoked.

TITLE VII - COMMUNITY WELL-BEING**CHAPTER 3 – FRANCHISES****ARTICLE 1****NATURAL GAS FRANCHISE**

7-3.0101 FRANCHISE GRANTED. There is hereby granted to IES UTILITIES, INC., hereinafter referred to as the "Company," its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of the ordinance codified by this article, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted for the purpose of distributing, supplying and selling gas to the City and the residents thereof and to persons and corporations beyond the limits thereof. The term "gas" as used in this article shall be construed to mean natural gas only. (Editor's Note: Alliant Energy is the current successor to IES as of July 1, 2013.)

7-3.0102 SAFE OPERATION REQUIRED. The mains and pipes of the Company must be so placed so as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in the City nor unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of the natural gas distribution system.

7-3.0103 CONSTRUCTION AND 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 backfill all openings in such manner as to prevent settling or depressions in the surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

7-3.0104 UNINTERRUPTED SERVICE. The Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall be a breach of this condition if the Company resumes service as quickly as is reasonably practical

after the happening of the act causing the interruption.

7-3.0105 NONEXCLUSIVE. The franchise granted by this article shall not be exclusive.

7-3.0106 TERM OF FRANCHISE. The term of the franchise granted by this article and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company, its successors and assigns.

EDITOR'S NOTE

Ordinance No.246 adopting a gas franchise for the City was passed and adopted on September 8, 1997.

TITLE VII - COMMUNITY WELL-BEING
CHAPTER 3 – FRANCHISES

ARTICLE 2
ELECTRIC FRANCHISE

7-3.0201 FRANCHISE GRANTED. There is hereby granted to IES UTILITIES, INC., 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 the City with electric light, heat and power for the period of twenty-five (25) years; also the right to eminent domain as provided in Section 364.2 of the Code of Iowa (Editor's Note: Alliant Energy is the current successor to IES as of July 1, 2013.)

7-3.0202 CONSTRUCTION; MAINTENANCE; INDEMNIFICATION. 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 the City or unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

7-3.0203 METERS AND SERVICE LINES. 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.

7-3.0204 SYSTEM REQUIREMENTS. The system authorized by this article shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and the inhabitants thereof and shall be kept in a modern and up-to-date condition.

7-3.0205 NONEXCLUSIVE. The franchise granted by this article shall not be exclusive.

7-3.0206 CONTINUOUS SERVICE. Service to be rendered by the Company under this article shall be continuous unless prevented from so doing by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

7-3.0207 TERM OF FRANCHISE. The term of the franchise granted by this article and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company.

EDITOR'S NOTE

Ordinance No. 247 adopting an electric franchise for the City was passed and adopted on September 8, 1997.

TITLE VII - COMMUNITY WELL-BEING
CHAPTER 3 – FRANCHISES

ARTICLE 3
CABLE TV FRANCHISE

7-3.0301 FRANCHISE GRANTED. A nonexclusive right is hereby granted to Dow-Sat of Iowa, a general partnership comprised of Thomas C. Dowden, Ray C. Smucker and L. W. Courter, general partners, to establish, construct, operate, maintain, repair, replace, renew and reconstruct a cable television system across public property in the City limits in accordance with the laws and regulations of the United States of America and the State of Iowa and the ordinances and regulations of the City, including the nonexclusive right, privilege and authority:

1. To have said franchise for a period of twenty-five (25) years;
2. To sell and supply audio and video communication service to persons within the City;
3. To use City streets, alleys, right-of-ways and easements and to use public property with Council approval;
4. To engage in such further activities within the City as may now or hereafter be consistent with the generally accepted principles or practices applicable to the operation of a cable television system.

7-3.0302 FCC RULES. Dow-Sat of Iowa, a general partnership, shall comply with Federal Communications Commission rules and regulations.

7-3.0303 ASSIGNMENT. Dow-Sat of Iowa, a general partnership, shall not assign or transfer any right, privilege or authority granted under this article to any other person, company or corporation without the prior consent of the Council.

7-3.0304 REGULATIONS. This article and Dow-Sat of Iowa, a general partnership, shall be subject to the regulations contained in Title VII, Chapter 4 of this Code of Ordinances.

HISTORICAL NOTE

Ordinance No. 167 adopting a cable TV franchise for the City was passed and adopted on September 27, 1982. Voters approved the franchise at an election held on July 27, 1982. Pursuant to Ordinance No. 183, adopted April 20, 1987, the cable TV franchise and regulatory ordinance were transferred from Dow-Sat of Iowa, Inc. to Dowden Cable Partners, L.P. Resolution 238, adopted April 4, 1988, transferred ownership from Dowden Cable Partners, L.P. to Triax Midwest Associated, L.P. Resolution 311,

adopted on April 5, 1996, authorized the transfer of control of and certain ownership interests in Triax Midwest Associates, L.P. (Triax). Resolution 38, adopted on June 15, 1998, authorized the transfer of the franchise from Triax Midwest Associates to Complete Communications Services.

TITLE VII - SOCIAL AND ECONOMIC WELL-BEING
CHAPTER 4 - CABLE TV REGULATIONS

ARTICLE 1
GENERAL PROVISIONS

7-4.0101 PURPOSE; TITLE. The purpose of this chapter is to provide regulatory provisions of cable television in the City. The ordinance codified in this chapter shall be known and may be cited as the Gilbert Cable Television Regulatory Ordinance.

7-4.0102 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. "Company" means Dow-Sat of Iowa, Inc., a corporation, the grantee of rights under the regulatory ordinance codified in this chapter. Any other firm granted a cable television franchise in the City would also be governed by this chapter.
2. "Federal Communications Commission" or "FCC" means the Federal agency by that name as constituted by the Communications Act of 1934, as amended.
3. "Gross Subscriber Revenues" means only those revenues derived from the monthly service charges paid by subscribers located within the City for regular cable television reception service, which service includes only the transmission of broadcast signals and the programming presented on the required access and origination channels, if any. Gross subscriber revenues shall not include any revenues received:
 - a. As reimbursement of expenses in the operation of any access channels;
 - b. As advertising payments;
 - c. From the leasing of cable channels;
 - d. From programs for which a per-channel or per-program charge is made; and
 - e. From furnishing other communications and nonbroadcast services either directly or as a carrier for another party or any other income derived from the system. Gross subscriber revenues shall also not include revenues received as installation charges and fees for reconnections, inspections, repairs or modifications of any installments.
4. "System" means the lines, fixtures, equipment, attachments and appurtenances thereto which are used in the construction, operation and maintenance of the community antenna television system authorized by this chapter.

7-4.0103 GRANTING OF FRANCHISE. The regulatory ordinance codified in this Chapter which grants to the company the nonexclusive right to construct, operate and maintain a cable television system in the City was passed and adopted by the Council after a full, open and public proceeding. Said proceeding was held after public notice was given and afforded all interested parties the opportunity to comment upon the legal, character, financial, technical and other qualifications of the company. Having received at said proceeding all comments regarding the qualifications of the company, the City found that the company possesses the necessary legal, technical, character, financial and other qualifications and that the company's construction arrangements are adequate and feasible. Therefore, the City grants to the company a nonexclusive franchise, right and privilege to construct, erect, operate, modify and maintain in, upon, among, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in the City, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a cable television system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes set forth in this chapter.

7-4.0104 COMPLIANCE REQUIRED GENERALLY. The company shall, at all times during the life of the regulatory ordinance codified in this chapter, be subject to all lawful exercise of the police power by the City and to such reasonable regulations as the City shall hereafter by resolution or ordinance provide. The construction, operation and maintenance of the system by the company shall be in full compliance with such portions of the National Electrical Safety Code as may be applicable and as the same may be amended and revised from time to time, and in full compliance with all other applicable rules and regulations now in effect or hereafter adopted by the Federal Communications Commission, the City or any other agency of the State or the United States, which may hereafter acquire jurisdiction of the operations of the Company authorized in this chapter. The company will provide a minimum of five (5) satellite signals with an additional four (4) off-air channels.

7-4.0105 NATIONAL ELECTRIC SAFETY CODE. All facilities and equipment of the company shall be constructed and maintained in accordance with the requirements of the National Electrical Safety Code and such applicable ordinances and regulations set forth by the City and/or any local, state or federal agencies.

7-4.0106 FCC REGULATIONS. The company shall, at all times, comply with the rules and regulations governing CATV operations promulgated by the FCC, specifically those set out in Section 76.31 of the FCC Rules and Regulations. This shall include adherence by the company to FCC rules regarding technical and engineering specifications involved in the construction of the CATV system and signal carriage

therein.

7-4.0107 MODIFICATION OF FCC RULES. Consistent with the requirements of Rule 76.31 (a)(6) of the FCC, any modification of Rule 76.31 resulting from amendment thereto by the FCC shall be incorporated in this chapter by specific amendment thereto by lawful action of the Council within one year from the effective date of the FCC's amendment or at the time of renewal of the ordinance codified in this chapter, whichever occurs first.

7-4.0108 TRANSFER. The company shall not sell or transfer its system to another, or alter the composition of its individual partners or stockholders, or transfer any rights under this chapter to another without written notice and approval by the City; provided, that such approval shall not be unreasonably withheld if the vendee, assignee or lessee has filed with the appropriate official of the City an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this chapter and agreeing to perform all conditions thereof.

7-4.0109 COMPANY RULES AND REGULATIONS. The company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and perform its obligations under this chapter and to assure uninterrupted service to each and all of its customers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of federal and state laws.

7-4.0110 FRANCHISE TERM. The franchise granted under this chapter shall terminate twenty-five (25) years from the date of grant, subject to renewal for periods of reasonable duration on the same terms and conditions as contained in this chapter, or on such different or additional terms and conditions as may be lawfully specified by the Council and as are consistent with the requirements of Rule 76.31 of the FCC. This franchise shall not be exclusive and shall neither restrict the Council in the exercise of its regulatory power nor prevent it from granting any other cable television system franchise.

7-4.0111 FRANCHISE RENEWAL. No renewal of the ordinance codified in this chapter shall be effective except pursuant to a public proceeding affording due process. The company shall be a party to any such proceedings and any other proceedings in which its rights, privileges or interests would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules and regulations.

7-4.0112 SYSTEM CONSTRUCTION, MAINTENANCE AND PROCEDURES.

1. Upon grant of the ordinance codified in this chapter to construct and maintain a cable television system in the City, and in furtherance of the company's

execution of contracts with public utility companies or any other owner or lessee of any poles located within or without the City to whatever extent such contract or contracts may be expedient and of advantage to the company for use of poles and posts necessary for proper installation of the system, the company may obtain right-of-way permits from appropriate State, County and Federal officials necessary to cross highways or roads under their respective jurisdictions, to supply main trunk lines from the company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a City, County, state or federal agency may require. The company shall construct its cable system using material of good, durable quality and all work involved in the construction, installation, maintenance and repair of the cable system shall be performed in a safe, thorough and reliable manner. Any municipal or private property damaged or destroyed shall be promptly repaired or replaced by the company and restored to its original condition.

2. The company's system, poles, wires and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of persons, or interfere with any improvements the City may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.
3. In the event that the City annexes further territory as authorized by law, the company shall extend energized trunk cable to the remaining portions of the City so annexed within an acceptable time thereafter, unless additional time is granted by the Council upon request of the company for good cause shown. Extension of service shall not be one of the requirements as set forth in this section.
4. All transmission and distribution structures, lines and equipment erected by the company within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. In the event electrical and phone lines are buried to the subscriber's residence, the company shall be required to bury the cable also
5. In case of any disturbance of pavement, sidewalk, driveway, grass or other surfacing, the company shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, grass, shrubs, trees, fences or surface of any street or alley or other public or private property in as good condition as before said work was commenced.
6. The company shall, prior to commencement of construction, furnish the City a complete set of maps and plans of the cable television system.

7. In the event that at any time during the period of the franchise the City lawfully elects to alter or change the grade of any street, alley or other public way, the company, upon reasonable notice by the City, shall remove, relay or relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.
8. The company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrants or mains, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys and public ways.
9. The company shall, on the request of any person holding a building moving permit issued by the City temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same and the company shall have the authority to require such payment in advance. The company shall be given no less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.
10. The company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables at the direction of the City and at the expense of the company, all trimming to be done under the supervision and direction of the City and at the expense of the company.
11. The company shall provide, upon request and without charge, service to any municipal buildings owned and operated by the City and to any public or parochial elementary or secondary school. This shall mean only an energized cable to such building. The cost of any internal wiring shall be borne by the institution.

7-4.0113 CITY RIGHTS.

1. City Rules. The right is reserved by the City to adopt, in addition to the provisions contained in this chapter and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police power; provided, that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights granted in this chapter, and shall not be in conflict with the applicable laws of the State or the United States.

2. Use of System by City. The City shall have the right, during the life of the franchise, of maintaining upon the poles or in the underground conduits of the company within the City limits wire and fixtures necessary for a traffic signal control system and/or a police and fire alarm system. Such wires and fixtures shall be installed and maintained at the sole expense of the City and shall at all times comply with all reasonable rules and regulations of the company so that there may be a minimum danger of contact or conflict between the wires and fixtures of the company and wires and fixtures used by the City.
3. Emergency or Disaster. In the case of any emergency or disaster, the company shall, upon request of the Clerk, make available its facilities to the City for emergency use during the emergency or disaster period.
4. Liability. The City shall not be liable for any damage occurring to the property of the company caused by employees of the City in the performance of their duties, except for damages caused to the company's facilities by the negligence of the City's employees. The City shall not be liable for the interruption of service by actions of City employees in the performance of their duties, nor shall the City be held liable for the failure of the company to perform normal services due to acts of God or other factors beyond the control of the City.
5. No Property Right. Nothing in this chapter shall grant to the company any right of property in the City-owned property, nor shall the City be compelled to maintain any of its property any longer than or in any fashion other than in the City's judgment, its own business or needs may require.
6. Construction Approval by City. Except for individual service drops, the company shall not erect any pole, install any underground lines or conduits, run any line, make any attachment, nor shall any construction of any kind be commenced without the prior approval of the director of engineering or appropriate department of the City, which approval shall not be unreasonably withheld, and the City shall have and maintain the right to inspect the construction, operation and maintenance of the system by the company to insure the proper performance of the terms of this chapter.
7. Correction of Defects. In the event the company should violate any of the terms of this chapter, or any of the rules and regulations as may be from time to time lawfully adopted, the City shall immediately give to the company thirty (30) days written notice to correct such violation and in the event the company does not make such correction within thirty (30) days from the receipt of such written notice, the City may make such correction itself and charge the cost of same to the company, and the company shall pay such charges within thirty (30) days after the receipt of a statement for such charge from the City.

7-4.0114 PAYMENTS TO THE CITY. The company shall, commencing one (1)

year from the date of the first service and during each year of operation under the franchise, pay to the City three percent (3%) of the annual gross subscriber revenues received by the company for regular monthly cable television services rendered to customers located within the City. At the time of this annual payment, the company shall furnish the City with an operating report showing the company's annual gross subscriber revenues during the preceding year and such other information as the City shall reasonably require with respect to properties and expenses related to the company's services within the City for such period. All payments as required by the company to the City shall be made semiannually and shall be due forty-five (45) days after the close of the six (6) month period.

7-4.0115 RATES AND CHARGES. In consideration for services rendered to subscribers, the company shall have the right to charge and collect reasonable and just compensation which shall reflect, among other things, the company's need to attract new capital and provide a reasonable return on invested capital.

7-4.0116 RECORD KEEPING. The company shall keep full, true, accurate and current books of account, which books and records and all other pertinent books, records, maps, plans, financial statements and other like materials, shall be made available for inspection and copying by the City upon reasonable notice and during normal business hours.

7-4.0117 SERVICE PROCEDURES.

1. During the term of the franchise, and any renewal thereof, the company shall maintain within the City a local business office or agent for the purpose of receiving and resolving all questions regarding the quality of service, equipment malfunctions and similar matters. The provisions of this section shall be complied with if the company may be reached by local, toll-free telephone call and provides the Clerk's office with the name, address and telephone number of a person who will act as the company's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters. The local office shall be open to receive inquiries or complaints from subscribers during normal business hours and in no event less than nine o'clock (9:00) a.m. to five o'clock (5:00) p.m., Monday through Friday.
2. Any complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within three (3) business days of their receipt. The company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection by the City.
3. The company shall by appropriate means, such as a card or brochure, as subscribers are connected or reconnected to the system, furnish information

concerning the procedures for making inquires and/or complaints, including the name, address and telephone numbers of the employees(s) or agent to whom such inquiries or complaints are to be addressed.

7-4.0118 PROTECTION OF PRIVACY. The company shall not permit the transmission of any signal, aural, visual or digital, including "polling" the channel selection, from any subscriber's premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of transmission of signals useful only for the control or measurement of system performance. The company shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services utilizing aural, visual or digital signals without first obtaining written permission of the subscriber. It is unlawful for any person to attach or affix or cause to be attached or affixed any equipment or device which allows access or use of the cable television service without payment to the company for same. Such action shall be a simple misdemeanor.

7-4.0119 PROGRAM CONTENT RESTRICTIONS. In addition to providing basic cable television service consisting of broadcast and automated signals, the company may offer subscribers optional services on a per-program or per-channel basis. However, the company shall not display X-rated motion pictures either as part of its basic cable or pay cable services.

7-4.0120 DISCRIMINATION PROHIBITED. The company shall not refuse to hire, and shall not discharge from employment, or discriminate against any person regarding compensation, terms, conditions or privileges of employment because of sex, age, race, color, creed or national origin. The company shall take affirmative action to insure that employees are treated, during employment, without regard to their sex, age, race, color, creed or national origin.

7-4.0121 LIABILITY AND INDEMNIFICATION. The company shall indemnify the City and hold it harmless from all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to this chapter. The City shall notify the company's representative within fifteen (15) days after the presentation of any claim or demand to the City, either by suit, or otherwise, made against the City on account of any negligence or contract as aforesaid on the part of the company. The company agrees as follows:

1. The company shall carry Workers' Compensation insurance with statutory limits and Employers' Liability insurance with limits of not less than one hundred thousand dollars (\$100,000.00) which shall cover all operations to be performed by the company as a result of this chapter.
2. The amounts of insurance to be carried for liability due to property damage shall

be five hundred thousand dollars (\$500,000.00) as to any one occurrence and against liability due to injury or death of persons, five hundred thousand dollars (\$500,000.00) as to any one person and one million dollars (\$1,000,000.00) as to any one occurrence. The City shall reserve the right during the term of the franchise to increase or decrease the amount of insurance coverage required, provided that notice in writing is made to the company of all increases or decreases in said insurance coverage requirements. The company shall, within sixty (60) days of receipt of that written notice, obtain such insurance coverage as is specified in said notice.

3. Company's Workers' Compensation, Comprehensive General Liability and Comprehensive Automobile Liability insurance shall be written by an insurance company with a capital and/or surplus of not less than three million dollars (\$3,000,000) and company agrees to furnish the City with certified copies or certificates of insurance of said policies, which shall provide that insurance shall not be canceled unless ten (10) days prior written notice first be given to the City.
4. The company shall, within thirty (30) days subsequent to the effective date of the ordinance codified by this chapter, post a performance bond with the City, written by an approved corporation surety in the amount of ten thousand dollars (\$10,000.00) and in a form satisfactory to the City guaranteeing company's continued operation of the cable television system within the City and company shall well and truly observe, fulfill and perform each term and condition of the bond. All damages which may be directly occasioned by the failure of the company to perform under this chapter, up to the principal amount of the bond, shall be recoverable from the principals and sureties of said bond by the City.
5. If the company should commit a minor breach of this chapter and not remedy such breach within thirty (30) days after having received written notice from the City to do so, then the City, at its discretion, may declare a portion of the bond equivalent to the amount of damages sustained by the City which are directly attributable to such breach forfeited and company shall thereupon be required:
 - a. To remedy the breach within reasonable dispatch; and
 - b. Within thirty (30) days of such forfeiture replace the forfeited portion of the bond. Notwithstanding the foregoing, nothing contained in this subsection shall serve to absolve company of any of its obligations under this chapter or the rules and regulations of the Federal Communications Commission.
6. The company shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times throughout the term of the ordinance codified in this chapter and during the removal of all poles, wires, cables, underground conduits, manholes and other conductors, converters, equipment

and fixtures subsequent to the termination of said ordinance. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the Clerk or similar official of the City.

7. All insurance policies and bonds as are required of the company in this chapter shall be written by a company or companies authorized and qualified to do business in the state. Certificates of all coverages required shall be promptly filed by the company with the City.
8. Within sixty (60) days after the effective date of the ordinance codified by this chapter, the company shall file with the FCC such request, petition or other application as is then proper to secure from said FCC any and all necessary permits, licenses, waivers or the like as may be necessary to be secured from the FCC to fully comply with the terms of this chapter. The company shall thereafter diligently pursue such application with the FCC and shall do all reasonable things necessary and proper to secure any such permit, license, waiver, approval or the like from it. The company shall keep the City advised, from time to time, of the progress of such application.

7-4.0122 ACTIVITIES PROHIBITED.

1. The company, any and all of its officers, agents and employees are specifically prohibited from engaging in the sale, service, rental or leasing of television receivers or television or radio receiver related parts and accessories with any person anywhere in the City, whether for a fee or charge or not. The company shall prohibit any of its officers, agents and employees from violating the terms of this section at all times, whether in the performance of duties of the company or otherwise.
2. The company shall not allow its cable or other operations to interfere with television reception of persons not served by the company, nor shall the system interfere with, obstruct or hinder, in any manner, the operation of the various utilities serving the residents of the City.
3. The company shall not, as to rates, charges, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

7-4.0123 VIOLATION; PENALTY. Should the company, its successors or assigns violate any of the provisions of this chapter or any reasonable rules and regulations established by the City pursuant hereto and should such violation continue for more than thirty (30) days after the City has given the company written notice of

such violation, failure or default, the same shall be cause for the forfeiture or revocation of the franchise and the termination of all rights hereunder; provided, however, any delay in correcting such violation which is caused by factors beyond the control of the company shall not be included in computing the length of the continuance of such violation. In the event of the bankruptcy or receivership of the company, all rights herein given to the company shall, at the option of the City, be forfeited and terminated.